

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE
50TH LEGISLATIVE SESSION

January 7, 1987

The second meeting of the Business and Industry Committee met on Wednesday, January 7, 1987, in Room 410 of the Capitol Building at 10 a.m. The meeting was called to order by Chairman Allen Kolstad.

ROLL CALL: All committee members were present.

DISPOSITION OF SENATE BILL NO. 5: The subcommittee appointed by Senator Kolstad to review this bill and come up with amendments to make it more workable met on Tuesday, January 6.

Senator Kolstad called for a report from that subcommittee. Mary McCue, committee researcher, explained that the subcommittee added an additional requirement to SB5 limiting the number of handicapped persons qualifying for a price break on gas under SB5. Under SB5, as per proposed amendments (EXHIBIT NO. 1) a handicapped person would have to have a physical disability that requires the use of a wheelchair. First of all they would have to get the permit, or if a veteran, the special DAV plate, and then the subcommittee added under the veterans' language the additional requirement that they would have to be unaccompanied by a physically able person. The third requirement would be that the person would have to have a handicap that required the use of a wheelchair. So now, there would be the three requirements that a person would have to meet under both categories. In all, seven amendments were proposed for SB5.

Senator Kolstad opened the floor to questions by asking if the bill would change the card a handicapped person would receive to hang on their visor, and also if the proposed amendments indicated that there are different degrees of being disabled. Mary McCue explained that in order to qualify for the present permits, you simply have to be someone who has trouble with mobility, so that is a lesser requirement, and that they had talked about having another card or something in the window, but Larry Majerus had discouraged it because of the expense. If the committee wished to do that, they would have to get a new fiscal note. Senator Meyer explained that the veterans have a completely different way of qualifying veterans as being disabled. Consequently, a veteran might be 100% disabled and still be up walking around. He stated that it might be possible to look at refunding the gasoline tax to these individuals that qualify under SB5, and that way, the service station operators would not have to

take a reduction in the price of their gasoline on the full-service island. This, he felt, would probably be better for everybody concerned. Senator Kolstad asked how many people would qualify under the proposed amended statute. The minutes of the January 6th meeting showed that in Montana 5108 people have blue and white placards, 1873 have the insignia license, and approximately fewer than 300 have disabled veterans' plates which qualify them for this benefit to the handicapped driver under SB5 as originally written. Under the proposed amendments (EXHIBIT 1) the number qualifying would be reduced considerably. Senator Meyer further explained that under the proposed bill those qualifying could essentially save their gas slips; and, at the end of the year they would send them in, just like a farmer does to get his gas refund. Senator Weeding commented that it would be a whole lot more than the six cents; it would be around 13 cents. Senator Meyer stated that it would be more than that, because we are talking about the difference between the self-service price and the full-service price, which may be a difference of as much as a dollar per gallon. Senator Kolstad noted that Mr. Hornbacher from Tim's Exxon had said it could be from ten to fifty cents. Senator Weeding stated that the Montana gas tax was 17 cents right now, and that is what they would be getting back (versus the six cents or whatever the difference is between the price of the full and self-service prices). Senator Williams wondered if this wouldn't just be playing the part of the bureaucrat (to pass such legislation) and making this into a lot bigger thing than it was intended to be. Senator Walker asked if the bill had any provisions to keep service station operators from changing their books. Senator Kolstad stated that the bill seemed so simple to begin with, but now seemed to be getting entirely too complicated. Senator Neuman commented that it struck him as being impossible to administer, and that if the service station wanted to give a break to the handicapped, all he needed to do is put up a sign; and, that would then be a way to entice business. To write this sort of thing into the statutes opens us up to -- it's the gas station this time and the grocery store next time. He personally did not see the need for the bill. Senator Kolstad thought it would be pretty difficult for the legislature to dictate to one business that they should give some segment of our society a kickback, benefit, or whatever.

Senator Gage made a motion that SB5 DO NOT PASS. Senator Meyer seconded the motion.

Senator Kolstad called for the question. Senator Thayer felt SB5 would be very hard to administer and open up the door for

a whole bunch more legislation. Therefore, he suggested that perhaps a resolution should be passed to express the sentiments of the committee. He said that he would like to see the industry come up with some type of incentive to provide this service to the handicapped without writing it into the statutes. Senator Kolstad asked if the committee would like to table the bill in lieu of a resolution. Senator Weeding noted that in many restaurants, etc., he has seen signs saying, "Senior Citizens' Discounts Given Here", and perhaps these service station operators could be given the incentive to grant a disabled discount without writing it into the statutes. Senator Kolstad wondered what kind of incentive he had in mind. Senator Weeding said he had in mind some notoriety, some press, something non-statutory, something in correlation with the senior citizens' discounts. Senator Thayer did not wish to make a substitute motion of that, but suggested the committee adopt Senator Gage's motion and then either send a letter to Senator Haffey telling him he could entertain a resolution if he wants to be the sponsor, or the committee itself could do a resolution, but he felt there was no reason to table SB5, just clear the slate and get on with the 2,000 bills to be considered. Senator Gage felt that these resolutions are all fine, but how many of the service station operators who have self-service islands are going to read them, much less ever see them. Further, it is fine to be good-hearted and all those things, but we are sitting around here dinging with this bill when nobody wants to support it, so let's get it out there and get after it, and get on with some other things. Senator Williams asked for more information concerning whether Senator Haffey could take SB5 out on a minority report if the committee voted unanimously or eight to two. Senator Kolstad answered that he could try to blast it out of this committee on the floor, or if he is on the floor when we read an adverse committee report, he could object to it at that time, even if it were unanimous.

Senator Kolstad called for a roll call vote. SB5 was given a NO PASS Adverse Committee Report by a vote of eight to two.

Senator Thayer asked if there is a Montana organization of petroleum distributors that the committee could address a letter to concerning this bill and whether the committee felt it would accomplish what this bill had set out to do. Mr. John Augustine of Conoco, Inc., who was in the audience replied that there is an organization he thought was called the Petroleum Marketers Association or something like that, and he felt that the marketers could come up with some sort of program to encourage station operators to give the handicapped

driver the desired benefits of SB5. Senator Thayer made a motion that the Chairman of the committee write a letter on behalf of the committee to the proper Montana petroleum organization saying that even though there was sentiment on the floor in favor of SB5, the committee felt that the administration of such a bill would create numerous problems and that they felt it had implications for other businesses as well as the petroleum industry. Therefore, they would prefer that the industry itself consider some sort of handicapped driver discount on a voluntary basis rather than on a mandatory basis under a statute. The motion was seconded by Senator Williams and passed unanimously.

Chairman Kolstad directed the Secretary, Carolyn Linden to draft up such a letter. There being no further business, he adjourned the meeting at 10:19 a.m.



SENATOR ALLEN C. KOLSTAD, CHAIRMAN

BUSINESS AND INDUSTRY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/7/86

NAME	PRESENT	ABSENT	EXCUSED
Allen C. Kolstad, Chairman	✓		
Ted Neuman, Vice Chairman	✓		
Paul Boylan	✓		
Delwyn Gage	✓		
Harry H. "Doc" McLane	✓		
Darryl Meyer	✓		
Mike Walker	✓		
Cecil Weeding	✓		
Bob Williams	✓		
Gene Thayer	✓		

Each day attach to minutes.

Montana State Senate

MEMBERS

Allen C. Kolstad,
Chairman
Ted Neuman,
Vice Chairman
Paul Boylan
Delwyn Gage



The Big Sky Country

State Capitol
Helena, Mt. 59601

MEMBERS

Harry H. McLane
Darryl Meyer
Gene Thayer
Mike Walker
Cecil Weeding
Bob Williams

January 8, 1987

Mr. Doug Alexander
Western Petroleum Marketers of Montana
P. O. Box 1201
Bozeman, Montana 59715

Dear Mr. Alexander:

SUBJECT: SENATE BILL NO. 5

As you are probably aware, Senate Bill No. 5 introduced by Senator Haffey was assigned to our committee. This bill would have required service stations with both self-service and full-service islands to provide refueling service for handicapped drivers at self-service prices.

The sentiment of this committee was that this would indeed be very beneficial to the handicapped who cannot take advantage of your self-service price discounts. However, after consideration of the difficulty of administering such a statute, and the implications regarding other businesses, the committee voted to give this bill an adverse committee report (DO NOT PASS).

The committee feels that your industry may wish to initiate some type of discount, perhaps similar to the senior citizens discount, for the handicapped driver. It would not be mandatory and could therefore be used for public relations or as a business promotion.

Sincerely yours,

A handwritten signature in cursive script that reads "Allen C. Kolstad".

Senator Allen C. Kolstad, Chairman
Business and Industry Committee

ACK:cal

STANDING COMMITTEE REPORT

January 7, 1987

MR. PRESIDENT

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **SENATE BILL** No. **5**

First reading copy (**White**)
color

Respectfully report as follows: That **SENATE BILL** No. **5**

~~XXXXXX~~

DO NOT PASS

SENATOR KOLSTAD,

Chairman.

lg
1-8-87
W.S.

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 1/7/87 Senate Bill No. 5 Time 10:12a.m.

NAME	YES	NO
Paul Boylan	✓	
Delwyn Gage	✓	
Harry H. McLane	✓	
Darryl Meyer	✓	
Ted Neuman, Vice Chairman	✓	
Mike Walker		✓
Cecil Weeding	✓	
Bob Williams		✓
Gene Thayer	✓	
Allen C. Kolstad, Chairman	✓	

Carolyn A. Linder
Secretary

Chairman

Motion: Do Not Pass Senate Bill No. 5