

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 14, 1985

The sixteenth meeting of the Highways and Transportation was called to order at 1 p.m. on March 14, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

ROLL CALL: All members were present.

There were visitor's in attendance. (SEE ATTACHMENT)

CONSIDERATION OF HOUSE BILL 185: Representative Pistoria, House District 36, was the sponsor of this bill. This bill was an act to require the State Highway Department to put up Vocational-Technical Center signs in the State of Montana. He stated that for two years he had been trying to get Gary Wicks, from the Montana Highway Department, to consent to these signs. He received a letter from Gary Wicks, which he read aloud, concerning the need for these signs. (SEE EXHIBIT 2) Representative Pistoria also stated that he did not feel it was going to cost \$7500, as the fiscal note stated, and he disagreed with the fiscal note. The general summary of this bill is attached as EXHIBIT 1A.

PROPOSERS: Representative Pistoria, house district 36, spoke in support of HB 185.

Carl Spinti, Assistant Director of the Great Falls Vo-Tech Center, spoke in support of HB 185. He stated that other postsecondary schools have signs and they certainly help individuals and groups find the school. He felt the signs would be very helpful to out of town groups who try to find the school.

OPPOSERS: There were no opponents to HB 185.

Questions from the committee were called for.

Senator Tveit asked Representative Pistoria if it was a common practice for the Highway Department to put these signs up? Representative Pistoria replied that they normally put these signs up for all state buildings, and he felt they should identify the Vo-Tech Centers because they are funded by the state.

Representative Pistoria closed by stating that the signs can be put up without costing the state hardly any money.

The hearing was closed on HB 185.

CONSIDERATION OF HOUSE BILL 230: Representative Swift, House District 64, was the sponsor of this bill. He stated that HB 230 was a proposal to exempt full-time students attending universities and colleges out-of-state from having to pay a registration fee or re-license their vehicle when they are full-time students and come home to work temporarily during the summer. Normally, these students

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that attend school outside the state, come home and have temporary jobs for two or three months to earn a few dollars, but by the law in Montana if they are working, full-time or part-time, they must relicense their car or pay that registration fee. Basically the changes in the bill would be that the students could work in the summer, not in excess of 100 days, and they would have to be full-time students, not part-time. Representative Swift stated that he tried to get some statistics as to how many students were attending school outside of Montana, full-time, and he came up with a number of 3300 he obtained from the Commissioner of higher education, Paul Dunham. This is an older statistic, but it was the best they had at the time. There will be another study in 1985. Representative also stated that he had about 12 students in his county that fell under this category. The general summary of this bill is attached as EXHIBIT 1B.

PROPONENTS: Representative Swift, house district 64, spoke in support of HB 230.

OPPONENTS: There were no opponents to HB 230.

Questions from the committee were called for.

Senator Williams asked Representative Swift of those 12 people he mentioned, did any of them receive a fine for not having a license? Representative Swift replied that two of them paid for the license plate because there were no exceptions to the law.

Senator Tveit asked to what extent do you go about verifying that the students are from out-of-state? Representative Swift replied that if they are students from out-of-state, and they were stopped, they would have to show proof of attendance of the university they were attending.

Representative Swift made a comment that they did research the reciprocity in this respect, and did not find a state where they weren't in close proximity of Montana so they didn't go into that.

Senator Bengston asked Representative Swift why he chose university and higher education students? Representative Swift replied that because those students are gone three-fourths of the year, come back and have to work temporary for the summer, and they are encountering this problem of relicensing their vehicles. Some of the students are having problems financially and this may save them from having to reregister their vehicle or maybe save from getting a citation.

Senator Bengston asked Representative Swift how many students are ever arrested or given a citation to? Representative Swift stated that their vehicles are actually having to be licensed in the state that their school is at, even though they are residents of Montana.

Senator Bengston asked if she came from Idaho to Montana, how long would she have to be in Montana before she had to relicense her vehicle? Representative Swift replied that the minute she became

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employed she would be required to register her car here.

Senator Farrell asked Larry Majerus, Administrator of the Division of Motor Vehicles for the Department of Justice, if there was a way for people that come into Montana to work for three months to buy license plates for three months? Mr. Majerus replied that prior to 1981 because of the high tax that existed at that time, there was a quarterly plate that you could buy if you lived across the border. When the vehicle fee system was adopted in 1981 that 90-day plate was repealed.

Senator Hager asked Larry Majerus if there was a grace period of 30-60 days to license your car after you came to Montana for employment? Larry Majerus replied that there are two requirements for licensing your vehicle in Montana; one is upon becoming a resident and the other is immediately upon gainful employment, so there would be no grace period upon gainful employment.

Senator Lybeck asked Larry Majerus if he saw this as a problem of enforcement? Mr. Majerus replied that if someone complained about being stopped by a law enforcement officer, obviously that would be an enforcement problem.

Senator Bengston stated that she felt this was discriminatory against the vo-tech students and the community college students and she didn't feel this was a problem anyway.

Senator Bengston asked Representative Swift why he only included full-time students from institutes of higher education? Swift replied that vo-tech schools generally have shorter terms and they vary in part-time and full-time statuses. He stated this bill was for full-time students attending out-of-state universities and colleges.

Senator Williams asked Larry Majerus how strict our university systems are in Montana towards out-of-state students? He replied that we do not require an out-of-state student to license their car unless they are gainfully employed.

Senator Tveit asked Larry Majerus who would issue the student a permit so they would not have to license their vehicle in that state? Mr. Majerus replied that the county treasurer would issue the permit. The student would have to prove to the county that they are an out-of-state student and show that the state required them to license their vehicle and then they could obtain a permit.

Senator Hager asked Larry Majerus how he would handle the fact that the student was working his way through college and only worked half days? When does the student become gainfully employed? Mr. Majerus replied that technically any work at all would put him in the area of gainfully employed.

Senator Hager made a comment that a student who goes to college and doesn't have to work, could be treated better than the student that has to work to put himself through school.

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Senator Daniels asked why should we exempt a Montana resident that has a job in Montana, from having a Montana license plate? Representative Swift replied that he could not clarify that any more than he already did, and he would leave it up to the committee to make a decision.

Senator Weeding asked Representative Swift if we shouldn't be advising the students to buy Montana plates and keep the taxes at home? Representative Swift stated that if this was the wishes of those individuals, then he had nothing against it.

Representative Swift closed by stating that this bill was to allow students that might be borrowing money, or that come home and work in order to make money to go back to school, to be exempt from buying the license plate for that state in which they go to school.

The hearing was closed on HB 230.

CONSIDERATION OF HOUSE BILL 238: Representative Keyser, House District 74, introduced this bill on behalf of Representative Connelly, who was the sponsor of the bill. He stated this was a very simple bill that corrects the language in the existing statute that would literally require the Motor Vehicle Division to investigate, in detail, the character and habits of over 5000 people each year whose various licenses are revoked or suspended for various driving offenses. The division does review now, the available records to make that when a revocation occurs, there would be no reason to prevent the proper issuance of the drivers license. The changes in HB 238 simply remove the character and habit language in the bill. The general summary of this bill is attached as EXHIBIT 1C.

PROPONENTS: Representative Keyser, house district 74, spoke in support of HB 238.

Larry Majerus, Administrator for the Division of Motor Vehicles, spoke in support of HB 238.

OPPONENTS: There were no opponents to HB 238.

Questions from the committee were called for.

Senator Bengston asked if there was a test to take to determine the driving ability, in order to reinstate the driver's license? Larry Majerus replied that it depended upon the status of the license; if revoked, the individual would be required to meet the financial responsibility requirements and also required to take the test and pass it. If the license was suspended they are not required to take the test, but they must show some other requirements such as complying with the court order.

Larry Majerus stated that they maintain a file for everybody suspended or revoked, with all the requirements, all the correspondence, and all the legal papers. They maintain about 14,000 of these files and they are all on the computer.

The hearing was closed on HB 238.

CONSIDERATION OF HOUSE BILL 245: Representative Howe, House District 99, introduced this bill on behalf of Representative Connelly, who was the sponsor of this bill. This bill was requested by the Department of Justice, Motor Vehicle Division. She stated that this bill was intended to correct a problem that was not covered by Montana law. It is illegal to possess or display a fictitious Montana Driver's License or other false identification document. Nothing in the law prohibits the manufacture or sale of these items. This involves an in state operation; an ad that looks like a driver's license and resemble the State license. The ad guarantees details at .25 for 24-hour processing and \$12. The ad gives an address in Bozeman, MT. The division noticed that the ad said that North Dakota and Oklahoma cards were not available and discovered that these states enacted laws similar to HB 245. The general summary of this bill is attached as EXHIBIT 1D.

PROPONENTS: Representative Howe, house district 99, spoke in support of HB 245.

Larry Majerus, Administrator, Division of Motor Vehicles, spoke in support of HB 245. He stated that this incident came about in Bozeman and he got together with the county attorney there to try and prosecute for selling a Montana Driver's License. Unfortunately they found out that it was not a violation of Montana law because they were not altering the Montana license, they were making their own. So in the process of investigating this, they found out that other states were having to enact laws to make it illegal. He felt it was important, especially if the drinking age was raised, so they could have something to point to.

OPPONENTS: There were no opponents to HB 245.

Questions from the committee were called for.

Senator Shaw asked Larry Majerus if this company in Bozeman was prosecuted? Mr. Majerus replied that it was not because technically there was no violation of the law.

Senator Shaw asked Larry Majerus if they were still issuing licenses? Mr. Majerus replied that he could not get the company to issue him one, nor his wife or secretary. He felt that this might be because of their Helena addresses, but the ad still exists now.

The hearing was closed on HB 245.

EXECUTIVE SESSION was called to order.

DISPOSITION OF HOUSE BILL 245: Senator Lybeck moved that HB 245 BE CONCURRED IN. The motion carried and passed unanimously. Senator Lybeck carried this bill on the floor.

DISPOSITION OF HOUSE BILL 185: There was further discussion.

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Senator Tveit asked Gary Wicks if there were other signs off of state highways for other schools or universities? Gary Wicks replied that the distinction they were trying to draw was between a state institution, not a state funded institution, where a number of people may have an interest on a statewide basis in going there and finding that school, and the direction will be helpful; as opposed to a facility that has more localized interest. He stated that their concern was to draw a line at a certain point as to where and what they can authorize for signs.

Senator Tveit asked Gary Wicks if this bill passed, how many signs would have to be put up? He replied 14.

Senator Tveit asked what size signs would be put up? Gary Wicks replied that signs put up for the other institutions were 3'x14'.

Senator Tveit asked Gary Wicks if it would be illegal for the school to put up their own signs? Gary Wicks replied that it is legal, and they have suggested that to the people. There are ways of getting the signs put up privately.

Senator Farrell asked Gary Wicks if they made their own signs, could the Highway Department arrange a permit or a spot for them to install the sign? Gary Wicks replied that they would treat it as they do other signs and work with the people to find an area where it would be permissible to put up a private sign. It would not be on the highway right-of-way.

Senator Shaw felt there was a question of federal regulation in regards to the number of signs that could be placed along the interstate, and this bill definitely says interstate.

Senator Daniels felt that signs were helpful and they would also give the school a little advertising.

Senator Daniels moved that HB 245 BE CONCURRED IN.

Senator Bengston stated that she felt this bill was important because it would boost the image of Montana. They are good looking signs and would be uniform throughout the state. She felt that as a policy in Montana, there should be as many nice looking signs put up as possible in order to call attention to our state.

Senator Daniels' motion carried and passed with Senator Hager and Senator Weeding voting NO. Senator Tveit was appointed to carry this bill on the floor.

DISPOSITION OF HOUSE BILL 230: Senator Bengston moved that HB 230 BE NOT CONCURRED IN. There was further discussion.

Senator Farrell felt that those students that are forced to buy license plates in other states should be exempt. He made a sub-motion that HB 230 BE CONCURRED IN.

Senator Bengston stated that she felt there was no problem and it

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was discriminatory and unnecessary.

Senator Lybeck asked if the committee would pass action on this bill until more research could be made into the matter?

Senator Bengston stated that she thought that it would be a good idea to let this bill sit for awhile.

Senator Bengston withdrew her motion, as did Senator Farrell his sub-motion.

The committee decided unanimously that this bill would await further discussion.

DISPOSITION OF HOUSE BILL 238: Senator Hager moved HB 238 BE CONCURRED IN. The motion carried and passed unanimously. Senator Hager will carry this bill on the floor.

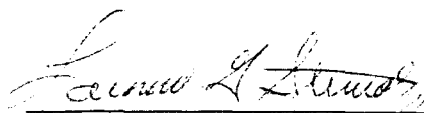
DISPOSITION OF HOUSE BILL 21: Senator Shaw moved that HB 21 BE CONCURRED IN. The motion carried and passed with Senator Williams voting NO. Senator Shaw will carry this bill on the floor.

ANNOUNCEMENTS:

The committee will not meet on Saturday, March 16, 1985.

ADJOURNMENT:

The meeting was adjourned at 2:10 p.m.



LAWRENCE G. STIMATZ
Chairman

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 3-14-85

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
#25 SENATOR MANNING			
#27 SENATOR BENGTON	X		
#8 SENATOR DANIELS	X		
#32 SENATOR FARRELL	X		
#42 SENATOR HAGER	X		
#48 SENATOR LYBECK	X		
#23 SENATOR SHAW	X		
#3 SENATOR TVEIT	X		
#39 SENATOR WILLIAMS	X		
#26 SENATOR WEEDING	X		

Each day attach to minutes.

DATE: 3-14-85

COMMITTEE ON Highways and Transport

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

SUMMARIES OF BILLS TO BE HEARD BY
SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION
THURSDAY, MARCH 14, 1985

- 1A HB 185, introduced by Representative Pistoria, requires the Department of Highways to mark the routes to the postsecondary Vocational-Technical Centers.
- 1B HB 230, introduced by Representative Swift, exempts Montanans who are full-time students in other states where they are required to license their vehicles from purchasing Montana plates to work on summer jobs.
- 1C HB 238, introduced by Representative Connelly, removes the necessity for the Motor Vehicle Division to investigate the character and habits of a person before restoring his revoked or suspended driver's license.
- 1D HB 245, introduced by Representative Connelly, prohibits counterfeiting of Montana driver's licenses.

DEPARTMENT OF HIGHWAYS

USE
FOR H.B. 185

TED SCHWINDEN, GOVERNOR

2701 PROSPECT

STATE OF MONTANA

HELENA, MONTANA 59620

March 19, 1984

Deaf and Blind School
Vo-Tech School


Recd - Wed - Mar. 21, 1984

Honorable Paul Pistoria
House or Representatives
2421 Central Avenue
Great Falls, MT 59401

Dear Paul:

- * Your request for signing for the Deaf and Blind School and the Great Falls Vo-Tech has been investigated.
- * Signs for the Deaf and Blind School will be placed at 10th Avenue South and 38th Street. However, we cannot place signs for this facility on the Interstate. Due to the limited number of signs permitted by the Federal Highway Administration, we have to make some hard choices. *Well, it is on 10th Ave South. No one knows where our VO-TECH center is located. It is 7 blocks South of the College of St. Mary.*
- * The Vo-Tech School was reviewed previously and in complying with our statewide policy, signing was denied. Our reasoning is that vo-tech schools would rate poorly as a destination when compared to other facilities such as high schools. High schools are not signed either. *naturally HI-SCHOOLS are not signed. But, the VO-TECH center is NOT A HI-SCHOOL & is FUNDED by the state. He doesn't know what he is talking about.*
- * Our sign shop has a fairly heavy schedule for the next few months, so we won't be able to complete the installation until late spring. *It wouldn't take no time to make these signs. They are not made of metal & could be cast only \$200 - NOT \$1500. If I can provide any further information, please let me know. You are not providing nothing.*

Sincerely,


 Gary J. Wicks
 Director of Highways

GJW:GAJ:cg:4AA

cc: Tom Barnard
S. C. Kologi

Rep. Paul G. Pistoria

USE FOR H.B. 185



School sign

A Highway Department crew installs one of two signs for the Montana School for the Deaf and the Blind at the corner of Tenth Avenue South and Thirty-eighth Street. The signs were put up at the request of state Rep. Paul Pistoria. (Tribune Photo by Stuart S. White)

SCHOOL FOR THE DEAF AND THE BLIND

USE FOR H.B. 185



STATE OF MONTANA

3911 CENTRAL AVENUE

GREAT FALLS, MONTANA 59401

(406) 453-1401

TED SCHWINDEN, GOVERNOR

Rec'd - used - Mar. 28, 1984

March 27, 1984

Representative Paul Pistoria
2421 Central Avenue
Great Falls, Mt. 59401

Dear Paul:

I am sorry you were not given due credit during dedication of our new campus Paul, because your efforts were indeed most positive and deserving. Thank you!!

The letter from Mr. Wicks is most welcome. Paul, when the sign is ready for placement at 10th Avenue South and 38th Street, I do so hope we have lead time to get you and the media together to celebrate this event.

Please keep me posted and again, Thank you for your continued positive support of our school.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob", written over a horizontal line.

ROBERT J. DEMING, SUPERINTENDENT

RJD/jc

STANDING COMMITTEE REPORT

MARCH 14

19 85

MR. PRESIDENT

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **HOUSE BILL** No. **245**

third reading copy (**blue**)
color

(SENATOR LYBECK)

**PROHIBITING COUNTERFEIT DRIVER LICENSE OR IDENTIFICATION
CARD**

Respectfully report as follows: That **HOUSE BILL** No. **245**

BE CONCURRED IN

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

LAWRENCE G. STIMATE

Chairman.

STANDING COMMITTEE REPORT

MARCH 14

19 35

MR. PRESIDENT

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration..... **HOUSE BILL** No. **185**

third reading copy (**blue**)
color

(SENATOR TVEIT)

SIGNS FOR VOCATIONAL-TECHNICAL CENTERS

Respectfully report as follows: That..... **HOUSE BILL** No. **185**

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

.....
LAWRENCE G. STIMATE

Chairman.

STANDING COMMITTEE REPORT

MARCH 14

1935

MR. PRESIDENT

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration..... **HOUSE BILL** No. **238**

third reading copy (**blue**)
color

(SENATOR HAGER)

CLARIFYING DRIVER'S LICENSE REINSTATEMENT

Respectfully report as follows: That..... **HOUSE BILL** No. **238**

BE CONCURRED IN

~~YOUNG~~

~~YOUNG~~

LAWRENCE G. STIMATE

Chairman.

STANDING COMMITTEE REPORT

MARCH 14

35

19.....

MR. PRESIDENT

We, your committee on..... **HIGHWAYS AND TRANSPORTATION**

having had under consideration..... **HOUSE BILL** No. **21**

third reading copy (blue) (SENATOR SHAW)
color

REPEALING 60-2-101 REQUIRING HIGHWAY COMMISSION TO MEET MONTHLY

Respectfully report as follows: That..... **HOUSE BILL** No. **21**

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~
~~DELOKPASS~~

.....
LAWRENCE G. STIMATZ

Chairman.