

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
March 22, 1983

The forty-ninth meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on March 22, 1983, at 10:04 a.m., in Room 325, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 149: Representative Seifert, sponsor of the bill, testified that HB149 was amended in the House because it was discovered that several agencies had a legitimate need to use the Social Security number for identification purposes. Representative Seifert submitted proposed amendments to HB149 (see attached Exhibit "A" and "B") to allow other agencies which had a need to use the numbers, specifically the Department of Institutions and the Department of Social and Rehabilitation Services, to use them. Representative Seifert stated that the Social Security number is intended for income tax purposes and not for identification purposes. He stated that the Federal Privacy Act of 1974 states that it is unlawful for any government agency to deprive a person of benefits because he refuses to give his Social Security number. Representative Seifert feels that a requirement to disclose your Social Security number is an invasion of privacy. He also stated that this is a serious piece of legislation and should be on the Montana Statutes.

PROPOSERS: Mr. Larry Weinberg, representing the Montana University System, requested the Committee to exclude the University System from the provisions of HB149. Mr. Weinberg testified that both the Montana Guaranteed Student Loan Program and the Federal Student Aid Program require Social Security numbers to be provided when applying for these loans. Mr. Weinberg submitted these applications to the Committee (see attached Exhibits "C" and "D"). Mr. Weinberg supports the bill if the University System can be excluded.

Mr. Curt Chisholm, representing the Department of Institutions, requested the Committee to exempt the Department from the effects of HB149, since they need the Social Security number for federal programs. Mr. Chisholm supports HB149 only if the bill is amended to exclude the Department of Institutions.

Mr. Bob Stockton, representing the Office of Public Instruction, requested the Committee to include public schools as one of the agencies which would like to be excluded from HB149, since his agency has a computerized list of certified school bus drivers in the State of Montana, and this list is compiled by using Social Security numbers. Mr. Stockton testified that when

they used a person's name to identify the bus drivers, there were too many duplications. He stated that the Social Security number is the best way to identify the bus drivers.

Ms. Sarah Power, Assistant Attorney General, representing the Department of Motor Vehicles, testified that the Department has numerous uses for the Social Security number. She testified that the Social Security number is especially useful to the Department in intrastate communications. Ms. Power also stated that when the Department attempted to use the birthday and the initial of the last name, this caused many duplications. Ms. Power urged the Committee to look carefully at this bill and suggested that the language in the bill should reflect a voluntary dismissal of the use of the Social Security number as opposed to a mandatory use. Ms. Power asked the Committee to exempt the Department of Motor Vehicles from HB149.

Mr. John C. Wilson, representing the Department of Health and Environmental Sciences, submitted written testimony (see attached Exhibit "E") and stated that they have a definite need to use the Social Security number on Death Certificates and on the National Death Index. Mr. Wilson asked the Committee to exclude the Department of Health and Environmental Sciences from HB149.

Mr. Larry Nachtsheim, Administrator of the Public Employee's Retirement Division, submitted written testimony (see attached Exhibit "F") and stated that the Public Employee's Retirement Division uses the Social Security number to file reports and to apply for an employee's benefits. Mr. Nachtsheim testified that since their organization is computerized, they would lose the use of approximately \$1,000,000 in software for their computer if they could no longer use the Social Security number. Mr. Nachtsheim asked the Committee to exempt the Public Employee's Retirement Division from HB149.

Mr. Robert Johnson, representing Teacher's Retirement, testified that he is required to use a Social Security number by federal law. Mr. Johnson testified that there is a \$5 penalty assessed for not using your Social Security number. For this reason, Mr. Johnson asked that Teacher's Retirement be exempt from HB149.

Mr. Bill Romine, representing the Clerks and Recorders, testified that although not all Election Administrators use the Social Security number, some do, and if HB149 passes, it will cause many counties to have to re-assign numbers for election purposes.

Mr. Romine asked the Committee to notice on their voter's registration card that the Social Security number is optional. If a voter elects not to use the Social Security number, he will be re-assigned a different identifying number.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Mazurek questioned Representative Seifert as to whether he had checked with state and local agencies to see if there were any others that wanted to use the Social Security number. Representative Seifert stated that he did not, and was not expecting so many agencies to testify. Representative Seifert closed the hearing by stating that in his opinion, the Social Security number was not intended for identification purposes and the citizens do have a right to complain. Representative Seifert feels that the substantial amount of testimony at the hearing does nothing more than prove his point.

There being no further questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 139: Representative Eudaily, sponsor of the bill, testified that the Legislature needs to do something to reduce the number of people who pass school buses when the red lights are flashing. Representative Eudaily testified that he has communicated with the State of Minnesota and found that their solution to the problem is to obtain a positive identification of the driver of the vehicle. Since that cannot always be readily obtained, Minnesota assumes that the driver is the registered owner of the vehicle. This law has been very effective. Representative Eudaily submitted copies of the laws of Minnesota, Delaware, Wisconsin and Tennessee (see attached Exhibits G, H, I and J). Representative Eudaily stated that the House of Representatives felt that HB139 might not be the total solution to the problem, but that it was a good start.

PROPOSERS: Mr. Terry Brown, of the Office of Public Instruction, submitted written testimony (see attached Exhibit "K"), and testified that the Office of Public Instruction feels HB139 will help protect the children of Montana and aid law enforcement in obtaining convictions. He stated that at the present time, it is almost impossible to obtain a conviction without positive identification of the driver. Mr. Brown urged the Committee to support HB139.

Mr. Chip Erdmann, representing the Montana School Board Association, testified that he feels HB139 is constitutionally sufficient and urged the Committee to support the bill.

Mr. Jess Long testified that since the Legislature is trying to help solve the problem with drunk drivers by passing stricter laws, it should do the same for the problem of people passing school buses.

There being no further proponents, and no opponents, the hearing was opened to questions from the Committee.

Senator Crippen questioned Terry Brown as to how many children have been killed due to drivers passing a school bus when the red lights were flashing. Mr. Brown answered that although it has been eight years since a child has died, it is the number of near misses which is alarming.

Representative Eudaily closed the hearing on HB139 by testifying that school bus drivers report an average of 10-12 violations per week. Of all the violations reported, only 6 percent are ever taken to court. Representative Eudaily feels there is a low rate of convictions due to the lack of positive identification of the driver. Representative Eudaily stated it is the responsibility of the Legislature to make things safer for the children of Montana.

There being no further questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 415: Representative Daily, sponsor of the bill, stated that HB415 is a straight-forward bill. He testified that police judges have the same qualifications as district judges, the only exception being the length of time they have practiced law. Representative Daily informed the Committee that he is sponsoring this bill at the request of William Geagan, police judge for Butte-Silverbow County.

Mr. William Geagan then testified that he has been an attorney for 31 years. He would like to see HB415 pass because eventually he would like to abolish the police court in Butte-Silverbow County and have a municipality court since city courts do not receive much funding. Mr. Geagan stated that the police judge in Missoula also supports the passage of HB415. Mr. Geagan does not feel there would be any ill feelings by other attorneys if he were to practice law, because attorneys are professionals and try to conduct themselves in a professional manner.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 416: Representative Jan Brown, sponsor of the bill, testified that she is sponsoring this bill at the request of the Montana Hospital Association. HB416 provides that the general physical condition of a patient can be released to the news media if the media is already aware of the incident. She testified that this bill only allows for release of a statement of the patient's general condition and does not provide for specific details to be released. Representative Brown feels this information should be released if it is of public interest.

PROPOSERS: Mr. Chad Smith, representing the Montana Hospital Association, testified that law adopted in 1979 limited the release of medical information by requiring the consent of the patient. He testified that the matter of the relationship with the news media was never considered in the adoption of this law. Mr. Smith feels that problems have arisen because the news media feels this information is public information, and the public has a right to know the results of an incident already reported. He stressed that the bill requires the release of information only if it is already reported by the news media, and the bill only requires the release of general information such as good, fair, poor, serious and critical condition, and not specifics.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Mazurek was concerned that if a police officer made a statement off the record about an accident, this made the accident public information. Senator Mazurek stated that he feels the bill is too broad. Mr. Smith responded by stating that the public has a right to know how seriously an individual is injured.

Senator Halligan questioned whether the House of Representatives discussed the issue of mental illness and how it would be affected by HB416. Mr. Smith stated that mental illness had not been discussed in the House. The Committee was concerned with where public interest starts and where it stops.

Representative Brown closed the hearing by saying it was a real problem when hospitals start receiving calls inquiring about a patient's condition, and they are unable to give a definite answer. Representative Brown feels HB416 will help the hospitals overcome this problem.

There being no further questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 415: Senator Berg moved that HB415 BE CON-  
CURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 416: Since Senator Mazurek was concerned with the bill's affect on persons who are mentally ill, he moved that HB416 BE NOT CONCURRED IN. This motion carried with Senator Shaw voting in opposition.

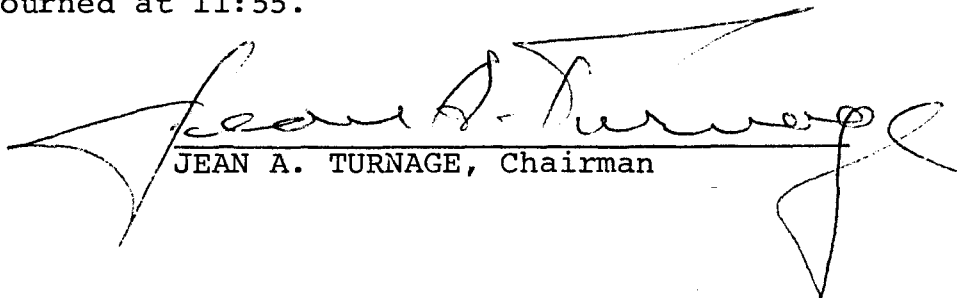
ACTION ON HOUSE BILL 139: Senator Mazurek was concerned with the affect of the Supreme Court case State v. Shea on HB139. Senator Turnage was concerned with the Constitutionality of the presumption of guilt. Senator Crippen moved that HB139 BE NOT CONCURRED IN. This motion carried with Senators Galt and Shaw voting in opposition.

ACTION ON HOUSE BILL 149: Senator Shaw moved that HB149 BE NOT CONCURRED IN. This motion carried with Senator Turnage voting in opposition.

ACTION ON HOUSE BILL 705: Senator Galt moved that the Committee reconsider HB705. This motion carried unanimously. Senator Galt then moved that the proposed amendments of the Committee BE ADOPTED. This motion carried unanimously. Senator Galt then moved that HB705 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 662: Senator Shaw moved that HB662 BE CONCURRED IN. Senator Galt made a substitute motion that the amendments of Steve Brown BE ADOPTED. This motion failed by roll call vote. Senator Shaw moved that the amendments offered by The Montana Power Company and Senator Etchart BE ADOPTED. This motion carried unanimously by roll call vote. Senator Shaw then moved that HB 662 BE CONCURRED IN AS AMENDED. This motion carried by roll call vote.

There being no further business to come before the Committee, the hearing was adjourned at 11:55.

  
JEAN A. TURNAGE, Chairman

# VISITORS' REGISTER

[illegible]

SENATE COMMITTEE JUDICIARY

Date 032283 House Bill No. 662 Time 11:35

NAME	YES	NO
Berg, Harry K.	✓	
Brown, Bob		✓
Crippen, Bruce D.		✓
Daniels, M.K.		✓
Galt, Jack E.	✓	
Halligan, Mike		✓
Hazelbaker, Frank W.		✓
Mazurek, Joseph P.	✓	
Shaw, James N.		✓
Turnage, Jean A.	✓	

Cynthia A. Peterson  
Secretary

J. A. Turnage  
Chairman

Motion: motion to Adopt Steve Brown's  
amendments to HB 662

(include enough information on motion--put with yellow copy of committee report.)



SENATE COMMITTEE JUDICIARY

Date 032283 House Bill No. 662 Time 11:47

NAME	YES	NO
Berg, Harry K.	✓	<del>✓</del>
Brown, Bob	✓	
Crippen, Bruce D.	✓	
Daniels, M.K.	✓	
Galt, Jack E.	✓	
Halligan, Mike	✓	
Hazelbaker, Frank W.	✓	
Mazurek, Joseph P.	✓	
Shaw, James N.	✓	
Turnage, Jean A.	✓	

Cynthia O. Petersom  
Secretary

J. H. Turnage  
Chairman

Motion: To adopt amendments of the Montana  
Power Co. and mark Etchardt.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date 03 22 83 House Bill No. 662 Time 11:50

NAME	YES	NO
Berg, Harry K.		✓
Brown, Bob	✓	
Crippen, Bruce D.	✓	
Daniels, M.K.	✓	
Galt, Jack E.		✓
Halligan, Mike	✓	
Hazelbaker, Frank W.	✓	
Mazurek, Joseph P.	✓	
Shaw, James N.	✓	
Turnage, Jean A.		✓

Cynthia A. Peterson  
Secretary

J. A. Turnage  
Chairman

Motion: ~~TO~~ HB 662 Be concurred in as amended.

(include enough information on motion--put with yellow copy of committee report.)

Amendments requested before the Senate Standing Committee on the  
Judiciary:

That HB 149, third reading copy, be amended as follows:

Page 2, following line 8

Insert new line: "(F) The Department of Institutions, when  
administering care, treatment, or correctional programs under  
their authority."

*SRS Amend*

PROPOSED AMENDMENTS TO HOUSE BILL 149, ON BEHALF OF THE  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES:

1. Page 2.

Following: line 8

Insert: "(g) the department of health and environmental  
sciences when requiring information for, and releasing  
information from, death certificates."



# INFORMATION AND INSTRUCTIONS FOR STUDENT LOAN APPLICANTS

## What is the Montana Guaranteed Student Loan Program?

It is a program established by the Montana Legislature in 1979 to help students borrow money for their education beyond the high school level. The program is directed by the Montana Board of Regents of Higher Education which has designated United Student Aid Funds, Inc. ("USA Funds") as its agent in the administration of the program.

Neither the Board of Regents nor USA Funds are lenders; they do not make loans to students. Rather they guarantee loans made by lending institutions such as commercial banks, savings banks, savings and loan associations and credit unions. Without such a guarantee most students would have great difficulty in borrowing since they have little or no income and seldom any collateral. With the guarantee the lender is assured of payment—if not by the borrower, then by the State of Montana.

**IMPORTANT—To protect its reserves and the borrowing power of other students, ALL legal remedies will be pursued to obtain full repayment of all defaulted loans.**

## Who is eligible to borrow?

Any Montana resident who is accepted for enrollment or is enrolled in good standing and making satisfactory progress at any approved educational institution, or any person who is accepted for enrollment or is enrolled in good standing and making satisfactory progress at an approved Montana educational institution, and who is pursuing a prescribed course of study is considered an eligible student borrower.

## How does an eligible student apply for a loan?

1. The student must first obtain an application either from the school, a participating lending institution or the Montana Guaranteed Student Loan Program.

After completing Section I of the application, the student takes it to the school's Financial Aid Officer who certifies the student's standing, verifies the budget, assists in completing the forms, and after discussion helps the student determine the amount of loan needed.

2. Either the student takes the application to a participating lender of the student's choice or the school's Financial Aid Officer will send the application to the lender of the student's choice. If the loan is approved, the student signs a promissory note and pays a guarantee fee which the lender may deduct from the loan proceeds. (Some lenders may ask that the student secure a co-maker).
3. The lender sends the student's application to USA Funds for final review and guarantee of the loan.
4. Upon receipt of the guarantee, the lender issues a check to the student or jointly to the student and school.

## How much may I borrow?

This depends on the amount needed to meet educational costs.

	Undergraduate	Graduate
Academic Year	\$ 2,500	\$ 5,000
Aggregate	\$12,500	\$25,000 (to include UG loans)

All graduate students and those undergraduate students who are classified as "independent" by the schools' financial aid officer may also borrow under the parent loan program an amount not to exceed the cost of education when combined with the Montana Guaranteed Student Loan.

Your loan amount can never exceed the cost of your attendance less any financial aid.

The amount of each loan is set in discussion between you, your school and your lending institution. Not all lenders will lend the maximum amounts.

The student must reapply annually to be considered for another loan. This application is only for this year.

## Will the Federal Government pay the interest on my loan?

Yes. The Federal government will pay the applicable interest rate for the student during the in-school and grace periods and during authorized periods when repayment is not required. Thereafter, the student pays the 7% or 9% interest.

## What finance charges must I pay?

The finance charge consists of (a) interest on the unpaid principal balance of the loan plus (b) a guarantee fee payable in advance to MGSLP, as described below and (c) an origination fee that will be deducted from the loan proceeds.

The interest rate under this plan is 7% if you have an unpaid balance on a previous guaranteed student loan obtained before January 1, 1981 and 9% if you are a first-time borrower on or after January 1, 1981. Interest charges

run from the date the loan is disbursed until repayment is completed. If you qualify on the basis of family income or financial need, the federal government will pay the interest for you during the in-school and "grace" period and during authorized periods of deferment when repayment is not required.

A 6 month grace period is provided following any period of authorized deferment before repayment is required to resume only on loans that were disbursed prior to October 1, 1981.

MGSLP requires a student to pay a guarantee fee equal to 1% per annum on the outstanding principal balance to cover:

7% loans—anticipated in-school period +9 mo. grace period.

Example—Entering freshman making a \$1,000 loan would commence repayment 4 years and 6 months later. The guarantee fee would be \$45.00 to cover the 54 months (45 months in-school and 9 months grace).

9% loans—anticipated in-school period +6 mo. grace period.

Example—Entering freshman making a \$1,000 loan would commence repayment 4 years and 3 months later. The guarantee fee would be \$42.50 to cover the 51 months (45 months in-school and 6 months grace).

If an extension of the loan is needed due to delayed graduation or for authorized reasons (deferments), the student must make arrangements with the lender for such extension, but no additional guarantee fee will be required.

An "origination fee" of 5% of the loan amount will be deducted from the loan proceeds and will be retained by the lender. The lender will use this fee to offset the interest benefits and special allowance paid to them by the government.

If an extension of the loan is needed due to delayed graduation or for authorized reasons (deferments), the student must make arrangements with the lender for such extension, but no additional guarantee fee will be required.

## How long after I apply will the loan be made?

The time for processing applications varies, but usually requires a minimum of 4 weeks. To be sure that you have your money when you need it—

1. The student borrower should apply early and not wait until the last minute. Your application should be in before the rush at the beginning of semesters.
2. Be sure that all copies of your application are complete before taking them to your school and lender. Time lost in returning incomplete forms delays your application.
3. Your lender will give you a copy of the loan application.

## When must I repay the loan?

Arrangements for repayment must be made 4 months prior to the expiration of your grace period. You must see your lender to arrange your repayment terms and sign a Repayment Schedule.

Although there are other options available, most students repay in monthly installments. In the case of loans with a 7% interest rate, the first monthly payment is due on the first day of the eleventh month after you leave school. In the case of 9% loans the first monthly payment is due on the first day of the eighth month after you leave school. Monthly payments are made thereafter until the loan is repaid. Repayments may extend over as much as 10 years, but the minimum monthly payment is \$50.00 for loans disbursed after October 1, 1981. The amount of the installment is determined between you and the lender and in order to repay your student loans within the required 10 years, the monthly payment will usually be higher.

## A Word of Caution!

We have a keen awareness of the value of student loans and the important role they play in assisting people to achieve their educational ambitions. At the same time we also have a full realization of the pitfalls that await the person who becomes overburdened with debt and finds repayment a real hardship.

Because of this, we urge students not to borrow any more than is absolutely necessary. Student loans should be used to supplement, not supplant, all other available assistance such as scholarships, Pell Grants (BEOG), work-study programs, parental and family aid, etc. Used responsibly, student loans can be tremendously helpful. Used irresponsibly, they can become an overwhelming burden. All students borrowing should give thought to the matter of repayment. It should be remembered that if a student does not meet the obligation to repay, there are two adverse consequences.

1. To the student personally—because of the effect on the student's credit standing.
2. To other students—because defaulted loans jeopardize the continued success of the program.

**So—Borrow carefully, keep in touch with your lender, repay promptly.**

PREPARE 4 COPIES  
Original ..... Processor Copy  
White ..... Lender Copy  
White ..... Student Copy  
White ..... School Copy

**MONTANA GUARANTEED STUDENT LOAN PROGRAM**  
**Board of Regents of Higher Education**  
**Montana University System**  
**APPLICATION FOR STUDENT LOAN**

**WARNING: Any person who knowingly makes a false statement or misrepresentation on this form is subject to penalties which may include fines or imprisonment under the United States Criminal Code and 20 USC 1087-4.**

**For Processor Use Only**

**AG-X-000030-08**

•IMPORTANT• READ THE INSTRUCTIONS CAREFULLY REGARDING CIRCLED ITEMS. COMPLETE IN INK OR TYPE. YOU SHOULD APPLY FOR OTHER FINANCIAL AID BEFORE COMPLETING THIS FORM.

(1) SOCIAL SECURITY NO.		2. NAME (LAST) Please Print (FIRST) (M.I.)		(3) Birthdate (Use Figures) Mo. Day Yr.	
(4) PERMANENT HOME ADDRESS (STREET)				APT. NO.	
CITY		STATE		ZIP CODE	
(5) AREA CODE/PHONE NO. ( )		(6) U.S. CITIZENSHIP STATUS Check one. (✓) See instructions. U.S. citizen <input type="checkbox"/> 1 Eligible non-citizen <input type="checkbox"/> 2 Neither 1 nor 2 <input type="checkbox"/> 3		(7) Total Number of your Dependents _____ List Ages _____	
8. PERMANENT RESIDENT OF STATE (Name) _____ Since: Mo. Yr.					
9. INTENDED ENROLLMENT STATUS: (To be eligible, a student must be enrolled half-time or more). <input type="checkbox"/> Full-Time <input type="checkbox"/> Half-Time but less than Full-Time <input type="checkbox"/> Less than Half-Time (not eligible)		(10) MAJOR COURSE OF STUDY CODE NUMBER		11. WHILE IN SCHOOL YOU INTEND TO LIVE (Check One) <input type="checkbox"/> With Parents <input type="checkbox"/> On Campus <input type="checkbox"/> Off-Campus	
12. Prior to the academic year for which this loan is requested, have you ever been enrolled in any school beyond the high school level? <input type="checkbox"/> YES <input type="checkbox"/> NO					
(13) REQUESTED LOAN AMOUNT \$		(14) Period of Loan (Use Figures) From Mo./Yr. To Mo./Yr.		15. Have you ever defaulted on a GSL, FISL, or Parent Loan? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, list all details, including repayment arrangements, on a separate sheet.	
(16) Have you any student loan debts? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list below. List all educational loans (FISL, GSL, NDSL, HEAL, Parent Loan) including those obtained in another state. Attach a separate sheet if more space is required. If you have no debts write "NONE" in 16 and 16a.					
CREDITOR NAME	CITY	STATE	PHONE NO. ( )	TYPE OF LOAN(✓) (See Instructions) A B C	SCHOOL PERIOD Begin End
			( )	A B C	
			( )	A B C	
			( )	A B C	
16a. OTHER DEBTS (Attach Separate Sheet)				PURPOSE	DATE OF DEBT
Creditor	City	State			
REFERENCES—MUST BE COMPLETED BY ALL APPLICANTS—SEE INSTRUCTIONS					
(17) Parent or Guardian (circle one) (Last) (First) (MI)		Other Parent or Adult Relative (Last) (First) (MI)		Other Adult Relative or Friend (Last) (First) (MI)	
Name _____		Name _____		Name _____	
Address _____		Address _____		Address _____	
City, State, Zip _____		City, State, Zip _____		City, State, Zip _____	
Telephone # ( ) _____		Telephone # ( ) _____		Telephone # ( ) _____	
Employer _____		Employer _____		Employer _____	
18a. Driver's License Number # _____ State _____		(18b) Name of Lender and City (for this application) _____			
19. My signature below certifies that I have read, understood and agreed to the conditions and authorizations stated in the Borrower Certification printed on the reverse side of this application. Signature of Applicant _____ Date _____					

**SEE INSTRUCTIONS ON REVERSE FOR ALL CIRCLED ITEMS**

20. Name of Educational Institution (See reverse side for instructions regarding circled items)		(22) Loan Period (Mo./Day/Yr.) From To	
21. Address		City	
(23) Grade Level Code		(24) Anticipated Graduation Date (Mo./Yr.)	
State	Zip Code	(25) School Code	26. Area Code/Phone No. ( )
(27A) Dependency Status 1 <input type="checkbox"/> Dependent 2 <input type="checkbox"/> Independent		(27B) Adjusted Gross Income \$	
(28) Estimated Total Cost of Education for Loan Period: \$	(29A) Financial Aid for Loan Period (Includes Loans Under Parent Loan Program) \$	(29B) Expected Family Contribution: \$	30. Cost Less Aid (Item 28 Less Items 29A and 29B: \$
32. My signature below certifies that I have read, and agreed to the "Educational Institution Certification" on the reverse of this application. Signature of Designated Financial Aid Officer _____ Print or Type Name and Title _____ Date _____			

33. NAME OF LENDING INSTITUTION		37. LOAN DISBURSEMENT DATE(S) Mo. Day Yr.		38. LOAN AMOUNT(S)	
34. ADDRESS		#1			
		#2			
CITY		STATE		ZIP CODE	
		#3			
35. AREA CODE/PHONE NO. ( )		36. LENDER CODE		39. TOTAL AMOUNT LENDER APPROVES \$	
39a. MATURITY DATE Mo./Yr.		39b. INTEREST RATE FOR THIS LOAN.		39c. TOTAL FEE \$	
40. SIGNATURE OF AUTHORIZED LENDING OFFICIAL		PRINT OR TYPE NAME AND TITLE		DATE	

SECTION I  
STUDENT

SECTION II  
SCHOOL

SECTION III  
LENDER

# Application for Federal Student Aid

There are other forms you can use to apply for Federal financial aid. Check with the financial aid administrator at the school you will attend to find out which form you should use.

## (1982-1983 School Year) (Replaces the Basic Grant Application Form)

### What Is This Application For?

You can use the form in this booklet as the first step in applying for financial aid from five student assistance programs offered by the U.S. Department of Education. These programs can help you pay for most kinds of education after high school, whether you are attending a professional school, a vocational or technical school, or college. This application is for Federal financial aid for the 1982-83 school year (July 1, 1982—June 30, 1983).

The information on this page will answer some of your questions about these five programs. The instructions will tell you what information you have to provide on the form. If you have any questions after you have read the instructions, talk to your high school counselor or the financial aid administrator at the school you want to attend.

### What Are The Five Federal Financial Aid Programs?

#### — Pell Grants (formerly called Basic Grants)

Pell Grants are awarded to students who need money to pay for their education or training after high school. A Pell Grant is not a loan, so you don't have to pay it back. To get a Pell Grant, you must be an **undergraduate** who does not already have a Bachelor's degree. You must also go to school at least half-time.

#### — Supplemental Educational Opportunity Grant (SEOG)

An SEOG is also a grant; you don't have to pay it back. To get an SEOG, you must be an **undergraduate** who does not already have a Bachelor's degree. Usually you must be going to school at least half-time. However, if a school chooses, it can award SEOG's to a limited number of students who are less than half-time.

#### — College Work-Study (CW-S)

A CW-S job lets you earn part of your school expenses. These jobs are for both **undergraduate** and **graduate** students. Usually you must be going to school at least half-time. However, if a school chooses, it can award CW-S jobs to a limited number of students who are less than half-time.

#### — National Direct Student Loans (NDSL)

NDSL's are low interest loans made through your school's financial aid office. After you leave school, you must repay this money. These loans are for both **undergraduate** and **graduate** students who are going to school at least half-time.

#### — Guaranteed Student Loans (GSL)

A GSL is a low interest loan made to you by a lender such as a bank, credit union, or savings and loan association. These loans are for both **undergraduate** and **graduate**

students who are going to school at least half-time. After you leave school, you must pay this money back.

### Who Can Get Aid From These Federal Financial Aid Programs?

To receive financial aid from these programs, you must:

- be a U.S. citizen or an eligible noncitizen
- have financial need (The U.S. Department of Education and your school will use the information you put on this form to determine your need.)
- attend a school that takes part in one or more of the programs
- be enrolled and working toward a degree or certificate

### Do All Schools Take Part In These Five Federal Financial Aid Programs?

No. But more than 6,500 colleges, universities, hospital schools of nursing, vocational, and technical schools take part in one or more of them. Contact your school's financial aid administrator to find out which Federal programs your school participates in. Also ask about any State or private aid that might be available.

### What Happens After I Mail In This Form?

Within six weeks after you mail in this form, the U.S. Department of Education will send you a **Student Aid Report (SAR)**. On the SAR will be a request for further information or a number called a **Student Aid Index (SAI)**. We use a formula established by law to figure this number from the information you give us on this application or the SAR.

### What Is My Student Aid Index (SAI)?

The SAI is a number that tells whether you are eligible for a Pell Grant. If you are eligible the financial aid administrator at your school will use this number to determine the amount of your award. The lower your SAI is, the higher your Pell Grant will be. This number will also help the financial aid administrator determine whether or not you are eligible for aid from the SEOG, NDSL, and CW-S programs. Even if you don't qualify for a Pell Grant, you may still qualify for one or more of the other four programs. Be sure to talk to your financial aid administrator to find out if your school needs any additional information from you for these other four programs.

TESTIMONY REQUESTING AMENDMENT OF HB149,  
1983 MONTANA LEGISLATIVE SESSION

Mr. Chairman and Members of the Committee:

My name is John C. Wilson. I am Chief of the Bureau of Records and Statistics, and am appearing on behalf of the Department of Health and Environmental Sciences requesting exclusion of ~~vital records~~ <sup>death certificate</sup> from this legislation.

The Montana Certificate of Death currently contains an item calling for the Social Security Number of the deceased. The reason for the inclusion of the number is for the benefit of the next-of-kin in applying for benefits and in settling the estate. The number is also used to reduce welfare fraud and for the National Death Index.

The National Death Index is a central computerized index of death record information used by epidemiologists and scientists to determine whether persons in their studies have died. The National Death Index users are carefully screened by the National Center for Health Statistics, and the information they have obtained is used only for scientific purposes. The Department is paid about \$2300 for participating in the National Death Index, and we would lose this if we were not able to provide the Social Security Number.

We respectfully request that ~~vital statistics~~ <sup>death certificate</sup> records be excluded from the restrictions imposed in this bill.



HOUSE BILL 149 - Oppose

The PERD opposes this measure out of ignorance and necessity. We do not understand either the need or the purpose of the bill.

Currently in our records, the PERD has over 200,000 social security numbers of current and past public employees. We are not aware of a single instance that one of these social security numbers has been used either maliciously, derogatorily, or in any manner to impose on the privacy of an individual.

They have been used to locate individuals entitled to refunds, file required reports with the federal government, delete from the retirement rolls deceased retirees and previously disabled retirees who have returned to gainful employment and they are used in our computer system as it is more cost-efficient than using names.

We have never sent a written communication from our office using only an individual's social security number; we believe that people have names.

If this bill is successful, it will require the retirement division to modify over one million dollars worth of software programs.

We have no idea how much this would cost other state agencies using social security numbers in their computer programs but it would have significant dollar impact.

Finally, and probably the most important concern of the Public Employees' Retirement Division, is that if this bill is successful, the retirement division would become a "law breaker."

Either we will comply with the statute and discontinue the use of social security numbers and face the penalties accessible by the federal government for failure to report interest retirement payments and social security data properly; or, we may ignore this act and face the prospect of a public employee taking us to district court on a mandamus action forcing a court order on us to discontinue the use of social security numbers.

If there is a single instance where the use of social security numbers infringe upon the privacy, legal or constitutional rights of an individual, we will recommend the bill be amended to simply exclude the PERD from its consideration.

The bill already recognizes certain legitimate uses of social security numbers and the question can be raised whether or not the five exclusions are the only legitimate exclusions for the use of social security numbers.

Lawrence (Larry) Nachtsheim  
Administrator, PERD  
S.S. # 516-32-8130

*every*  
*Here's the Minnesota law you*  
*looking for. Call it you see*  
  
*Minnesota*

*Unle*

**170.54 SAFETY RESPONSIBILITY**

3608

- 170.39 [ Repealed, 1974 c 408 s 33 ]
- 170.40 [ Repealed, 1974 c 408 s 33 ]
- 170.41 [ Repealed, 1974 c 408 s 33 ]
- 170.42 [ Repealed, 1974 c 408 s 33 ]
- 170.43 [ Repealed, 1974 c 408 s 33 ]
- 170.44 [ Repealed, 1974 c 408 s 33 ]
- 170.45 [ Repealed, 1974 c 408 s 33 ]
- 170.46 [ Repealed, 1974 c 408 s 33 ]
- 170.47 [ Repealed, 1974 c 408 s 33 ]
- 170.48 [ Repealed, 1974 c 408 s 33 ]
- 170.49 [ Repealed, 1974 c 408 s 33 ]
- 170.50 [ Repealed, 1974 c 408 s 33 ]
- 170.51 [ Repealed, 1974 c 408 s 33 ]
- 170.52 [ Repealed, 1974 c 408 s 33 ]
- 170.53 [ Repealed, 1974 c 408 s 33 ]

**170.54 DRIVER DEEMED AGENT OF OWNER.**

Whenever any motor vehicle shall be operated within this state, by any person other than the owner, with the consent of the owner, express or implied, the operator thereof shall in case of accident, be deemed the agent of the owner of such motor vehicle in the operation thereof.

History: 1945 c 285 s 34; 1967 c 397 s 1

**170.55 SERVICE OF PROCESS; RESIDENTS; NONRESIDENTS; COMMISSIONER OF PUBLIC SAFETY AS AGENT.**

Subdivision 1. The use and operation by a resident of this state or his agent, or by a nonresident or his agent of a motor vehicle within the state of Minnesota, shall be deemed an irrevocable appointment by such resident when he has been absent from this state continuously for six months or more following an accident, or by such nonresident at any time, of the commissioner of public safety to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him or his executor, administrator, or personal representative growing out of such use and operation of a motor vehicle within this state, resulting in damages or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. Such appointment is binding upon the nonresident's executor, administrator, or personal representative. Such use or operation of a motor vehicle by such resident or nonresident is a signification of his agreement that any such process in any action against him or his executor, administrator, or personal representative which is so served, shall be of the same legal force and validity as if served upon him personally or on his executor, administrator, or personal representative. Service of such process shall be made by serving a copy thereof upon the commissioner or by filing such copy in his office, together with payment of a fee of \$2, and such service shall be sufficient service upon the absent resident or the nonresident or his executor, administrator, or personal representative; provided that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter is attached to the summons.

Subd. 2. The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding 90 days from the date of filing of the action in such court. The fee of \$2 paid by the plaintiff to the commissioner at

the time of service of such proceedings shall be taxed in his cost if he prevails in the suit. The said commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

History: 1945 c 285 s 35; 1949 c 582 s 1; 1953 c 395 s 1; 1959 c 617 s 1; 1969 c 1129 art 1 s 18

170.56 [ Repealed, 1974 c 408 s 33 ]

170.57 [ Repealed, 1974 c 408 s 33 ]

170.58 [ Repealed, 1974 c 408 s 33 ]

*Delaware*

21 § 4167

MOTOR VEHICLES

21 § 4167

(d) *Overtaking and passing school bus.* — When a school bus is stopped on the roadway or shoulder approximately parallel to the travelway and displays flashing lamps in accordance with subsection (b) of this section, the driver of any vehicle approaching the school bus from the front or from the rear shall stop before passing the bus and remain stopped until such bus begins to move or no longer has the red stop lamps activated. On roadway or roadways with 4 or more lanes, the driver approaching from the front shall not stop.

(e) *Stopping of school bus on shoulder.* — Whenever practical, a school bus driver shall stop on the shoulder to pick up and discharge passengers.

(f) *Amber lights; exception.* — School buses not equipped with flashing amber lamps shall operate the red lamps only as permitted in paragraph (3) of subsection (b) of this section.

*Delaware*  
*11/1*  
(g) *Identification of violators.* — If any vehicle is witnessed by a police officer to be in violation of subsection (d) of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed such violation of subsection (d) of this section. (21 Del. C. 1953, § 4166; 54 Del. Laws, c. 160, § 1; 56 Del. Laws, c. 367; 60 Del. Laws, c. 701, § 42.)

**§ 4167. Moving heavy equipment at railroad grade crossings.**

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any 2 adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction. (21 Del. C. 1953, § 4167; 54 Del. Laws, c. 160, § 1.)

**Cross reference.**—As to railroad crossings over highways, see Chapter 7 of Title 17.

operator's license number of the person operating the vehicle, then the person operating the vehicle, and not the dealer, shall be charged under this section.

SECTION 2. 346.49 (title) of the statutes is amended to read:

346.49 (title) Penalty for violating ss. 346.44 to 346.485.

SECTION 3. 346.49 (3) of the statutes is created to read:

346.49 (3) A vehicle owner or other person found liable under s. 346.485 may be required to forfeit not less than \$20 nor more than \$200. Imposition of liability under s. 346.485 shall not result in suspension or revocation of a person's operating license under s. 343.30, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

SECTION 4. 835.05 (1) (bm) of the statutes is created to read:

835.05 (1) (bm) For attending before a municipal judge or any other court, a school bus operator appearing as a witness to a violation of s. 346.43 (1) which he or she reported under s. 346.485 shall receive \$15 per day.

August 10, 1982

*Tennessee*  
SCHOOL TRANSPORTATION

Exhibit "J"  
March 22, 1983  
HB139

## Where the Rubber Meets the Road

### TENNESSEE MAKES CAR OWNERS LIABLE FOR FAILURE TO STOP WHEN SCHOOL BUSES HALT

School bus drivers in Tennessee no longer have to try to identify drivers who ignore the flashing lights on a stopped school bus—all they have to do is to get the license plate number of the violator, because the state now holds the owner of the car responsible, regardless of who was driving.

School bus drivers now go out equipped with a pad of violation notices like the one reproduced below. If an auto drives past a properly stopped school bus, that is one with proper lights flashing at a pickup spot, the school bus driver fills out the violation slip and turns it in to the school transportation director, who forwards it to the state department of public safety. [The Tennessee notice follows.]



#### TENNESSEE DEPARTMENT OF SAFETY MOTORIST VIOLATION REPORT—PASSING STOPPED SCHOOL BUS

County: \_\_\_\_\_ Time of Day: \_\_\_\_\_ Date: \_\_\_\_\_

License # \_\_\_\_\_ State: \_\_\_\_\_ Vehicle Description \_\_\_\_\_

Highway: \_\_\_\_\_ Direction of travel—School Bus: \_\_\_\_\_

Violator: \_\_\_\_\_

School bus driver \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Bus Number: \_\_\_\_\_

For department use only

Name/address of vehicle owner:

For the first violation, the department of safety sends out a stiff warning letter. A second violation can result in the issuance of an arrest for the owner of the car, on a charge of running a stopped school bus. The punishment can be a jail sentence and/or a \$50 fine.

Carlisle Beasley, director of school transportation in Nashville, said his drivers had turned in about 75 violation slips this past school year. The system is a big improvement over the old one, he said. "The driver used to have to go to court and testify if it was a blue Chevy with a white middle-aged female driver and a possible tag number."

Now the driver can ignore the motorist and concentrate on getting the tag number. "It doesn't matter who's driving the car." Newspapers and TV stations publicized the system, so motorists are not caught by surprise, Beasley said.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL  
HELENA, MONTANA 59620  
(406) 449-3095

Ed Argenbright  
Superintendent

March 22, 1983

To: Senate Judiciary Committee

From: Terry Brown, Specialist *T. Brown*  
Pupil Transportation Safety

Re: HB 139 Supporting Testimony

The Superintendent of Public Instruction feels that HB 139 will increase the protection of school children while they are boarding or departing a school bus. Children have been killed and many have been injured because motorists have passed school buses while children were loading or unloading. The legislature can help eliminate these situations by passing this bill. HB-139 will help law enforcement agencies obtain convictions against motorists who run the red lights of school buses. As the law now stands there must be positive identification of the individual driving the vehicle. When a school bus driver observes this violation it is difficult to get all information needed for a positive identification, (i.e., male or female, age, color of hair). As a result, a conviction in court is nearly impossible. This legislation will place responsibility on the registered owner of motor vehicles and should make the motoring public more aware of the fact that it is unlawful for them to pass a school bus when it is stopped with the red lights flashing to load or unload children.

TB:dg

# STANDING COMMITTEE REPORT

.....March 22,..... 19...83...

MR. ....**President**.....

We, your committee on.....**Senate Judiciary**.....

having had under consideration .....**House**..... Bill No. ....**705**

**Spaeth (Towe)**

Respectfully report as follows: That.....**House**..... Bill No. ....**705**.....  
**be amended as follows:**

1. Title, line 6.

Following: **"SYSTEM;"**

Insert: **"PROVIDING THAT A JUDGE ELECTED OR APPOINTED TO OFFICE  
ON OR AFTER JULY 1, 1983, WHO RETIRES INVOLUNTARILY BEFORE AGE  
65 CANNOT RECEIVE FULL STATE RETIREMENT BENEFITS;"**

2. Title, line 12.

Following: **"19-5-404,"**

Insert: **"19-5-503,"**

3. Page 5.

Following: line 20

Insert: **"SECTION 5. SECTION 19-5-503, MCA, IS AMENDED TO READ:**

**"19-5-503. Involuntary retirement allowance. (1) If a  
contributor is involuntarily discontinued from service after  
having completed 5 years of total service but before reaching  
retirement age, he shall, upon filing an application in the  
manner prescribed by the board, be paid whichever of the following  
DO PASS**

Continued on p. 2



allowances that he elects:

(a) the full amount of his accumulated deductions; or  
(b) a member's annuity of equivalent actuarial value to his accumulated deductions, plus an annuity which is the actuarial equivalent of the present value of the state annuity then standing to his credit.

(2) If a contributor elected or appointed to office prior to July 1, 1983 is involuntarily discontinued from service after having completed 12 years of total service but before reaching retirement age, he shall, upon filing an application in the manner prescribed by the board, be paid whichever of the following allowances that he elects:

(a) the full amount of his accumulated deductions; or  
(b) a member's annuity of equivalent actuarial value to his accumulated deductions, plus a state annuity in an amount which, when added to the member's annuity, will provide a total annuity equal to the allowance provided for in 19-5-502.

(3) If a contributor elected or appointed to office after July 1, 1983 is involuntarily discontinued from service after having completed 12 years of total service but before reaching retirement age, he may apply for and receive benefits under this chapter pursuant to subsection (1)."

Renumber: subsequent section

And, as so amended,  
BE CONCURRED IN

# STANDING COMMITTEE REPORT

March 22, 1983

MR. **President**

We, your committee on **Senate Judiciary**

having had under consideration **House** Bill No. **662**

**Schye (Shaw)**

Respectfully report as follows: That **House** Bill No. **662**  
**be amended as follows:**

1. Title, line 6.

Following: **"MCA"**

Insert: **" ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"**

2. Page 1, line 11.

Strike: **"Irrigation districts"**

Insert: **"Districts organized prior to certain date"**

Following: **"continue"**

Strike: **"engage in"**

Insert: **"continue"**

3. Page 1, line 13.

Following: **"was"**

Strike: **"is"**

Insert: **"was"**

DO-PASS

Continued on p. 2

March 22,

19 83

Following: "1981,"

Insert: "prior to March 30, 1981,"

4. Page 1, line 14.

Strike: "or described in 85-7-110"

5. Page 1, line 15.

Following: "continue"

Strike: "engage in"

Insert: "continue"

6. Page 1, line 16.

Following: "1981"

Insert: "it conducted prior to March 30, 1981"

7. Page 1, line 17.

Following: "by"

Insert: "subsection (1)"

8. Page 1, line 20.

Insert: "(3) In addition to the authority otherwise provided in this section and Title 85, Chapter 7, MCA, irrigation districts or projects organized under Title 85, Chapter 7 or described in 85-7-110, MCA, may construct, install, operate and maintain facilities to generate, transmit and sell, as well as any associated facilities necessary to that end, electricity using the water power potential of irrigation projects or works or federally owned water impoundment projects where electric power generation facilities have not heretofore been installed and licensed under the Federal Power Act."

9. Page 1.

Following: line 20

Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as so amended,

BE CONCURRED IN

CME