

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By Senator, Cecil Weeding, Chair, on April 12, 1993, at 3:17 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. Chuck Swysgood (R)  
Sen. Henry McClernan (D)  
Sen. Daryl Toews (R)  
Sen. Larry Tveit (R)

**Members Excused:** Sen. Harp and Sen. Stang

**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: None.  
Executive Action: HB 572

#### **EXECUTIVE ACTION ON HOUSE BILL 572**

##### **Discussion:**

**CHAIRMAN WEEDING** said HB 572 would raise the fees on permits for indivisible overweight loads. He added HB 572 would generate approximately \$3.3 million in new revenue should it pass.

**SEN. REA** asked that the consequences of both passing and killing HB 572 be outlined. **CHAIRMAN WEEDING** responded if HB 572 passes, \$3.3 million will be allocated to the highway fund. He added that if HB 572 did not pass, that fund will be shorted by that much. He stated the fact that the \$3.3 million had already been diverted from the highway construction fund into the Department of Justice's Motor-Vehicle Division was maddening. He explained HB 2 had reallocated those funds. **CHAIRMAN WEEDING** stated both he and **SEN. HARP** had unsuccessfully attempted to amend that

provision out of HB 2. He noted the 3/4 cent gas tax which would have replaced those funds that were lost when the Gross Vehicle Weight (GVW) fees were reduced by 25 percent was also eliminated. According to **CHAIRMAN WEEDING** the death of the 3/4 cent gas tax amounted to an additional loss for the highway construction fund of about \$2 million.

**Dave Galt** stated the 25 percent reduction in GVW fees will actually represent a loss of approximately \$3 million per year.

**CHAIRMAN WEEDING** noted that HB 572 would raise revenue of \$3.3 million over the biennium.

**SEN. SWYSGOOD** asked which transmittal deadline HB 572 would have to meet. **CHAIRMAN WEEDING** replied the official transmittal deadline was Saturday, April 17, if the bill was not amended. He added, however, HB 572 would generate \$3.3 million in new revenue and stated the rules would most likely be suspended for such a package.

**SEN. TVEIT** asked if the 25 percent reduction in GVW fees would cost the highway construction fund \$3 million per year while HB 572 if adopted would replace \$3 million over two years. **Dave Galt** replied yes.

**SEN. SWYSGOOD** said he had understood that only if HB 572 passed, would the \$3.3 million go to the Department of Justice's Motor-Vehicle Division. **Dave Galt** replied he had discussed HB 572 with the budget office, the accountants from the Department of Transportation, and **Rep. Mercer, Speaker of the House**. **Dave Galt** had been told that the Motor-Vehicle Division will be given \$3.3 million regardless of what happens to HB 572. He stated if HB 572 fails, the highway construction fund will be shorted that amount.

**CHAIRMAN WEEDING** said \$3.3 million will be diverted from the highway fund whatever the Committee decides. He added the adoption of HB 572 would be the only way to replace that money. He stated he strongly disapproved of the diversion of that money, especially since he and **SEN. HARP** had assumed that no monies would be diverted from the highway construction fund when they had agreed to sponsor the gas tax.

**SEN. SWYSGOOD** asked if the Department of Transportation had to give the Motor-Vehicle Division \$3.3 million regardless of what happened to HB 572. **CHAIRMAN WEEDING** replied that **SEN. SWYSGOOD** was correct. He added that the transfer was a provision of HB 2.

**Dave Galt** verified **CHAIRMAN WEEDING's** statement.

**SEN. SWYSGOOD** stated he believed the \$3 million transfer to the Motor-Vehicle Division's budget was contingent upon the passage of HB 572. **Dave Galt** stated he had asked DOT's staff accountants, the Department director, and **Speaker Mercer** what

would happen if HB 572 did not pass. **Dave Galt** said he had been told that the highway fund would be shorted another \$3.3 million, because that amount of money was definitely going to be diverted to fund the Motor-Vehicle Division.

**CHAIRMAN WEEDING** noted HB 2 provided for that transfer. He asked if any other piece of legislation existed which would accomplish the same reapportionment. **Dave Galt** replied he did not think so.

**SEN. TVEIT** asked what had happened to the money that originally would have funded the Motor-Vehicle Division. **Dave Galt** replied he thought that money came from the General Fund originally and had been used to fund something else.

**SEN. TVEIT** asked if the transfer had occurred as the result of an amendment. **CHAIRMAN WEEDING** said the House had amended the provision into HB 2.

**SEN. REA** asked if the fees generated from overweight permits came primarily from out-of-state or in-state truckers. **Dave Galt** replied many different companies and individuals have overweight loads of commodities which cannot be reduced any further. He stated many indivisible overweight loads move through Montana, and many come into Montana and stop.

**Motion/Vote:**

**SEN. TVEIT** stated the Committee was being blackmailed; the committee members were being forced to do something that they did not like. For that reason he MOVED TO TABLE HB 572. The MOTION CARRIED WITH **SEN. BRUSKI-MAUS**, **SEN. MCCLERNAN**, **SEN. REA**, and **CHAIRMAN WEEDING** voting NO.

Since the majority of committee members had to attend another meeting, the Committee decided it would meet the following day to discuss further Committee business.


SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

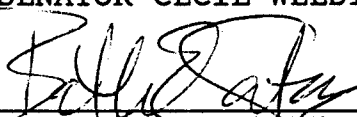
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ADJOURNMENT

Adjournment: 3:30 p.m.

  
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SENATOR CECIL WEEDING, Chair

  
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BETH E. SATRE, Secretary

CW/bes

## ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORT. DATE April 12, 1993

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