

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 13, 1979

The Fifteenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members of the committee were present with the exception of Senator Manning.

CONSIDERATION OF SENATE BILL 406. Senator Max Conover, District No. 36, sponsored this bill. It is an act to permit a dealer in implements of husbandry to transport such implements on Saturday and Sunday; to provide for the purchase of an oversize permit by such dealer for \$75 to cover a period of 1 year; amending sections 61-10-121, 61-10-122, and 61-10-124, MCA. Senator Conover told the committee this is not a new bill. He went over all the changes on the bill, see SB 406, Page 2, Page 3 and page 4. This bill pertains to agriculture and farmers. He told the committee there are a lot of accidents driving a large piece of equipment down a highway, as it takes up the whole road. If the piece of equipment was on a truck, its not as hazardous and will not affect the traffic. Because of its safety measures and the fact that it will give the implement dealers the authority to move large pieces of machinery on the weekends and thus save the farmer/rancher time and money, Senator Conover recommended the passage of this bill.

Senator Etchart, Chairman of the Committee, asked if there were any other proponents. Avis Tobin, from the Montana Hardware and Implement Association, told the committee they are interested in this bill, but she had not had the bill long enough to study it in detail, as she only received it yesterday. The thing that concerns the Montana Hardware and Implement Association is the \$75 permit fee. She asked Senator Conover if that \$75 permit fee was in lieu of the \$6.00 permit that they have not for each vehicle.

Senator Conover told the committee and Avis Tobin that the figure of \$75 is just a figure that he took. Apparently everytime the implement dealer moved a piece of machinery they have to buy a permit.

Ms. Tobin said it was their understanding that paying \$6.00 permit for anything up to fifteen feet.

Mr. Copley, Department of Highways, told the committee the Department of Highways has questions on the new language. They wonder if it exceeds over and above the present law.

Senator Conover indicated his concern was with any piece of machinery that is moved that is over fifteen feet, such as big four wheel drive tractors.

Mr. Copley said he thought all of the implement dealers have this kind of permit.

Senator Conover said he had been informed they had to pay a \$6.00 permit everytime they moved a piece of machinery.

Mr. Copley replied they do not.

Shaun Simon, Legislative Council, said the \$75 fee is an annual fee instead of a \$6.00 permit fee every time. She referred to the bill, 2a, which states " except as provided in subsection (2)(b), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet, an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 85 feet, and an overheight vehicle, combination of vehicles, load, or other thing in excess of 13 1/2 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits." So, if you are in excess of 15' you pay a flat fee of \$75, instead of trip permit. If it is under 15' he can pay annually instead of each time.

James Beck, Department of Highways, told the committee if they pass this bill, they would be releasing the department from any control over the road. These people would have the ability to go down the road with any size load they want. The Department is in favor of the single trip permit, as it gives them the ability to require pilot cars and regulations over them. He questioned if the committee wanted to pass this bill because of the above reasons.

Avis Tobin said the Montana Hardware and Implement Association represents large and small dealers. The movement of machinery is a problem. One of the biggest problems is delivering a piece of machinery and having to get a permit to bring it back. The dealers have good cooperation from the G.V.W. Office. My Board of Directors has gone on records as wanting relief. She said she is still in favor of some control, as it is hazardous when a very large piece of machinery is moving down the highway. And, the machinery is getting larger and larger. It is difficult for me to say if I am opposed to this bill. The Association and I just want to get the right proposal in SB406.

Senator Conover said his main concern is to allow the dealer to deliver on Saturday or Sunday. If the \$75 permit fee is too high, lower to \$50. The fee doesn't really make any difference. The dealers implied to me that they have to pay a permit everytime.

Chairman Etchart asked the committee if they had any questions. Senator Graham asked if it was difficult for the dealers to get a permit, or difficult to get ahold of anyone. What is the reasoning behind not giving these permits out for Sat. & Sunday movement.

Mr. Copley said that originally Saturday and Sunday were holidays or days off. The present law does allow for movement of machinery on Saturday and Sunday during Harvest season. We also have a self issuing program, where the implement dealer can buy the permits ahead

of time for loads over 15 feet.

Senator Graham asked if the real intent of the bill is to be able to let the implement dealers deliver on the weekend. Where do they get these permits.

Mr. Copley said the permits are available through the Helena G.V.W. Office.

Senator Graham asked if they could buy 5 or 10 of these permits ahead of time and issue them to themselves as needed.

Mr. Copley indicated, Yes. Many carriers and contractors have these permits ahead of time and issue themselves. He told the committee that farmers can move on Saturday and Sunday, if they can drive it on the road and within 100 miles from their home. Some of their concern is also during the planting time.

Avis Tobin said this is one of the things the Association would like to see, the extension of that permit from harvest to planting season. Our dealers do use the self issuing permits, and they have excellent results. When they want to move their machinery, they just notify the Highway Patrol. Now, however, the implement dealers have a new problem, that of paying overtime.

Chairman Etchart asked if there were any further questions of the committee. There being none the hearing was closed on Senate Bill 406.

CONSIDERATION OF SENATE BILL 424: Chief Sponsor of Senate Bill 424 is Senator Towe. He said this is an act to require the Governor to develop a plan to reduce the central office administrative staff of all state agencies by 25%. He told the committee that during the last Legislative Session, an interim study was conducted on human services. The purpose was to organize, to improve the agencies that deal with human services in Montana. During the 16 months of the study, it was found there is an overabundance of staff. This bill addresses that concern. The services do not necessarily improve as the staff increases. There is a genuine concern that the services that are provided at the local level do the opposite. There is more red tape, more problems, more regulations, they impede the delivery of services at the local level. I think this is a genuine proposal to cut the staff of a number of our agencies, such as Department of Institutions, SRS, DCA., to name a few. I think we could cut some of the staff and still provide the services that we still have. The question is, how do we do it. The Legislature is always looking at that situation. We are a captive to the agencies themselves. It's pretty hard to get a handle on that. The only way is to ask the agencies themselves, to say which people they do away with. I propose we let the agencies do that job for us. Senate Bill 424 would simply state that the Governor would develop a plan to reduce the central office administrative staff of all state agencies by 25%. I am not talking about the people out in the field. I am talking about the staff administration personnel, clerical workers, etc. This would simply be a way for these agencies to tell us. If we like what they tell us, we will adopt it. If we don't, we won't. I would

anticipate that in many areas, we would not adopt and would not agree with the agencies. This bill would not restrict state government at this point. This bill was presented to the oversite committee and there was a lot of support for it. I think we could go one step further and pass this bill, pass it for reduction.

John Fitzpatrick, Office of Budget and Program Planning of the Governor's Office, said they were opposed to SB 424. Their main concern on his bill is in two areas. 1. Assumption behind it, and 2. redundant of existing program. That there is a 25% factor of unnecessary personnel, is something I don't concur with. I am opposed to this recommendation. I firmly believe that if more money could be taken out of the budgets the sub-committee's would do so. This bill as written is fairly non-specific. What is the real relationship between the office staff and the field office functions. The majority of people are out in the 56 counties. These people do not provide direct services at any one point in time. Each of the three divisions consists of office staff in Helena. They do not direct services themselves. A 25% reduction would be appropriate for one or two divisions, but I don't think it is for across the board. About a year ago, I was at a luncheon at which John LeFavor was the speaker. On this subject he said, You are asking an agency to identify for itself the means of its own destruction. His argument was that agencies are not honest. I think that as agencies become more used to dealing with tight money situations they will get more sophistication about identifying their problems.

Joe Roberts, Governor's Office, "I do find irony, in that this Legislation to cut down program plans and ask the executive branch to accomplish purposes of this bill to try and come up with 25% reduction." I think that the Legislature goes over these budgets very carefully. I have every confidence that if there is 25% to cut from these staff offices, the appropriation committee will find it.

Senator Towe, in closing, said this bill does not cut services. It simply asks the agencies themselves to tell us where they would cut if they would have to cut and then the Legislature would look at it during the next session. This will not fire people. It simply says, if you had to cut where would you cut.

Chairman Etchart asked Senator Towe about some figures he read off that indicated an increase in personnel. I have seen this very thing happen, where they pile people upon people.

Senator Towe, said yes, this is my concern. In 1971, there were 28 people in this specific department. Now, 1978, there are 255 people. All I am asking is that they justify the people they employ. Want to really find out where the cuts could be made and still have the same level of services.

Senator Kolstad asked when the largest period of growth was?

Senator Towe said he thought it was in the Babcock Administration, but was not sure. He told Senator Kolstad he could get those figures for him. He said between 1971 and 1978 there has been a tremendous increase in office employment.

John Fitzpatrick said that this included functions from the outside, which brought the figure up. Such as community functions, halfway houses, probation and parole offices and there are continual requests for more and more. The alcohol and drug program were brought in, the reimbursement function, community mental health program. etc. If you get right down to it, if you look at the functions they were having in 1971 and at the present, you will not see such a dramatic increase. The actual increase will not be as dramatic. SRS could cut 400 positions by changing the law. And, there are still other ways of getting this down. This is true of every department in Government. There is a lot of growth in our state agencies and it is not out of line as compared with local government.

Chairman Etchart asked if there were any questions from the committee. Senator Hager told Senator Towe he thought this was a good idea. However, on line 15, you say the Governor shall devise a plan. Is the Governor going to employ three or four FTE's to do this work.

Senator Towe, point well taken. The Governor shall develop a plan without additional assistance by utilizing existing people. He added that 3.9% increase in personnel in the last seven years. And this increase is in the central office staff. This is the problem. Want to justify every person.

There being no further questions, the hearing on Senate Bill 424 was closed.

ACTION ON SENATE JOINT RESOLUTION 7: The committee decided to let SJR 7 lay in committee for the time being.

ACTION ON SENATE BILL 406: Mr. Copley, Department of Highways said a fiscal note had been prepared on SB 406, and the note would generate an estimated \$21,000 additional revenue, based on the \$75.00 fee. We estimate that each dealer would have about two permits.

Senator Graham said this would inform the people, clear the laws to haul any width of machinery without some kind of permit allowing it.

Mr. Copley said the implement dealer would have to have a permit, but that there would be no regulation on it. There appears to be no restrictions.

Chairman Etchart asked if the Department would still have rule making authority.

Mr. Copley said, yes.

Senator Kolstad indicated that the implement dealers have

had serious problems and hassles with this in the past. The implement dealer is just trying to do the same things that the farmers can do. It's really not just that the farmers can move this equipment around and they cannot. Apparently, it's a little broader in this bill than that.

Mr. Copley replied that the Department of Highways has no position on SB 406, one way or the other, for or against.

Senator Kolstad asked if this bill would allow the implement dealers to do something that farmers cannot do today.

Mr. Copley said No.

Shaun Simon, Legislative Council, said, except for the annual fee, farmers do not have a fee unless they get over 100 miles from home. Farmers are not required to pay fee. The implement dealers pay fee for same privilege.

Senator Kolstad made the motion that Senate Bill 406 DO PASS.

The motion carried unanimously.

ACTION ON SENATE BILL 424: Senator Hager made the motion to make an amendment to SB 424 as follows: Line 17, following 25%. "development of such plan shall utilize existing employees and shall in no way justify the addition of any new employees."

Senator Kolstad asked if the title of the bill was broad enough to carry the amendment.

Shaun Simon, Legislative Council, said, yes, the title does not need changing to carry the amendment.

Senator Kolstad said he did not think that 25% was reasonable. I think you could accomplish the same thing with a resolution.

Chairman Etchart made the comment that the Legislature has given the Legislative Council a lot of jobs to do.

Senator Hazelbaker commented that we should give the Governor the chance to reduce 10%.

Senator Kolstad said that 25% would be about twenty million dollars.

Senator Healy said he disagreed with Senator Hager. It is too restrictive, too stringent, without scope of this bill.

Senator Hager said what he objected to is the fact that we have to develop a plan to do this and that. We study more problems around here.

Senator Kolstad said what we are going to have to do is take a serious look at total spectrum of government employees. I think we should take a realistic approach to this.

Senator Graham stated he thought the bill would not accomplish much of anything.

Senator Towe returned and gave the following figures to the Committee:

July 1972, growth 12,900
July 1979 growth 14,300 estimated
1,400 in 7 years increased
increase of 200 per year
11% in 9 years
risen 1.4% per year
1.3% growth per year
Babcock: 1st 8,120 full time employees
last 11,259 full time employees
3,139 increase

Senator Kolstad stated the problem with the figures, is contract services.

Senator Healy asked Senator Towe if that was just central office figures.

Senator Towe said, No. That is total state government.

Senator Kolstad said the average employee makes \$13,000 per year.

Senator Hager made the motion that the amendment to Senate Bill 424 pass. The motion carried unanimously.

Senator Hager made the motion to DO PASS as amended SB 424. A roll call vote was called. Senator Hager, Hazelbaker, Kolstad voted to pass the bill as amended. Senator Etchart, Graham and Healy voted to DO NOT PASS as amended. Senator Manning was absent. This resulted in a Tie Vote. The bill stays in committee.

FURTHER BUSINESS:

There being no further business, the meeting adjourned. Next meeting of the Highways and Transportation Committee will be at 12:30 p.m. on Thursday, February 15, 1979 in Room 410 of the State Capitol Building.

Mark Etchart
SENATOR MARK ETCHART, CHAIRMAN

DATE

2-13

COMMITTEE ON

VISITORS' REGISTER

ROLL CALL

2-13

Highways COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

SENATE

NAME: Joe Roberts DATE: 2-13

ADDRESS: Governor's Office

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: SB 424

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Fitzpatrick DATE: 2-13-79

ADDRESS: Helena

PHONE: 444-3084

REPRESENTING WHOM? OBPP

APPEARING ON WHICH PROPOSAL: SB 424

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE Highways & Transportation

SB
424

Date 2/13 Jan 16 Bill No. 424 Time

Carol Fraser
Secretary

Mark Ethert
Chairman

Motion: That the motion to adjourn be carried.

Voted on SB 424 Do Pass as amended -
The Vote - None in Committee

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date

213

Senate

Bill No.

Time

Catel Fournier
Secretary

Mark Etchert
Chairman

Motion: Line 17 following "25% Stipend" - "Add: " development of such plan shall utilize existing employees & shall in no way justify the addition of any new employees"

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

2-13

Date

Spurte

Bill No. 406

Time

NAME

Hegel

YES

NO

Carol Fraser
Secretary

Secretary

Mark Stewart
Chairman

Chairman

Motion:

Do Pass SB 406

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 13

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MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 406

Respectfully report as follows: That Senate Bill No. 406

DO PASS

g.a.

STATE PUB. CO.
Helena, Mont.

SENATOR MARK ETCHEART

Chairman