

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - SPECIAL SESSION**

**COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN BOB GILBERT**, on November 30, 1993, at  
8:30 a.m.

**ROLL CALL**

**Members Present:**

Rep. Bob Gilbert, Chairman (R)  
Rep. Mike Foster, Vice Chairman (R)  
Rep. Dan Harrington, Minority Vice Chairman (D)  
Rep. Shiell Anderson (R)  
Rep. John Bohlinger (R)  
Rep. Ed Dolezal (D)  
Rep. Jerry Driscoll (D)  
Rep. Jim Elliott (D)  
Rep. Gary Feland (R)  
Rep. Marian Hanson (R)  
Rep. Hal Harper (D)  
Rep. Chase Hibbard (R)  
Rep. Vern Keller (R)  
Rep. Ed McCaffree (D)  
Rep. Bea McCarthy (D)  
Rep. Tom Nelson (R)  
Rep. Scott Orr (R)  
Rep. Bob Raney (D)  
Rep. Bob Ream (D)  
Rep. Rolph Tunby (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Lee Heiman, Legislative Council  
Jill Rohyans, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: None  
Executive Action: HB 15 Do Pass As Amended

EXECUTIVE ACTION ON HOUSE BILL 15

Motion: REP. DRISCOLL MOVED HB 15 DO PASS.

Motion: REP. FOSTER MOVED TO ADOPT THE AMENDMENTS AS PER EXHIBIT #1.

Discussion: REP. FOSTER felt the penalty provisions in the bill were too high. His proposed amendments include a \$500 fine for a first offense, \$1000 fine for a second offense, \$2000 fine for all subsequent offenses, and elimination of the jail term provision. He noted the federal penalties will still apply. The Department of Transportation has no objection to the amendments.

REP. TUNBY expressed his support for the amendments.

REP. HIBBARD asked how the enforcement provisions would be implemented.

Mr. Salisbury, Department of Transportation, said federal officials are still refining their enforcement policies which are complicated by tax issues and Environmental Protection Agency concerns. He anticipated the Montana enforcement procedures will be patterned somewhat after the federal guidelines; however, current methods include siphoning and testing for color which can be done at GVW inspection stations. He said the majority of abuse is occurring with the large hauler trucks.

Vote: Motion to adopt the proposed amendments carried 16-4 on a roll call vote with REP. ELLIOTT, HARPER, RANEY, AND REAM voting no.

Vote: Motion that HB 15 Do Pass As Amended carried unanimously.

ADJOURNMENT

Adjournment: The meeting adjourned at 9:10 a.m.



BOB GILBERT, Chairman



JILL ROHYANS, Secretary





## HOUSE STANDING COMMITTEE REPORT

November 30, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that House Bill 15 (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

A handwritten signature in cursive script that reads "Bob Gilbert".

*Bob Gilbert, Chair*

### And, that such amendments read:

1. Page 20, lines 5 and 6.

Following: "exceed" on line 5

Insert: "\$500 upon conviction for the first offense, not to exceed \$1,000 upon conviction for the second offense, and not to exceed"

Strike: "or imprisonment for a term not to exceed 60 days, or both"

Insert: "for each subsequent conviction"

2. Page 21, lines 21 and 22.

Following: "exceed" on line 21

Insert: "\$500 upon conviction for the first offense, not to exceed \$1,000 upon conviction for the second offense, and not to exceed"

Strike: "or imprisonment for a term not to exceed 60 days, or both"

Insert: "for each subsequent conviction"

3. Page 25, lines 5 and 6.

Following: "exceed" on line 5

Insert: "\$500 upon conviction for the first offense, not to exceed \$1,000 upon conviction for the second offense, and not to exceed"

Strike: "or imprisonment for a term not to exceed 60 days, or both"

Insert: "for each subsequent conviction"

-END-

Committee Vote:  
Yes 20, No     .

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HOUSE OF REPRESENTATIVES

TAXATION COMMITTEE

ROLL CALL VOTE

DATE 11/30 BILL NO. 4815 NUMBER \_\_\_\_\_

MOTION: My Rep. Foster to amend  
as per Exhibit #1

NAME	AYE	NO
REP. FOSTER	✓	
REP. HARRINGTON	✓	
REP. ANDERSON	✓	
REP. BOHLINGER	✓	
REP. DOLEZAL	✓	
REP. DRISCOLL	✓	
REP. ELLIOTT		✓
REP. FELAND	✓	
REP. HANSON	✓	
REP. HARPER		✓
REP. HIBBARD	✓	
REP. KELLER	✓	
REP. McCAFFREE	✓	
REP. McCARTHY	✓	
REP. NELSON	✓	
REP. ORR	✓	
REP. RANEY		✓
REP. REAM		✓
REP. TINBY	✓	
REP. GILBERT	✓	

Amendments to House Bill No. 15  
First Reading Copy

Requested by Rep. Foster  
For the Committee on Taxation

Prepared by Lee Heiman  
November 29, 1993

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