

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on January 14, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: Sen. Harp

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Council
Beth Satre, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 110
Executive Action: SB 56, SB 110

HEARING ON SENATE BILL 110

Opening Statement by Sponsor: SEN. TOEWS, Senate District 9, stated he was sponsoring SB 110 at the request of the Department of Transportation (DOT). According to SEN. TOEWS SB 110 is designed to increase the current \$2 fee to \$5 for temporary authority for proportionally registered vehicles to drive on the State of Montana's highway system. The current fee does not cover the cost of issuing the temporary authority passes. SEN. TOEWS introduced a necessary technical amendment to the bill. SEN. TOEWS stated his personal aversion to fees. He believes if a financial problem exists, the users should pay, and if such fee programs are set up they need either to carry themselves or to be included in the whole tax package.

Proponents' Testimony: David Galt, Department of Transportation, Administrator, Motor Carrier Services Division, outlined the DOT's reason for introducing SB 110. When a interstate carrier needs to make changes in operations or add a vehicle it is necessary to send temporary authority by FAX machine. Temporary authority provides immediate credentials for operations while the carrier has time to send in an application and the proper fees. The current \$2 fee does not cover DOT's costs. DOT's analysis shows that charging \$5 per vehicle will support the issuance of temporary authorities. \$5 is below the actual cost, but the issuance of multiple vehicle authorities will make up that difference.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

SEN. SWYSGOOD asked David Galt to clarify the costs of issuing temporary operating authority above and beyond the necessary telephone call.

David Galt stated DOT included the following in its assessment of the costs: time and paper involved in preparing temporary authority, FAX machine, phone call, the key punch necessary to enter the temporary authority on the computer system, and the accounting time involved in tracking the bill from its issuance to its payment. DOT also included the time necessary to monitor the account to make sure an application comes in so that the proper full amount of fees for that vehicle can be assessed.

SEN. REA requested that David Galt clarify the size of trucks that would be affected by SB 110.

David Galt replied this temporary authority is roughly equivalent to a 20 day sticker people receive for their new personal vehicles. The temporary authority referred to in SB 110 applies to interstate vehicle fleets and the most common vehicles would be those over 26,000 lbs. with more than 2 axles.

SEN. MCCLERNAN asked David Galt how much total money would be involved. David Galt stated that all of the money collected from stickers, cab cars and temporary authorities is deposited into one account and cannot be broken up according to item. DOT tried to keep track of the temporary authorities issued. According to that count, approximately 10,000 vehicles per year apply for and receive temporary authority.

CHAIRMAN WEEDING referred to **David Galt's** testimony that \$5 would not cover DOT's costs and inquired why DOT is not requesting a fee that would cover the exact cost of issuing such authorities.

David Galt replied that the average temporary authority issued involves both a truck and a trailer. Since the fees are set up per vehicle, this means a \$5 fee for the truck and \$5 fee for the trailer. The average wire amounts to \$10. The \$5 fee per vehicle should actually cover DOT's total costs.

Closing by Sponsor: **SEN. TOEWS** closed acknowledged that very efficient operators in this room would not be significantly affected by SB 110. He assured them that this bill is directed primarily at those operators who are too disorganized to get the necessary paper work done in advance.

EXECUTIVE ACTION ON SENATE BILL 56

David Bohyer passed out the two sets of amendments that were requested last committee meeting. He explained the difference between the two sets of amendments he had drafted for the Committee. The first (Exhibit #1) he drafted at the request of **SEN. SWYSGOOD**. They included the amendments presented to the Committee by **SEN. VAUGHN** on Jan. 7, 1993 and a change in the fee structure of SB 56 using a \$20 base fee. The second (Exhibit #2) he drafted at the request of **SEN. TVEIT** and it includes the amendments presented by **SEN. VAUGHN** and a change in the fee structure which raise the fee just enough to keep the State's general fund whole.

Dave Bohyer stated he had conferred with **Dean Roberts** of the Department of Justice, Motor Vehicle Division as to the actual costs of specialized plates. **Mr. Roberts** told him the costs would be covered by an additional \$5.50 going to the State in the first year. With these amendments the general fund would receive \$6.50.

At **CHAIRMAN WEEDING's** request **SEN. VAUGHN** responded to the proposed amendments. **SEN. VAUGHN** stated that she did not support raising the fee. **Dean Roberts** had testified that the fee structure for specialized plates needed to be changed. **Dean Roberts** was excited about the public safety nature of SB 56 the bill and had no problem letting this license plate go through with the current fee structure.

SEN. VAUGHN stated she would like to leave the fee at the current level; many people who would buy these plates are strictly volunteer and some are not even employed. For these people even the \$10 fee might be a hardship and the \$20 might be unaffordable. In light of the public-safety nature of this bill and the fact that people for whom it is intended are doing an

important public service, **SEN. VAUGHN** feels that the fee should remain as is and objected to the suggested increase in the fees.

SEN. SWYSGOOD expressed his sympathy for **SEN. VAUGHN's** position. He stated his concern about the steady increase of specialized plates for various organizations. Because the cost has been borne primarily by the General Fund, **SEN. SWYSGOOD** feels that he cannot continue lending his support to such license plates without making sure they pay for themselves. Especially since the Committee will be hearing more requests for specialized license plates. He then asked **SEN. VAUGHN** if she would feel comfortable changing the bill back in the House if the Committee were to adopt amendments that increase the fee.

SEN. VAUGHN informed **SEN. SWYSGOOD** and the Committee that she did not feel comfortable with the idea of increasing the fee and that she would object to such a change on the floor of the Senate as well, as the House if necessary.

If the primary concern of the Committee is to offset the cost to the General Fund **SEN. VAUGHN** suggested the Committee divert \$1 more of the \$10 fee to the General Fund instead of raising the fee. She thought that would be less objectionable to the people who had asked for these plates. **SEN. VAUGHN** stated she would want to discuss any fee changes with the people for whom she is carrying SB 56.

SEN. REA asked **Dave Bohyer** to explain how he had arrived at the \$15.50 in the amendment (Exhibit #2).

Dave Bohyer stated that according to **Dean Roberts** the \$1 allocated to the state did not cover the total costs. The total costs to the General fund were \$6.50 per set of plates. Since SB 56 already allocates \$1 to the state per plate, the amount of \$15.50 was arrived at by adding \$5.50 to the \$10 fee.

SEN SWYSGOOD clarified the difference between his offered amendment (Exhibit #1) and the other amendment (Exhibit #2). His amendment sets the fee at \$20. It would allot \$6.50 to the General Fund making it whole, and would allot \$3.50 over the original amount to the support of the Fire Training School and EMT organizations.

SEN. REA asked **SEN. VAUGHN** if he had correctly understood that **Dean Roberts** did not feel SB 56, with its current fee structure, posed a problem, but similar bills in the future would.

SEN. VAUGHN stated when she had talked to **Dean Roberts** he had expressed his opinion that SB 56 was a very good measure and he had no objection to having SB 56 pass. He did indicate, however, that the General Fund could not continue to absorb the costs associated with the increasing number of specialized plates to be proposed in the future. She reiterated her understanding of the costs to the General Fund, but emphasized the voluntary nature of

the people who would buy these plates.

CHAIRMAN WEEDING stated **Dean Roberts** had indicated that several other groups who were maybe not as deserving were also going to be proposing personalized plates for themselves.

SEN. MCCLERNAN asked what the total estimated cost to the General Fund of SB 56 would be.

Dave Bohyer stated the fiscal note estimated in FY 1994 the cost would be \$17,700 and in FY 1995, \$10,000. He related that **Dean Roberts** had told him that the costs should decline from year to year because of plate demand. Most of the people who want these plates will purchase them the first year, a few will purchase them the second year and afterwards only those who have just become licensed emergency personnel or firefighters will purchase them.

SEN. KOEHNKE expressed his agreement with **SEN. VAUGHN**. He stated he was not aware of any other specialized plates which served a more worthy cause. He emphasized the plates value for public safety, and suggested an increase in personalized plate fees to offset the General Fund shortfall.

SEN. VAUGHN mentioned another safety feature these plates would supply. She stated many volunteer firefighters drive to fires and emergency situations in their own vehicles and in many such cases the police will be restricting access to the site. These license plates would assure instant identification, and the people who need to get through to assist will be allowed through without any delay.

SEN. KOEHNKE stated his agreement with **SEN. VAUGHN** and enlarged her example to include EMTs who are trying to assist in an emergency medical situation. The license plate would immediately establish their identity and allow them to provide medical assistance without delay.

Motion:

SEN. SWYSGOOD MOVED the amendments requested by **SEN. TVEIT** (Exhibit #1).

Discussion:

SEN. SWYSGOOD stated he did not want to discount the merits of SB 56. He expressed his concern that if the Committee passed SB 56 without changing the fee structure because the recipients were volunteers, a precedent would be set. **SEN. SWYSGOOD** suggested changing the fee structure after this bill would be difficult if not contradictory if other volunteer groups like Search & Rescue, also proposed specialized plates for fundraising purposes. Given their public safety nature, **SEN. SWYSGOOD** expressed his hope that the extra \$5.50 would not actually deter people from purchasing these plates.

SEN. TOEWS spoke in support of the motion. He stated that the cost of these plates needed to be covered by the fees. The other option he would consider would be to keep the plate fees at \$10 but allocate \$6.50 of that to the General Fund. That would reduce the money the organizations would receive, but **SEN. TOEWS** stated he did not view specialized plates as a major fund raiser.

CHAIRMAN WEEDING observed that the Committee had not yet adopted any policy relative to ensuing requests for specialized plates. **CHAIRMAN WEEDING** agreed with **SEN. SWYSGOOD** that the Committee's decision on SB 56 would establish a precedent for volunteer groups. The Committee could, however, adopt a differential fee schedule which would allow benevolent or voluntary groups to come in at the current fee, but charge other groups the full amount.

SEN. REA stated he would like to be able to support **SEN. VAUGHN**, but because of the current budget crisis he had reservations.

SEN. TVEIT came in late and **CHAIRMAN WEEDING** explained the current motion being discussed. Question was called.

Vote: The amendment CARRIED with Chairman Weeding voting NO

Motion/Vote:

SEN. MCCLERNAN moved SB 56 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 110

Dave Bohyer stated the amendment is a technical amendment which does not change the substance of SB 110. "Temporary operating authority" is in the law "temporary registration". According to **Dave Bohyer** that technical language needs to be incorporated into SB 110 to make it "tight".

Motion/Vote:

Sen. Toews MOVED the amendments to SB 110. The motion CARRIED UNANIMOUSLY

Motion:

SEN. MCCLERNAN moved SB 110 DO PASS AS AMENDED.

Discussion:

SEN. SWYSGOOD stated he would vote in favor of SB 110 which would raise fees for him personally since he had moved and supported the amendment to SB 56 that raised the fee on those license plates. He expressed his doubt, however, that the department costs really merit a 150% increase in the fee.

Vote:

SB 110 PASSED UNANIMOUSLY AS AMENDED.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

January 14, 1993

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ADJOURNMENT

Adjournment: 1:39 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SATRE, Secretary

CW/bes

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE JAN. 14, 1993

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 4
January 15, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 56 (first reading copy -- white), respectfully report that Senate Bill No. 56 be amended as follows and as so amended do pass.

Signed: Cecil Weeding
Cecil Weeding, Chair

That such amendments read:

1. Title, line 5.

Following: "AND"

Strike: "AMBULANCE"

Following: "PERSONNEL"

Insert: "OF A LICENSED EMERGENCY MEDICAL SERVICE"

2. Title, line 7.

Strike: "AND"

Insert: ", "

3. Title, line 8.

Following: "SCIENCES"

Insert: ", AND PART OF THE LICENSE FEES TO THE STATE GENERAL FUND"

4. Page 7, lines 2 and 3.

Following: "active" on line 2

Strike: "or retired"

5. Page 7, line 3.

Following: "or"

Strike: "ambulance"

Following: "personnel"

Insert: "of an emergency medical service licensed under 50-6-306"

6. Page 11, line 11.

Strike: "or retired"

7. Page 11, lines 15 and 16.

Following: "cross" on line 15

Strike: the remainder of line 15 through "is retired" on line 16

8. Page 11, line 25.

Strike: "\$10"

Insert: "\$15.50"

9. Page 12, line 5.

Strike: "\$1"

Insert: "\$6.50"

10. Page 12, line 14.

Strike: "or retired"

Following: "of an"

Strike: "ambulance"

Insert: "emergency medical"

11. Page 12, line 15.

Following: "service"

Insert: "licensed under 50-6-306"

12. Page 12, lines 18 and 19.

Following: "decals of the" on line 18

Strike: the remainder of line 18 through "is retired" on line 19

Insert: "Montana emergency medical services system logo"

13. Page 12, line 19.

Following: "The"

Insert: "owner, director, or"

14. Page 12, line 20.

Following: "of each"

Strike: "ambulance"

Insert: "licensed"

15. Page 12, line 21.

Strike: "ambulance"

16. Page 12, line 25.

Strike: "an ambulance"

Insert: "a licensed"

17. Page 13, line 3.

Following: "special"

Strike: "ambulance"

Insert: "emergency medical"

18. Page 13, line 4.

Strike: "\$10"

Insert: "\$15.50"

19. Page 13, line 8.

Strike: "\$1"

Insert: "\$6.50"

20. Page 13, line 13.

Following: "for"

Strike: "ambulance"

Following: "personnel"

Insert: "of emergency medical services licensed under 50-6-306"

21. Page 19, lines 14 and 15.

Following: "active" on line 14

Strike: "or retired" on lines 14 and 15

22. Page 19, line 15.

Following: "or"

Strike: "ambulance"

Following: "personnel"

Insert: "of an emergency medical service licensed under 50-6-306"

23. Page 23, line 23.

Strike: "or retired"

24. Page 24, lines 2 and 3.

Following: "cross" on line 2

Strike: the remainder of line 2 through "is retired" on line 3

25. Page 24, line 12.

Strike: "\$10"

Insert: "\$15.50"

26. Page 24, line 17.

Strike: "\$1"

Insert: "\$6.50"

27. Page 25, line 1.

Strike: "or retired"

Following: "of an"

Strike: "ambulance"

Insert: "emergency medical"

28. Page 25, line 2.

Following: "service"

Insert: "licensed under 50-6-306"

29. Page 25, lines 5 and 6.

Following: "decals of the" on line 5

Strike: the remainder of line 5 through "is retired" on line 6

Insert: "Montana emergency medical services system logo"

30. Page 25, line 6.

Following: "The"

Insert: "owner, director, or"

31. Page 25, line 7.

Following: "of each"

Strike: "ambulance"

Insert: "licensed"

32. Page 25, line 8.

Strike: "ambulance"

33. Page 25, line 12.

Strike: "an ambulance"

Insert: "a licensed"

34. Page 25, line 15.

Following: "special"

Strike: "ambulance"

Insert: "emergency medical"

35. Page 25, line 16.

Strike: "\$10"

Insert: "\$15.50"

36. Page 25, line 20.

Strike: "\$1"

Insert: "\$6.50"

37. Page 25, line 25.

Following: "for"

Strike: "ambulance"

Following: "personnel"

Insert: "of emergency medical services licensed under 50-6-306"


-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 14, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 110 (first reading copy -- white), respectfully report that Senate Bill No. 110 be amended as follows and as so amended do pass.

Signed: 
Cecil Weeding, Chair

That such amendments read:

1. Title, line 6.

Strike: "OPERATING AUTHORITY"

Insert: "REGISTRATION"

2. Page 1, line 24.

Strike: "operating authority"

Insert: "registration as authorized by section 704 of the international registration plan of the American association of motor vehicle administrators, adopted April 1988"

-END-

Amendments to Senate Bill No. 56
First Reading CopyRequested by Senators Vaughn and Swysgood
For the Committee on Highways and TransportationPrepared by Dave Bohyer
January 7, 1993

1. Title, line 5.
Following: "AND"
Strike: "AMBULANCE"
Following: "PERSONNEL"
Insert: "OF A LICENSED EMERGENCY MEDICAL SERVICE"
2. Title, line 7.
Strike: "AND"
Insert: ", "
3. Title, line 8.
Following: "SCIENCES"
Insert: ", AND PART OF THE LICENSE FEE TO THE STATE GENERAL FUND"
4. Page 7, lines 2 and 3.
Following: "active" on line 2
Strike: "or retired"
5. Page 7, line 3.
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Strike: "ambulance"
Following: "personnel"
Insert: "of an emergency medical service licensed under 50-6-306"
6. Page 11, line 11.
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7. Page 11, lines 15 and 16.
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Strike: the remainder of line 15 through "is retired" on line 16
8. Page 11, line 25.
Strike: "\$10"
Insert: "\$20"
9. Page 12, line 5.
Strike: "\$1"
Insert: "\$6.50"
10. Page 12, line 14.
Strike: "or retired"
Following: "of an"
Strike: "ambulance"
Insert: "emergency medical"

11. Page 12, line 15.
Following: "service"
Insert: "licensed under 50-6-306"
12. Page 12, lines 18 and 19.
Following: "decal of the" on line 18
Strike: the remainder of line 18 through "is retired" on line 19
Insert: "Montana emergency medical services system logo"
13. Page 12, line 19.
Following: "The"
Insert: "owner, director, or"
14. Page 12, line 20.
Following: "of each"
Strike: "ambulance"
Insert: "licensed"
15. Page 12, line 21.
Strike: "ambulance"
16. Page 12, line 25.
Strike: "an ambulance"
Insert: "a licensed"
17. Page 13, line 3.
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Strike: "ambulance"
Insert: "emergency medical"
18. Page 13, line 4.
Strike: "\$10"
Insert: "\$20"
19. Page 13, line 8.
Strike: "\$1"
Insert: "\$6.50"
20. Page 13, line 13.
Following: "for"
Strike: "ambulance"
Following: "personnel"
Insert: "of emergency medical services licensed under 50-6-306"
21. Page 19, lines 14 and 15.
Following: "active" on line 14
Strike: "or retired" on lines 14 and 15
22. Page 19, line 15.
Following: "or"
Strike: "ambulance"
Following: "personnel"
Insert: "of an emergency medical service licensed under 50-6-306"

EXH : 1
DATE 1/14/93
SB 56

23. Page 23, line 23.
Strike: "or retired"

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Strike: "\$10"
Insert: "\$20"

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Insert: "emergency medical"

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Insert: "licensed under 50-6-306"

29. Page 25, lines 5 and 6.
Following: "decal of the" on line 5
Strike: the remainder of line 5 through "is retired" on line 6
Insert: "Montana emergency medical services system logo"

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Following: "The"
Insert: "owner, director, or"

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Strike: "ambulance"

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Insert: "a licensed"

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35. Page 25, line 16.
Strike: "\$10"
Insert: "\$20"

36. Page 25, line 20.

Strike: "\$1"

Insert: "\$6.50"

37. Page 25, line 25.

Following: "for"

Strike: "ambulance"

Following: "personnel"

Insert: "of emergency medical services licensed under 50-6-306"

DATE JAN. 14, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 110

Name	Representing	Bill No.	Check One	
			Support	Oppose
DAVE GALT	DOT	110	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY