

MINUTES OF MEETING  
HIGHWAYS & TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

January 15, 1987

The meeting of the Highways & Transportation Committee was called to order by Chairman Tveit on January 15, 1987, in Room 410 of the State Capitol

ROLL CALL: All members were present except Senator Stimatz and Senator Hofman who were excused.

CONSIDERATION OF SENATE BILL NO. 43: Senator Farrell, Senate District No. 31, testified as sponsor of the bill, stating that this bill clarifies when a \$500 bond is required for special fuel users. This bill would allow the Department of Revenue, Motor Fuel Division, the authority to require, or not require a bond.

Senator Farrell presented the proposed amendments to Senate Bill 43. (attached as Exhibit 1)

Norris Nichols, from the Department of Revenue, is here to answer any questions from the committee on technical assistance and technical questions.

PROPONENTS: Ben Havdahl, Montana Motor Carriers Association: I am here to support Senate Bill 43, sponsored by Senator Farrell. I feel the recommendations outlined by the National Governors Association to make uniform regulations for truckers to follow from state to state is important. One of the concerns of the Governors Association was the loss of revenue by the states, versus the cost of the bonds to the industry. The requirements of these bonds would benefit everybody everywhere.

OPPONENTS: There were no opponents present.

QUESTIONS (OR DISCUSSION) ON SENATE BILL NO. 43: Chairman Tveit asked Mr. Nichols that if you pay on time would the Department penalize you. Mr. Nichols replied that the department has fuel users who do not file their timely reports and in this way we can go back and require those people to post the \$500 bond. This will avoid having them run three months at a time, which is a quarter, and then report their fuel. It is cheaper for them to file a corporate shell, lease their trucks to the corporate, bankrupt the corporate, and file another corporate and apply for a new fuel user's permit. Under this plan

the division will be able to determine who has not filed their reports; that way we can go back and require those people to post a bond.

Senator Weeding asked if this pertains to all vehicles and trucks. He was told that it refers to all motor vehicles or diesel trucks which are self-propelled upon the highways.


Senator Abrams asked if propane is a special fuel. He was told that propane has been taken out of this section and is no longer classified as a special fuel.

There were no further questions.

Senator Weeding moved that the committee adopt Senator Farrell's amendments to Senate Bill 43. (See Exhibit 1). A second was made by Senator Abrams. Motion carried.

DISPOSITION OF SENATE BILL 43: Senator Weeding, moved Senator Bill 43, as amended, DO PASS. Motion carried unanimously.

There being no further business, the meeting was adjourned.

  
Senator Larry Tveit, Chairman

# STANDING COMMITTEE REPORT

January 15, 1

87

..... 19.....

MR. PRESIDENT

## HIGHWAYS & TRANSPORTATION

We, your committee on .....

**Senate Bill**

**43**

having had under consideration.....

No.....

**first**

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reading copy ( \_\_\_\_\_ )

color

### CLARIFY WHEN \$500 BOND IS REQUIRED FOR SPECIAL FUEL USERS

Respectfully report as follows: That.....

**Senate Bill**

**43**

No.....

**be amended as follows:**

1. Page 1, line 18.

Following: "."

Strike: "Upon application, the"

Insert: "The"

Following: "department"

Strike: "may"

Insert: "shall"

2. Page 1, lines 19 through 23.

Following: "any" on line 19

Strike: "resident"

Following: "user" on line 19

Strike: remainder of line 19 through "part" on line 23

Insert: "not subject to subsection (2)(a) or (2)(b)"

3. Page 2, lines 14 and 15

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

And as so amended

DO PASS

~~DO NOT PASS~~

.....  
Chairman.

29  
1-19-87  
J:45

Amend Senate Bill No. 43, Introduced Copy

1. Page 1, line 18.

Following: "."

Strike: "Upon application, the"

Insert: "The"

Following: "department"

Strike: "may"

Insert: "shall"

2. Page 1, lines 19 through 23.

Following: "any" on line 19

Strike: "resident"

Following: "user" on line 19

Strike: remainder of line 19 through "part" on line 23

Insert: "not subject to subsection (2)(a) or (2)(b)"

3. Page 2, lines 14 and 15.

Following: line 13

Strike: subsection (2)(b)(i) in its entirety

Renumber: subsequent subsections

Note: After striking and inserting as per amendments 1 and 2, the sentence starting on page 1, line 18 would read: "The department shall waive the bond requirement of any special fuel user not subject to subsection (2)(a) or (2)(b)."

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 1-15-87

BILL NO. 43

ROLL CALL

HIGHWAYS & TRANSPORTATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1-15-

NAME	PRESENT	ABSENT	EXCUSED
Chairman: Larry Tveit	✓		
Vice Chairman: Lawrence Stimatz			
Senator Hubert J. Abrams	✓		
Senator William Farrell	✓		
Senator Tom Hager		✓	
Senator Sam Hofman	✓		
Senator Ray Lybeck	✓		
Senator Darryl Meyer	✓		
Senator Cecil Weeding	✓		
Senator Bob Williams	✓		

Each day attach to minutes.

DATE 1-15-87

COMMITTEE ON

### VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Ben Hardman	Mar. Motor Carriers Assn.	5B43	X	
Jesse Munro	Dept of Highways	"	—	—
Norris Nichols	Dept of Revenue	"	—	—