

HOUSE BILL NO. 177

Introduced: 01/12/83

Referred to Committee on State Administration: 01/12/83

Hearing: 1/21/83

Report: 01/22/83, Do Not Pass

Bill Killed: 01/24/83

1 House BILL NO. 177
2 INTRODUCED BY Walton

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE STATE
6 MOTOR POOL FROM THE DEPARTMENT OF HIGHWAYS TO THE DEPARTMENT
7 OF ADMINISTRATION; AMENDING SECTIONS 2-17-402, 2-17-411
8 THROUGH 2-17-413, 2-17-422, 2-17-423, AND 2-17-431, MCA; AND
9 PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 2-17-402, MCA, is amended to read:

13 "2-17-402. Seal on motor vehicles. A motor vehicle
14 owned by the state shall have a seal 8 inches in diameter
15 placed upon the vehicle in accordance with the rules adopted
16 by the department of highways--motor--pool--division
17 administration."

18 Section 2. Section 2-17-411, MCA, is amended to read:

19 "2-17-411. Helena-based motor pool -- department of
20 highways--motor--pool--division administration -- exceptions.

21 (1) The department of highways--motor--pool--division
22 administration is the custodian of all motor vehicles
23 operated out of the Helena area used primarily to carry
24 passengers or having a cargo rating of three-quarters of a
25 ton or less and which do not carry specialized equipment

1 that would render them unfit for interagency use, owned or
2 leased by the state or its agencies.

3 (2) This part does not apply to a motor vehicle used
4 in the service of the governor, the attorney general, or the
5 highway patrol."

6 Section 3. Section 2-17-412, MCA, is amended to read:

7 "2-17-412. Assignment and transfer. (1) The department
8 of highways--motor--pool--division administration may assign
9 the use of state-owned or leased motor vehicles under its
10 control to state officers or institutions or employees
11 thereof.

12 (2) All motor vehicles in the custody of the
13 department of highways--motor--pool--division administration
14 which are not placed under custody of the division
15 department by 2-17-411 shall be equitably transferred to the
16 custody of those agencies that have need of vehicles as
17 demonstrated by use records."

18 Section 4. Section 2-17-413, MCA, is amended to read:

19 "2-17-413. Interagency rental. The division department
20 of highways--motor--pool--division administration shall
21 promulgate regulations for interagency rental of motor
22 vehicles. These regulations shall govern the manner in which
23 vehicles in the custody of one agency and for a time not
24 required for use by that agency can be rented by another
25 agency for its use. These regulations shall also establish

1 the charge for vehicle rental which may include
2 reimbursement of actual costs for administration,
3 maintenance, service, operation, storage, and replacement
4 costs of these vehicles."

5 Section 5. Section 2-17-422, MCA, is amended to read:

6 "2-17-422. Operating history. All motor vehicle
7 operating history records for motor vehicles under control
8 of the department of highways--motor--pool--division
9 ~~administration~~ shall be entered in the department of
10 highways--motor--pool--division ~~administration~~. These records
11 shall show the purchase price of the vehicle and the items
12 of expense incurred in the operation of the vehicle,
13 including the expenses of gas, oil, repairs, labor, storage,
14 and service. A complete summary of the operating cost and
15 history record of all state-owned or leased vehicles and
16 trucks shall be prepared for each fiscal year."

17 Section 6. Section 2-17-423, MCA, is amended to read:

18 "2-17-423. Use rules. (1) The department of highways
19 ~~motor--pool--division~~ ~~administration~~ may adopt and enforce
20 reasonable rules governing the use and operation of motor
21 vehicles under control of the department of highways--motor
22 ~~pool--division~~ ~~administration~~.

23 (2) The department shall establish reasonable rules
24 governing:

25 (a) employee responsibility for misuse and negligent

1 damage of state-owned or leased vehicles;

2 (b) determination of when the use of privately owned
3 vehicles on state business may be justified as in the best
4 interest of the state;

5 (c) procedures for determining when a state vehicle is
6 not available for use.

7 (3) The ~~division~~ ~~department~~ shall adopt and formulate
8 travel rules providing:

9 (a) for filing an application for travel showing
10 necessity for trips, points to be visited, approximate time
11 of departure and return;

12 (b) for filing a report upon completion of the trip,
13 showing actual points reached, mileage traveled, and car
14 cost record data;

15 (c) for recording in the car operating history record
16 book all items of expense incurred in the purchase of gas,
17 oil, repairs, labor, storage, or service; and

18 (d) that a decal be affixed to the instrument panel of
19 every state-owned vehicle with the following information
20 contained on the decal:

21 "Any officer or employee of the state government who
22 uses or authorizes the use of any state-owned
23 motor-propelled passenger carrying vehicle, or of any
24 motor-propelled passenger carrying vehicle leased by the
25 state government, for other than official purposes shall be

1 summarily removed from office by the head of the department
2 of establishment concerned.""

3 Section 7. Section 2-17-431, MCA, is amended to read:

4 "2-17-431. Costs. The department of highways-motor
5 pool-divisionv administration may charge the individual
6 state agencies using the motor vehicles the actual costs for
7 administration and their maintenance, service, storage, and
8 replacement."

9 NEW SECTION. Section 8. Effective date. This act is
10 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 092-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 13, 19 83, there is hereby submitted a Fiscal Note for House Bill 177 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 177 is an act to transfer the state Motor Pool from the Department of Highways to the Department of Administration.

ASSUMPTIONS:

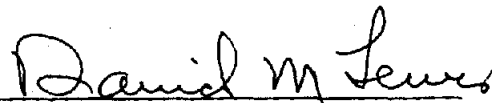
- 1) The Motor Pool will continue to be financed entirely through fees charged to agencies using the Motor Pool Vehicles.
- 2) Any change in the Motor Pool's costs are reflected in a change in fees charged to agencies.
- 3) The Department of Administration may have to purchase a repair facility and equipment or contract with another state agency for use of facilities. At present, the Motor Pool uses the Department of Highways repair facility and equipment, paying only a prorated share of the utilities and other overhead costs.

FISCAL IMPACT:

Until the Department of Administration determines the cost of acquiring, renting, or contracting for repair facilities, determining the total budget and the resultant change in user fees is impossible.

If the legislature approves the bill, the Department of Administration plans to create a task force to develop cost estimates.

FISCAL NOTE 4:U/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-18-83