

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **VICE CHAIRMAN RIC HOLDEN**, on February 2, 1999
at 3:00 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)

Members Excused: Sen. Daryl Toews (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB154 SB 160 SB 161, 1/28/1999
Executive Action: SB 154 SB 145

HEARING ON SB 154

Sponsor:

SENATOR ARNIE MOHL, SD 39, Kalispell

Proponents:

Dave Galt, MT Department of Transportation

Brian Cavey, MT Motor Carriers

Opponents: None

Opening Statement by Sponsor:

SENATOR ARNIE MOHL, SD 39, Kalispell, expressed this was a simple bill to help the contractors. He explained that this legislation would allow the purchase of a yearly permit that would authorize a person to move a piece of equipment that was over 95 feet. This permit could be purchased instead of going to the weight station every time and purchasing a \$10 permit. He stated that the annual fee would be \$125.00.

Proponents' Testimony:

Dave Galt, MT Department of Transportation, said the bill accomplished a couple of things. One; it struck some language and allowed for a trailer to be longer than 45 feet, but the combination still could not go over 81 feet. Secondly; it allowed for an annual permit and eliminated the need for an individual trip permit each time. He urged a do pass recommendation and was available to answer questions.

Brian Cavey, MT Motor Carriers, said his association recommended a do pass vote on this legislation.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR BARRY "SPOOK" STANG, asked if an annual permit was available for overweight vehicles as well.

Dave Galt, replied that was correct up to 20,000 pounds overweight.

SENATOR STANG, asked what some of the restrictions would be.

Dave Galt, said the restrictions would cover travel during daylight hours only. There also might be pilot car restrictions depending on where you were operating. He said the restrictions would be listed on the permit that the operator had to sign.

SENATOR STANG, asked if they would be getting the same restrictions with the yearly permit or the \$10 individual trip permit.

Dave Galt, said that was correct.

SENATOR JABS, asked if these permits were short trip permits or if they were used to go across state.

SENATOR MOHL, said that they would cover the whole state, but not out of state.

Closing by Sponsor:

SENATOR MOHL, reiterated that this permit was not required, it was just making the permit available for those who wished to purchase it instead of an individual trip permit each time. He said that the drivers would know the restrictions on the routes they were taking.

HEARING ON SB 161

Sponsor: SENATOR GREG JERGESON, SD 46, Chinook

Proponents:

**John Welloffman, Rocky Boy Indian Reservation
Brenda Nordlund, MT Department of Justice
Cort Harrington, Montana County Treasurers**

Opponents: None

Opening Statement by Sponsor:

SENATOR GREG JERGESON, SD 46, Chinook, said he brought the bill before the committee at the request of one of his constituents. He said the bill would allow for special plates for the Indian reservations in Montana to raise funds locally for self help programs. He also said that for people who chose to buy the plates it was a matter of showing pride in their heritage and community. He stated that the bill was strictly voluntary and no one would be required to participate. If they did they would work

with the Department of Justice to make the program available. Also no one would be required to purchase the plate.

Proponents' Testimony:

John Welloffman, Rocky Boy Indian Reservation, said he was glad to be here and that the bills were important to his people. He said that there were positive connotations for the State of Montana and for the seven reservations in the state. He believed it would build a direct link between all the reservations and the State Capitol. He believed that this link would be at work on a daily basis making the bond between the reservations and the state even stronger. He turned in a witness statement.

Brenda Nordlund, MT Department of Justice, said she recognized the bill was permissive. She said that one of the reasons the Department was interested in this bill was the reality that tribal governments have within their sovereign power the ability to title and register their own vehicle. They have never chosen to take that route and the Department would much prefer them to stay in the current system. She said they were behind this concept 100 percent and saw it as a collaborative process that could be beneficial to both sides. She made herself available to answer questions.

Cort Harrington, Montana County Treasurers, said he had an amendment to the bill that he would like the committee to consider. **EXHIBIT (his26a01)** He believed it was important the counties receive an administrative fee to cover county administration. He said he did not oppose this bill, but hoped the amendment could be added, to compensate the counties for their additional costs.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR BOB DEPRATU, asked if a fee was currently collected on University Plates.

Cort Harrington, replied "no", because that was missed in the legislature when those bills were passed long time ago. Subsequent specialized plates to carry the fee.

SENATOR DEPRATU, asked if the fee for the other plates were also \$2.50.

Cort Harrington, said some were \$3 and some were \$1.50. He was not sure if the treasurers cared what the amount was.

SENATOR MACK COLE, asked why the fees were needed.

Cort Harrington, stated the specialized plates required additional handling for the treasurers.

SENATOR SPOOK STANG, said it did not take the treasurer three minutes to process his special plates, he wondered why it would take them any longer to process someone else's plates.

Cort Harrington, said it could be the staff was very competent.

SENATOR DEPRATU, asked if the state charged the county for the plates that caused a stocking fee.

Cort Harrington, said sometimes a supply of plates was needed. He anticipated that only a few counties would be affected by this bill and they would need a supply of sovereign nation plates.

SENATOR STANG, asked what John Welloffman to comment.

John Welloffman, said that they had an 80% unemployment rate. He did not think the people who had jobs should be complaining about the extra work, but they should be thankful for their jobs. He did not think that the treasurers work load increased enough to justify a fee.

SENATOR ARNIE MOHL, asked Dean Roberts about the fiscal note. He thought it was awful extreme.

Dean Roberts, stated it may seem extreme. He reminded the committee that if one license bill passed all the bills could be handled under one fiscal note.

SENATOR MOHL, said a bunch of bills could be killed because of the fiscal note when in reality it may not cost as much as they say. He asked if there was anything he could do to look at it a little closer so that maybe some of the bill could pass. He asked Dean to come back and give the committee a maximum fiscal impact if so many bills passed.

Dean Roberts, suggested doing an overall picture that said if so many bills passed, this would be the total fiscal impact. And he would try to let the committee know what that would be.

SENATOR STANG, asked if the Department was upgrading their computer anyway to comply with Y2K standards.

Dean Roberts, replied "yes", but they were not major upgrades, they were just debugging programs. He said there were only five

programers in the division and they were so bottled up that outside consultants would have to be hired to do any of this legislation.

SENATOR HOLDEN, stated that there was a cost to the taxpayers for this program and he wondered if the tribes paid Montana State Income tax.

SENATOR JERGESON, said only if it was earned on the Reservation by an enrolled member of that tribe.

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Senator Holden, asked if the bill included some sort of mechanism that paid for the General Fund expenditure.

SENATOR JERGESON, said he struggled with the fiscal note. He thought that if a number of plates were going through to save money they should pass them all through at once. He also suggested that college students might be able to do some of the computer work.

SENATOR HOLDEN, said every session more people want specialized plates. He wondered the Department had opposed other special license plate bills and they were in support of these.

Brenda Nordlund, said that historically they had opposed special plates except for veterans plates. She said they drafted a bill for a generic license plate bill that this committee would hear and she thought that bill would cover all these special plates.

SENATOR HOLDEN, asked if having their own license plates might not segregate the people on the reservations from the rest of the people in Montana even more.

John Welloffman, believed these plates would bring people closer together.

SENATOR MOHL, asked **Senator JERGESON**, if the Havre University system could help out on implementing this.

SENATOR JERGESON, said it was worth exploring.

Closing by Sponsor:

SENATOR JERGESON, thanked the committee for the hearing and their questions. He said many taxes were paid by people who lived on

the reservation. He reiterated that this bill was about two things, self help and pride in heritage.

HEARING ON SB 160

Sponsor: SENATOR GREG JERGESON, SD 46, Chinook

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SENATOR GREG JERGESON, SD 46, Chinook, said this was the necessary legislation to allow for a CI-75 election. He said he didn't think it should be required since it was a voluntary fee, but he was informed otherwise. He also didn't think that the election needed to be state wide, since this only affected a small number of people. So if an election was needed he wanted it held in those precincts that were within the boundaries of a reservation. He concluded that would also whittle down the cost of the fiscal note.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Senator Closed.

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Stopped tape}*

EXECUTIVE ACTION ON SB 145

Motion: SEN. STANG moved that SB 145 DO PASS.

Motion: SEN. MOHL moved that AMENDMENT SB014501.ACE, by Holden, DO PASS. EXHIBIT(his26a02)

Connie Erickson, explained the amendments. She said it would strike the first two sections of the bill.

SENATOR SHEA, commented that it would be nice if SENATOR MAHLUM, were there if the committee was going to amend the bill.

SENATOR STANG, said it appeared to him that these amendments gutted the bill. He thought it would be better just to table the bill.

SENATOR HOLDEN, said the reason for the amendments was to allow the layperson the 45 days to remove the signs. He said that even with the amendments the bill gave a little more teeth to the law, by allowing the land owner to be liable for the cost of removal.

SENATOR STANG, said he believes this bill was just a power play by the department and he didn't think it was needed.

Motion/Vote: **SEN. COLE** made a substitute motion that **SB 145 BE TABLED. Motion carried unanimously.**

EXECUTIVE ACTION ON SB 154

Motion: **SEN. MOHL** moved that **SB 154 DO PASS.**

SENATOR STANG, asked why Senator Mohl had only one bill if it fell under the CI-75 conditions.

Connie Erickson, replied that was because the bill was amending only one section of the code, where the fee is located. The Montana constitution states that each submission to the electorate can be only one issue.

SENATOR HERTEL, asked if they had eliminated the regulation that each part of a truck could not exceed 48 feet.

SENATOR MOHL, said yes, but it was still restricted to 81 feet total.

SENATOR STANG, asked if this applied only to the Rocky Mountain doubles, not the triples.

SENATOR MOHL, said that was correct.

Vote: Motion **carried unanimously.**

Motion/Vote: **SENATOR MOHL**, made a motion that the committee have a bill drafted to address RV dealers. There was some discussion but the motion **Failed 7-4**, with **JABS, ROUSH, STANG, and TOWES**, voting no.

ADJOURNMENT

Adjournment: 4:37 A.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his26aad)