

MPMCSA-LEGISLATIVE BULLETIN
February 24, 2013

Transmittal – in sight! Transmittal, the midpoint of the 90-day session and the deadline when bills other than revenue bills must be transmitted to the other chamber in order to stay alive – is a mere 4 legislative days away. As is customary, a flood of bills was heard this past week in the hopes of meeting the deadline which is next Thursday, February 28th. Revenue bills do not have to be transmitted to the opposite chamber until the 71st day. Legislators will go home Thursday evening and return late Monday afternoon

IMPORTANT DATE

Please put this date on your calendar – March 12th, Helena-Legislative Reception
The Association will again host a legislative reception in Helena at the Montana City Grill – 5:30 p.m.- 8:30 p.m. on March 12th. Rooms will be reserved at the Colonial Hotel for those who wish to spend the evening. We will also plan a trip up to the Capitol the morning after. Please let us know if you are planning on attending and if you need a room!!!!

HOUSE BILL 316 – Gasoline Tax

House Bill 316 introduced by Representative Nancy Wilson-Missoula, would increase the gasoline tax from 27 cents per gallon to 29 cents p.g. The first 1 cent p.g. collected would go to the highway maintenance fund; the second 1 cent p.g. would go to public transportation and DUI task enforcement. The bill has been tabled by the House Taxation Committee. POSITION: MONITOR

HOUSE BILL 346- Dyed Fuel

House Bill 346 introduced by Representative Dan Salomon-Ronan, would allow vehicles designed or modified for primary use as a farm or ranch vehicle to operate on public roads and highways with dyed fuel. These sections of fuel tax/use law are enforced by the Motor Carrier Services and the Highway Patrol. The bill will be heard by the Appropriations Committee on February 25th as the fiscal note shows an estimated reduction in fuel tax revenue of \$112,000. POSITION: MONITOR

HOUSE BILL 347-Transportation Contract Indemnification

House Bill 347 introduced by Representative Steve Fitzpatrick-Great Falls, is the primary bill of the Motor Carriers Association. It would void certain types of cross-party indemnification in transportation contracts. The bill has been transferred to the Senate. POSITION: SUPPORT

HOUSE BILL 488 – By Representative Jennifer Gursky-Missoula. This bill would have required the Department of Revenue to create a poster that provides information for the national human trafficking resource center hotline. Any licensee that sells alcoholic beverages would be required to display the poster in their business. A licensee that violates the requirement would be subject to the penalties in the alcohol enforcement statute. Several industry groups opposed the bill. It was amended by the

House Business Committee to be a voluntary posting of the sign from the Department of Justice not tied to the alcohol enforcement statute.

POSITION: OPPOSE

HOUSE BILL 509 – By Representative Keith Regier-Kalispell. This bill enacts a 911 fee/tax collection at the retail point of sale. The particulars are:

1. The fee would be 85 cents per transaction.
2. Retailer to deduct 5% of fees collected as a collection allowance.
3. A business entity may submit one report – quarterly – for all locations owned.
4. De Minimis language; if the sale is \$5 or less a seller is not required to collect the fee.
5. If bill is passed implementation would be January 1, 2014. The bill will be heard by the House Telecommunications Committee on March 8th.

POSITION: UNDETERMINED

LC 2077 – By Representative Kerry White – Bozeman. This bill proposal would have banned the sale of E15 in the State of Montana. The sponsor has withdrawn the bill as the Legislative Legal review determined the bill was had constitutional challenges on the federal level.

POSITION:

SUPPORT

SENATE BILL 226-Dyed Fuel

Senator Bill 226 introduced by Senator Eric Moore-Miles City, would allow vehicles that are equipped with a feed-delivery box to operate on public roads and highways using dyed fuel. The feed-delivery box must be permanently affixed to the vehicle; be used exclusively for the feeding of livestock; and the GVW must be greater than 12,000 lbs. The bill was heard in the Senate Ag Committee on February 13th.

POSITION: MONITOR

SENATE BILL 294 – By Senator Elsie Arntzen-Billings. This bill is at the request of the MPMCSA and will require the Department of Revenue to consider “mitigating circumstances” when applying penalties to the alcohol enforcement laws. Mitigating circumstances are; no violations in the previous three years, good faith efforts to prevent a violation such as written policies, cooperation in a investigation and whether or not the violation was the product of a “sting”. This language was meant to be in the bill from last session that implemented mandatory employee server training but was codified to the wrong section of law. The bill passed out of the Senate Business Committee 9-1 and will be debated by the Senate in the coming week.

Please contact me at the Email address listed below if there are questions or concerns.

Submitted by

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