

MINUTES OF THE
SENATE RULES COMMITTEE

February 20, 1987

The meeting of the Senate Rules Committee was called to order by Chairman Van Valkenburg at 11:15 a.m. in Room 402, State Capitol.

ROLL CALL; All members were present, except for Sen. Jacobson, who was excused. Also present were Senators Lybeck and Harding.

PURPOSE OF THE MEETING; Sen. Van Valkenburg stated that the purpose of the meeting was to discuss Senate Bill No. 296. The bill was heard in the Highways Committee and essentially would require the placarding of vehicles that are powered by propane. The Highways Committee felt that the bill wasn't necessary because the fire marshall could adopt rules that would require placarding of this type of vehicle right now. Then the Highways Committee went on and considered some other issues with respect to propane vehicles. Sen. Lybeck wanted to offer an amendment to the bill which would increase the tax on liquified propane so there would be an equity between the taxation of that kind of fuel with gasoline and diesel. The Chairman of the Highways Committee ruled that such an amendment was out of order and was not within the scope of that particular bill. That is how the bill was referred to the Rules Committee.

Sen. Farrell was a member of that Committee and said that accurately stated the issue.

Sen. Lybeck stated that his reason for wanting to amend the bill was to try to be fair to the Montana taxpayer. He cited a memo from Norris Nichols, stating that the fee schedule has remained at 7.75 cents per gallon, until July 1, 1987 when the fee will be 20 cents a gallon on gasoline.

Sen. Van Valkenburg said the amendment Sen. Lybeck is offering is to Section 2 of the bill. It is an existing statute that provides for a tax to be collected on vehicles that are self-propelled by a liquified petroleum gas. The title of the bill does include a provision providing for the amendment of this section of the law although the purpose of the title as it was originally written and the amendment to that law had nothing to do with raising the fees. After striking some of the sections, you would insert language increasing the tax on liquified petroleum.

Sen. Aklestad said that sounds like completely rewriting the title.

Sen. Van Valkenburg stated that the rule is Joint Rule 6-15. It

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Sen. McCallum stated that he doesn't think you can do that.

Sen. Blaylock stated that he agrees with Sen. Lybeck. He doesn't feel the propane people are paying their fair share, but he doesn't think that you can attach this onto this bill.

Sen. Hims1 asked about the registration fee: does that open it up to changing the tax? Sen. Van Valkenburg said the fee isn't the same as a tax; that it is to pay for a decal.

Sen. Harding explained that the fire department had requested this bill, who wanted notification on vehicles. Then it came through the county commissioners, who wanted a tax; so it started out as a two-fold request. The commissioners had wanted a 7 cents gas tax, but through the research found that it would have to be done by refund because propane is used for household uses in greater proportion than on vehicles. They concluded that it would cost more to refund it on a 7 cents gas tax, so they had not considered raising the fees. Sen. Harding stated that as far as she was concerned, she had no objection to the amendment.

Sen. Norman stated that he believes the amendment offered by Sen. Lybeck is within the scope of the title of the bill. He said he thinks any committee can do it.

Sen. Van Valkenburg stated that it is important to note that Sen. Harding does not object to the amendment being offered; and if this bill is amended as such, the public is put on notice and Sen. Harding is protected from having her bill used for some purpose other than what she objects to.

MOTION; Sen. Norman moved that the amendment be deemed to be within the title. Question called. With Senators Norman and Van Valkenburg voting yes, and Senators McCallum, Aklestad, Farrell, Blaylock and Hims1 voting no, the motion failed.

Sen. Van Valkenburg stated that without objection the vote will be reversed and he will inform the Senate that the amendment was not within the scope of the title and would be returned to the Highway Committee.

NEXT ORDER OF BUSINESS; Sen. Van Valkenburg said that Rep. Schye had approached him about one of his bills, House Bill No. 526, which deals with out-of-state hunting licenses. He wonders if the Senate will treat the bill as a revenue bill. Rep. Schye has

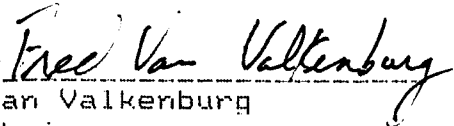
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been advised by the members of the House that they consider it to be a revenue bill. The bill raises the fees on the out-of-state hunting licenses.

Sen. Norman said that at the present time he and Speaker Marks are working on the specifics of that now. The rules define a revenue bill as one which either would increase or decrease tax collections. He feels that a fee is the same as a tax; therefore the bill would be treated as a revenue bill.

General discussion followed and it was agreed that Sen. Van Valkenburg tell Rep. Schye that his bill will be treated as a revenue bill.

There being no further business to come before the Committee, it was adjourned at 12:00 noon.



Van Valkenburg
Chairman

ROLL CALL VOTE

SENATE COMMITTEE RULES

Date 2/20/87 Bill No. SB 296 Time 11:15am

NAME	YES	NO
SENATOR FRED VAN VALKENBURG	✓	
SENATOR GEORGE MC CALLUM		✓
SENATOR BILL NORMAN	✓	
SENATOR GARY AKLESTAD		✓
SENATOR JUDY JACOBSON		
SENATOR BILL FARRELL		✓
SENATOR CHET BLAYLOCK		✓
SENATOR MATT HIMSL		✓

Shoa Van Kise
Secretary

Van Valkenburg
Chairman

Motion: Sen. Norman moved that the amendment
be deemed within the title.

STANDING COMMITTEE REPORT

February 20 1987

MR. PRESIDENT

We, your committee on **Senate Rules**
having had under consideration **Senate Bill** No. **296**
first reading copy (white)
color

IDENTIFICATION OF LIQUIFIED PETROLEUM GAS POWERED VEHICLES

Respectfully report as follows: That **Senate Bill** No. **296**

The Senate Rules Committee advises the Senate as a whole that the amendment to Senate Bill No. 296 is not within the scope of the title of the bill and herewith returns the bill to the Committee on Highways.

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Fred Van Valkenburg
Chairman.