

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on APRIL 20, 1989, at
8:00 a.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Jerry Noble,
Hubert Abrams, Cecil Weeding, Bill Farrell, Lawrence
Stimatz, John Harp

Members Excused: SENATORS: Darryl Meyer and Bob Williams

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the
hearings on House Bill 795, House Joint Resolutions 39
& 44.

HEARING ON HOUSE BILL 795

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE VINCENT, District 80 informed the Committee that he is carrying House Bill 795 for Attorney General Racicot. This bill will create some new classifications to license plates in Montana. They would be unique for each university unit. There would be an additional charge of \$22.50. The \$2.50 to cover the servicing charge and the rest to go to that particular university for scholarships. The same would apply to community colleges and private colleges. House Bill 795 allows participation entirely on a voluntary basis by anyone who chooses to participate and pump money into a scholarship fund. Montana currently rates 38th in the nation in the availability of scholarship money for students. The cost of going to school is increasing at least 7% per year. Representative Vincent passed around pictures of other states' license plates for their universities. There will be suggested amendments, and he stated he approved of those amendments.

List of Testifying Proponents and What Group they Represent:

Carrol Krause, Commissioner of Higher Education
Stacy Farmer, Associated Students of MSU
Sheela Sterns, U of M
Russ Ritter, Vice President for College Relations,
Carroll College
Bob Robinson, Administrator of the Motor Vehicle
Division
Curt Chisholm, Director of Department of Institutions
Representative Davis, District 53

List of Testifying Opponents and What Group They Represent:

None

Testimony:

CARROL KRAUSE, Commissioner of Higher Education stated they strongly support House Bill 795. He informed the Committee that with the tuition increases over the next two years, tuition will be approximately \$1,500. There will be close to a 70% increase in the community colleges. There will be about \$300,000 available for work study, and not much available for scholarships. This would be one way where the state can provide an option to obtaining scholarship money.

STACY FARMER representing the Associated Students for Montana State University expressed support of House Bill 795 stating that it is a great inovative way to raise money for scholarships.

SHEELA STEARNS representing University of Montana along with the alumni stated that MSU and U of M each have at least 25,000 alumni who live within this state. They expect that at least 1% or 2% of the alumni would be willing to purchase these plates which could raise approximately \$20-\$30,000 of unrestricted scholarship money for each of schools.

RUSS RITTER, Vice President for College Relations at Carroll College stated they support this legislation.

BOB ROBINSON, Administrator for the Motor Vehicle Division stated the Department of Justice is supporting this legislation. This session a bill was passed to require new license plates to be issued in January of 1991. He stated this would be a good time to do this idea. This idea is used in approximately 10 other states.

BOB ROBINSON explained that if one and a half of the vehicles in Montana get these university license plates, approximately \$200,000 would be put into scholarships. It is completely voluntary and is classified in the legislature as a donation and would be a continuing donation of \$20 per year as long as the individual keeps the plate on his car. The County Treasurer will collect the money and send it to the State Treasurer and the State Treasurer will distribute it on the basis of the number of plates in service that have that particular university logo on it.

CURT CHISHOLM, Director of the Department of Institutions stated there is a technical flaw in the bill that does not appropriate the money that comes to the Montana State Prison License Plate factory. In fixing that, they will establish a proprietary fund that the prison receive the \$2.50 per set of special college plates and give \$25,000 of spending authority. He stated they have to get special graphic runs from the 3M Company and if they don't get too carried away with the designs, the runs will probably cost \$1,100 per run. Curt Chisholm explained the suggested amendments. SEE EXHIBIT 1.

REPRESENTATIVE DAVIS, District 53 expressed support of House Bill 795.

Questions From Committee Members:

SENATOR HARP asked Bob Robinson if contact was made with the County Treasurer's office.

BOB ROBINSON stated they talked to Cort Harrington and there is no additional funding provided to them in this bill, but they have already received assessment for a share of the basic license plate fee that would be paid in addition to this.

SENATOR WEEDING asked if this would be considered a personalized license plate and what the county gets.

BOB ROBINSON answered no, the personalized plates have numbers and letters requested, this is different. The counties will get \$5 from personalized plates and they will get assessments from the university plates. He informed the Committee that all the taxes, fees and assessments that are paid on normal plates, will be paid on the university plates. Initially, the person desiring a university plate will pay \$22.50 more and from that point on it is \$20 per year.

Closing by Sponsor: REPRESENTATIVE VINCENT closed the hearing on House Bill 795 stating that with the amendments, he feels the bill is in excellent shape.

DISPOSITION OF HOUSE BILL 795

Discussion: Senator Harp volunteered to carry House Bill 795.

Amendments and Votes: SENATOR NOBLE MOVED to ADOPT THE AMENDMENTS for HOUSE BILL 795. SEE EXHIBIT 1.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR NOBLE MOVED that HOUSE BILL 795 BE CONCURRED IN AS AMENDED.

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE JOINT RESOLUTION 39

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE WYATT, District 37 stated HJR 39 deals with the Charles Russell painting "The Exalted Ruler" which is currently in the Russell Gallery in Great Falls. The purpose of this resolution is to increase the publicity and the visibility hoping to deter the law of this oil painting in its sale in the Elk's Club to out of the State of Montana. It is not intended to deter the sale, but rather to retain it someplace within this state where the people of this state can look at it and enjoy it in this Centennial year and many years to come. They are asking \$3 million plus commission for the painting. It has been appraised 5 or 6 years ago for \$1.5 million and that was before restoration had taken place.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Testimony:

None

Questions From Committee Members:

SENATOR NOBLE gave a brief history of the painting.

Closing by Sponsor: REPRESENTATIVE WYATT closed the hearing on House Joint Resolution 39.

DISPOSITION OF HOUSE JOINT RESOLUTION 39

Discussion: Senator Noble volunteered to carry House Joint Resolution 39.

Amendments and Votes: None

Recommendation and Vote: SENATOR NOBLE MOVED THAT HOUSE JOINT RESOLUTION 39 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE JOINT RESOLUTION 44

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE RUSSELL, District 99 stated House Joint Resolution 44 urges the National Park Service to require concessionaires within the park to pay their employees wages in accordance with the state minimum wage and overtime, and workers compensation laws. This bill is confined to Glacier Park since it is within Montana's boundaries. Federal law allows concessionaires to pay employees a minimum of \$2.01 per hour. The same law exempts park concessionaires from paying overtime compensation until an employee has worked in excess of 56 hours in a week. The same Federal law does not prohibit an employer from complying with any state law that provides employees greater wage protection.

List of Testifying Proponents and What Group they Represent:

List of Testifying Opponents and What Group They Represent:

None

Testimony:

REPRESENTATIVE BEN COHEN, District 3 stated that many of the park employees hired are from his area. He explained that most of these citizens, when they go to get these jobs, assume that they are protected by the state laws. Representative Cohen gave examples of those he had talked to. There were instances where they worked 3 to 4 hours

beyond the regular 8 hour shift. After contacting the Department of Labor in Denver, Colorado, he discovered that all the national parks, when they sign their leases with people who operate in the park have the option of specifying if they choose, that the lessee comply with the state's wage and overtime law. This resolution will ask the park service to consider negotiating the leases.

Questions From Committee Members: SENATOR TVEIT asked why this would differ from the federal law of minimum wage.

REPRESENTATIVE COHEN answered that as far as the actual minimum wage, he has heard of no case where less than minimum wage was being paid. The problem has to do with overtime compensation.

REPRESENTATIVE RUSSELL stated she understands the \$2.01 per hour comes from the wage tip credit. If you get so much in tips, then you get a percentage of the minimum wage which is the \$2.01.

SENATOR AKLESTAD explained that Montana does not have a wage tip credit law and it would not apply here. There were two bills introduced this session to deal with that and they both failed.

Closing by Sponsor: REPRESENTATIVE RUSSELL closed the hearing on HJR 44.

DISPOSITION OF HOUSE JOINT RESOLUTION 44

Discussion: None

Amendments and Votes: None

Recommendation and Vote: SENATOR NOBLE MOVED TO TABLE HOUSE JOINT RESOLUTION 44.

MOTION PASSED ON A ROLL CALL VOTE 5-3.

ADJOURNMENT

Adjournment At: 9:00 a.m.


SENATOR LARRY TVEIT, Chairman

ROLL CALL

HIGHWAY COMMITTEE

DATE 4-20-89 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER			✓
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS			✓

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

April 20, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 795 (third reading copy -- blue), respectfully report that HB 795 be amended and as so amended be concurred in:

Sponsor: Vincent (Harp)

1. Title, line 14.

Following: "MCA;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 3.

Following: line 5

Insert: "(5) No issue of collegiate license plates will be ordered and manufactured for any individual institution unless at least 400 sets of plates are ordered and prepaid."

3. Page 4, line 2.

Strike: "state special revenue"

Insert: "proprietary"

4. Page 6.

Following: line 5

Insert: "NEW SECTION. Section 9. Appropriation. There is appropriated to the Montana state prison license plate factory \$25,000 of spending authority from the proprietary fund for the 1990-1991 biennium from revenue deposited under the provisions of [section 5(2)(a)]."

Renumber: subsequent sections

AND AS AMENDED BE CONCURRED IN

Signed: _____

Larry J. Tveit, Chairman

4/20/89
10:20
L. Tveit

SENATE STANDING COMMITTEE REPORT

April 20, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HJR 39 (third reading copy -- blue), respectfully report that HJR 39 be concurred in.

Sponsor: Wyatt (Noble)

BE CONCURRED IN

Signed: _____
Larry J. Tveit, Chairman

*4/20/89
10:00 a.m.*

Amendments to House Bill No. 795
Third Reading Copy

For the Committee on Highways and Transportation

Prepared by Lee Heiman
April 20, 1989

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ROLL CALL VOTE

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date APRIL 20, 1989 Bill No. HJR 44 Time 8:50 a.m.

NAME	YES	NO
VICE CHAIRMAN MEYER		
SENATOR ABRAMS	✓	
SENATOR FARRELL	✓	
SENATOR WEEDING		✓
SENATOR NOBLE	✓	
SENATOR STIMATZ		✓
SENATOR HARP		✓
SENATOR WILLIAMS	✓	
CHAIRMAN TVEIT	✓	

Secretary
Pat Bennett

Chairman
Larry Tveit

Motion: SENATOR NOBLE MOVED TO TABLE HJR 44.

MOTION PASSED ON A ROLL CALL VOTE OF 5-3.