

## **MINUTES**

### **MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By SENATOR CECIL WEEDING, Chairman, on March 28, 1991, at 7:00 a.m.

#### **ROLL CALL**

**Members Present:**

Cecil Weeding, Chairman (D)  
Betty Bruski, Vice Chairman (D)  
Bill Farrell (R)  
John Harp (R)  
Francis Koehnke (D)  
Jerry Noble (R)  
Jack Rea (D)  
Lawrence Stimatz (D)  
Larry Tveit (R)

**Members Excused:** None.

**Staff Present:** Paul Verdon (Legislative Council).  
Pat Bennett, Secretary

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

**Announcements/Discussion:** None.

#### **HEARING ON HOUSE BILL 899**

##### **Presentation and Opening Statement by Sponsor:**

REPRESENTATIVE VICKI COCCHIARELLA, District #59, stated House Bill 899 expands the definition in traffic education so the Office of Public Instruction can spend some of their funds on things other than driver' education. In the past funds have been spent on bicycle safety, wearing helmets, school bus education, etc., under the definition this was illegal. This bill expands the definition so that all school kids will receive the benefits of the traffic education account.

##### **Proponents' Testimony:**

None.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE COCCHIARELLA closed the hearing on HB 899. There is a concern in the House that this money would be spent and driver's education would lose money in the schools. There was a termination date put into the bill.

EXECUTIVE ACTION ON HOUSE BILL 899

Motion:

SENATOR NOBLE MOVED that HOUSE BILL 899 BE CONCURRED IN.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE BILL 678

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BARRY STANG, District #52, opened the hearing on HB 678 which is an act to revise the laws relating to the motor pool. The biggest change is on page 3 where it says "an employee may be removed for unauthorized use of a state vehicle" has been changed to "shall be removed". The Department feels they have been in violation of the statute when the employees are out of town and they need to use the car for a doctor's appointment for example.

Proponents' Testimony:

JACK HOLSTROM, representing the Department of Highways, stated they support House Bill 678. Under current law, in 2-17-423 and 2-17-432, provides that state employees using state owned vehicles for personal or private use will be dismissed from state employment. For the practical matter it has not worked very well. Some of the uses for state vehicles the Department has seen were when the employee stopped at the grocery store on his way to drop off the car, or stopping to deliver a package at a relative's house enroute to the pool, or picking up medication at a pharmacy. There have been more serious cases where the employee has taken a car all the way to Los Vegas, Nevada.

MR. HOLSTROM stated they have ignored the law in some cases and did not dismiss an employee. The main purpose of the bill is to provide some discretion to the Department heads to determine what discipline will be in order for private use of state vehicles. Section 4 has been included in section 2-17-441, on page 4, lines 1 through 3. The language will provide "may", which is operative language for the Department head. Under current law, no private use of state vehicles is permitted at all. This has created consternation within the Department of Highways. If an employee who is on a travel status and runs into medical problems needs to be able to use the car for this situation. Mr. Holstrom also submitted suggested amendments for HB 678. (SEE EXHIBITS 1, 2 & 3) He explained that the additional amendment (EXHIBIT 3) would allow a Department head to authorize the private use of state vehicles. The Director has requested that this be added to the bill, because in numerous instances employees are required to travel for days at a time. Those employees are locked up at their hotel once they finish work the way the law currently reads.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE STANG closed the hearing on HB 678.

EXECUTIVE ACTION ON HOUSE BILL 678

Motion:

SENATOR NOBLE MOVED that HB 678 BE CONCURRED IN AS AMENDED.

Discussion:

SENATOR NOBLE will carry HB 678.

Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED TO ADOPT the AMENDMENTS TO HB 678. (SEE EXHIBIT 3)

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 678 BE CONCURRED IN AS AMENDED.

HEARING ON HOUSE BILL 467

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TOM LEE, District #49, stated House Bill 467 deals with the illegal carrying of guns and the trafficking of narcotics on the rail system within the state. There have been several instances in the past that brings the bill before the Committee. He stated he supports the suggested amendments to be offered later in the hearing.

Proponents' Testimony:

PAT KEIM, Director of Government Affairs for Burlington Northern, testified in favor of HB 467. (SEE EXHIBIT 4) The bill addresses two problems, guns and drugs. There has been a development of a corridor of illegal drug distribution across Montana from two directions. Drugs are coming into Montana from the Pacific Northwest and out of Canada by rail by people who are posing as transients. Drug traffickers are finding the railroad to be a convenient means to move drugs without risking getting picked up by highway patrolmen. There has been an increase in violent incidence with the hobos on the railroads. There has been an increase with those being picked up of having guns on their person. This has created danger to the BN employees. Mr. Keim stated he was in agreement with the amendment which would be later proposed to the Committee.

RAY WEST, representing the United Transportation Division, distributed the proposed amendment to HB 467. (SEE EXHIBIT 5) He stated that the purpose of the amendment was to cover those employees who may wish to ride the train to hunt in Glasgow or somewhere else.

DAVE DITZEL, representing the Locomotive Engineers in Montana, expressed support for HB 467. There has been an increase in carrying arms. The employees who work on the trains at night have situations arise where they come upon someone. He stated they would like some assurance that there is a law enforced.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR KOEHNKE asked why there is an increase.

DAVE DITZEL stated that it is because people have found the rail system to be convenient. It is an unnoticed way of dealing drugs. There is a certain amount of paranoia that goes along with drug dealing and this is why they are armed.

Closing by Sponsor:

REPRESENTATIVE LEE closed the hearing on HB 467. He stated that he was a federal narcotics agent for 4 years in Chicago and is well familiar with how the trafficker thinks. The trafficker is always looking for the weak place where he can go without interference.

EXECUTIVE ACTION ON HOUSE BILL 467

Motion:

SENATOR TVEIT MOVED that HB 467 BE CONCURRED IN AS AMENDED.

Discussion:

SENATOR TVEIT will carry HB 467.

Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED to ADOPT THE AMENDMENTS TO HB 467. (SEE EXHIBIT 5)

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE BILL 568

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JIM RICE, #43, stated that the bill is in two parts. It increases fees on commercial and regular driver's licenses. The increase in the commercial fee is to raise revenue to substitute for loss of federal funds for the commercial operator's program. There is a fee increase for services. He stated that across the state there are not the dollars to provide the necessary driver's renewal services to the citizens. Three counties have already lost their driver's license services simply because the Department is needing to consolidate the personnel under revenues they now have.

REPRESENTATIVE RICE stated in an effort to speed renewals, the Department wants to implement an express renewal service in several stations in the state. There have been several complaints from people who have had to wait for hours to get their picture taken and have an eye exam. When the bill was in the House, the House struck the fee increase for the regular driver's license fee. Representative Rice asked the Committee to consider an amendment to include the increase for regular driver's licenses as well.

Proponents' Testimony:

DUANE TOOLEY, Chief of the Driver's Services Bureau, Department of Justice, stated they have been existing on federal grants since 1987. Montana is the only state in the union that has operated their commercial driver's program basically on only the federal grant money. This program nationwide has cost states millions of dollars. The increase suggested are for two purposes: for the insertion of driver's name and identity for the status system and the other half would go for salaries to those who are giving the driving examinations to the larger vehicles. He explained his suggested amendments. (SEE EXHIBIT 6).

ANITA DREWS, Chief Examiner for the Driver's Services Bureau, gave testimony supporting HB 568. Several of the stations are staffed by a driving examiner only. It is not uncommon for an examiner to have 15 to 20 people waiting. That examiner must split up the duties of renewing on the inside and driving tests on the outside.

DEAN ROBERTS, Administrator of the Motor Vehicle Division, stated that this request from the Department is the first increase ever requested for the purpose of increasing service. All past increases in the driver's license fee have been in response to external needs such as adding a photograph to a license in 1963. In 1969 they changed the photograph from black to colored and in 1985 an increase for the purpose of covering unfunded liability in the highway patrol retirement system. There has been an increase in staff, from 15 FTEs in 1963 to the current 21.3 FTEs. The increases were a direct result of the automation system which transferred work originally done in the headquarter's office to the field offices. There was an increase in written testing brought about by the commercial licensing program and the addition of requirement from the legislature requiring that organ donors be verbally informed, the issuance of ID cards, profile photographs for minors and motorcycle endorsement testing along with counseling sessions has resulted in the driver's services more burdened and unable to provide accurate service.

The work load has increased 40% over that which existed in 1963. Presently over 300,000 licensing activities are performed annually by 21 examiners serving 54 counties.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR HARP asked who was following their appropriation process. He asked what dollar amounts have been appropriated in these areas.

DUANE TOOLEY stated that none have been appropriated so far. The subcommittee included a narrative in the appropriation bill that HB 568 was being considered.

SENATOR HARP asked how many additional FTEs they are requesting in the appropriation?

DUANE TOOLEY stated they are requesting a total of 20 FTEs. The existing staff includes 38 if you include the clerical and field staff.

SENATOR HARP asked of the 20 people what portion will be clerical and what portion will be field people?

DUANE TOOLEY stated that there will be 13 clerical and 7 examiners.

SENATOR FARRELL asked what a commercial driver's license cost for 4 years?

DUANE TOOLEY stated that for interstate it is \$24.

SENATOR TVEIT asked what the highway patrolman retirement gets?

DUANE TOOLEY stated that they currently receive \$654,000 per year, with the amendments they will end up receiving approximately \$660,000.

Closing by Sponsor:

REPRESENTATIVE RICE closed the hearing on HB 568.

HEARING ON HOUSE BILL 646

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JAMES MADISON, District #25, stated that HB 646 provides additional placard for handicapped people. Currently a handicapped person who has one car receives the license plate and one placard to put in the windshield of the car. The only change in the bill is that if a handicapped person who owns more than one vehicle would get an additional placard. Currently if they own more than one car they receive a plate for each car but they still only receive one placard. It is not easy for a handicapped person to always have to move the placard from one car to another. This proposed change in the law would go against what is currently being offered as the model by handicapped people. He stated he had talked it over with Duane Tooley and Dean Roberts and they felt there was no big problem with it, however they did request that everything was up front that it would be a change to the procedure.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR KOEHNKE asked if the placard can be placed in another car.

REPRESENTATIVE MADISON stated that would be possible.

SENATOR REA asked if the license plate has a handicapped symbol.

REPRESENTATIVE MADISON said the plates have a wheel chair on it. The idea of also having a placard is so in case you use another car you can put the placard in that car and still use the parking place.

Closing by Sponsor:

REPRESENTATIVE MADISON closed the hearing on HB 646.



EXECUTIVE ACTION ON HOUSE BILL 646

Motion:

SENATOR HARP MOVED that HB 646 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

Discussion:

SENATOR KOEHNKE will carry HB 646.

HEARING ON HOUSE BILL 659

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TOM NELSON, District #95, opened the hearing on HB 659. (SEE EXHIBIT 7) He informed the Committee that Senator Tom Hager would carry HB 659 should it pass the Committee.

Proponents' Testimony:

LINDA ELLISON, representing the Montana Trail Vehicle Riders Association, testified in support of HB 659. (SEE EXHIBIT 8) She stated that the law defines a motorcycle or an all terrain vehicle used off road on public land, to be a recreational vehicle.

Opponents' Testimony:

None.

Questions From Committee Members:

CHAIRMAN WEEDING asked about a recreational vehicle is used on private property.

LINDA ELLISON stated that if it is being used on a ranch or a farm, it is excluded.

Closing by Sponsor:

REPRESENTATIVE TOM NELSON closed the hearing on HB 659.

EXECUTIVE ACTION ON HOUSE BILL 659

Motion:

SENATOR NOBLE MOVED that HB 659 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

Discussion:

SENATOR TOM HAGER will carry HB 659.

EXECUTIVE ACTION ON HOUSE BILL 192

Motion:

SENATOR HARP MOVED to RECONSIDER HB 192.

MOTION PASSED UNANIMOUSLY.

SENATOR HARP MOVED that HB 192 BE CONCURRED IN AS AMENDED.

MOTION PASSED 8-1 with Senator Rea opposing.

Discussion:

SENATOR HARP requested that the Committee reconsider its action taken on HB 192. He distributed suggested amendments for HB 192. (SEE EXHIBIT 9) The amendments will take the PSC rate regulation out of the bill and will simply ask that contracts be issued. Senator Farrell explained that the hauler hauls for 6 different contractors, that hauler will have 6 different contracts.

SENATOR HARP suggested that the contractors issue a general contract based on certain conditions to the haulers for the period of a year. He stated he would also break it into regions.

Amendments, Discussion, and Votes:

SENATOR HARP MOVED to ADOPT THE AMENDMENTS TO HB 192.  
(SEE EXHIBIT 9)  
MOTION PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 306

Motion:

SENATOR TVEIT MOVED that HOUSE BILL 306 BE CONCURRED IN AS AMENDED.

MOTION PASSED UNANIMOUSLY.

Discussion:

SENATOR TVEIT informed the Committee that he and Senator Rea met with John Rothwell, Director of the Department of Highways, discussing HB 306 with regard to the language "near schools, parks and playgrounds". The Committee had discussed removing "parks and playgrounds". John Rothwell made contact with the Feds on their role in speed limit setting, as well as the Chairman of the Highway Commission, and after discussing this, the suggested amendments were drawn up. (SEE EXHIBIT 10) The amendment strikes "parks or playgrounds" and inserts "or designated crosswalks near schools". The Feds were agreeable to this language. The third amendment changes the 70% tolerance to 80%. They agreed with the 25 mph minimum.

SENATOR REA will carry HB 306.

Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED to ADOPT the AMENDMENTS. (SEE EXHIBIT 10)

MOTION PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 568

Motion:

SENATOR BRUSKI MOVED that HB 568 BE CONCURRED IN AS AMENDED.

MOTION PASSED UNANIMOUSLY.

Discussion:

SENATOR FARRELL stated that if the fee is to be raised perhaps it should go through the appropriation process. It calls for 20 additional FTEs. If the Committee raises the fee and the appropriation committee does not appropriate the money for these 20 employees, should a statement of intent be included.

PAUL VERDON asked Duane Tooley if in HB 2 there is narrative language for this appropriation upon approval of HB 568.

DUANE TOOLEY stated he did not know exactly what the language is. However, they do acknowledge the fact that this request is in the process.

SENATOR FARRELL requested that a coordination clause be included in the amendments. (SEE EXHIBIT 11) He stated he did not want to raise money on the fees and then discover it has gone to the general fund. There is a specific purpose for these fees. He stated he will also take a look at the proportion which is to go to the Highway Patrol Retirement and have it go back to driver's services.

SENATOR BRUSKI will carry HB 568.

Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED TO ADOPT the AMENDMENTS TO HB 568.

MOTION PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 133

Motion:

SENATOR TVEIT MOVED that HOUSE BILL 133 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

Discussion:

The Committee discussed removing "without" passengers from HB 133. Senator Farrell stated that the Billings Metra Intercity bus people want to have it so that if there are not any passengers they would not have to stop. Paul Verdon explained that the language pertains to school buses.

PAT KEIM, representing Burlington Northern Railroad, stated they have a problem with the "with or without passengers" in that they request their train crews to report any situation of school buses failing to stop at crossings. When they get that report, a person is sent to that school to investigate. It is difficult for a train crew to tell if a bus is loaded or empty, particularly in the winter when the windows are frosted over. It is important to maintain consistency on the school bus. With regard to the transit buses, he stated he would prefer they stop at every crossing. Pat Keim stated that they along with Operation Lifesaver would prefer that all school buses whether they are loaded or not to be required to stop.

EXECUTIVE ACTION ON HOUSE BILL 301

Motion:

SENATOR NOBLE MOVED THAT HB 301 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

Discussion:

SENATOR STIMATZ will carry HB 301.

EXECUTIVE ACTION ON HOUSE BILL 557

Motion:

SENATOR REA MOVED that HB 557 BE CONCURRED IN AS AMENDED.

MOTION PASSED UNANIMOUSLY.

Discussion:

Discussion:

SENATOR HALLIGAN will carry HB 557.

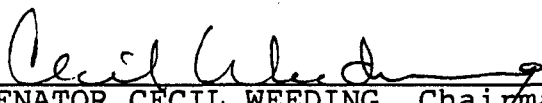
Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED to ADOPT THE AMENDMENTS given by Peter Funk, Department of Justice. (SEE EXHIBIT 12)

MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 9:00 a.m.

  
\_\_\_\_\_  
SENATOR CECIL WEEDING, Chairman

  
\_\_\_\_\_  
PAT BENNETT, Secretary

CW/pb

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 28, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 557 (third reading copy -- blue), respectfully report that House Bill No. 557 be amended and as so amended be concurred in:

1. Page 3, line 19.

Following: line 18

Insert: "NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 191, including amendments incorporating into 61-3-332 provisions allowing a disabled veteran the option of receiving a handicapped license plate or, if qualified, an ex-prisoner of war license plate, is passed and approved:

(1) [sections 1 and 2 of this act] are void; and

(2) in 61-3-455, the code commissioner shall change

"61-3-451" to "61-3-332"."

Renumber: subsequent section

Signed: \_\_\_\_\_

Cecil Weeding, Chairman

191 3-28-91  
And. Coord.

CB 3-28 10:55  
Sec. of Senate

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 3-28-91

BILL NO. HB 678

HB  
678

January 25, 1991

Honorable Barry Stang  
House of Representatives  
State Capitol  
Helena, MT 59620

Dear Mr. Stang:

Subject: Department of Highways Proposed Amendments to  
Sections 2-17-402 through 2-17-432, MCA

This bill proposes only three substantive changes to the laws relating to state vehicles.

First, Subsection (4) is added to Section 2-17-421, MCA to allow the head of a department or agency discretion in deciding whether to terminate the employment of an employee using state vehicles for personal use. The discretionary word "may" is used to accomplish this goal. Presently, Section 2-17-423, MCA provides that a decal shall be affixed to the instrument panel of state vehicles stating:

"Any officer or employee of the state government who uses or authorizes the use of any state-owned motor-propelled passenger carrying vehicle, or of any motor-propelled passenger carrying vehicle leased by the state government, for other than official purposes shall be summarily removed from office by the head of the department of establishment concerned." (Emphasis supplied.)

Additionally, Section 2-17-432, MCA currently provides that state officers violating this part are guilty of misdemeanors and upon conviction shall be dismissed from state employment. The foregoing language is mandatory and agency heads or directors faced with the problem of employees using state vehicles for private purposes must summarily remove the employee from office regardless of the circumstances surrounding the private use.



Mr. Barry Stang  
Page 2  
January 29, 1991

Second, Subsection (3) is added to Section 2-17-421, MCA to allow state employees in a travel status to utilize state vehicles for emergency travel related purposes if approved by the head of the agency or department. The purpose of this amendment is to allow employees in a travel status to utilize state vehicles for medical or dental emergencies, clothing replacement/repair and similar situations. All of these uses must be approved by the director or agency head.

Third, Section 2-17-432, MCA is amended to delete the language, "and upon conviction shall be dismissed from state employment." The language is deleted to allow the director's discretion in determining the penalty for private use of state vehicles. The language is also deleted to remove an employee's argument that a criminal conviction must be obtained before a director may impose discipline for private use of a state vehicle.

The other proposed amendments are merely housekeeping amendments. The Department of Highways no longer has a Motor Pool Division and Sections 2-17-402, 2-17-411, 2-17-412, 2-17-413, 2-17-422, 2-17-423(1) and 2-17-431 are amended to reflect the change. Section 2-17-423(2)(d) of the present law is transferred to Section 2-17-421 and modified to indicate that an officer or employee "... may be removed from office by the head of establishment concerned" to conform the language to the new language contained in Section 2-17-421(4).

If you have further questions concerning this matter, please feel free to contact me at 444-6043.

Yours very truly,

Jack A. Holstrom, Attorney  
Human Resources Division

JAH:D:HUR:14.cy

SENATE

EXHIBIT NO. 3

DATE 3-28-91

BILL NO. HB 678

3  
3-28  
HB  
678

Amendment to H.B. 678

1. Page 3, line 23  
Following: "purposes"  
Insert: "or exceptional circumstances"

DATE 3-28-91BILL NO. HB467

## T R I - A G E N C Y   T A S K   F O R C E

Havre Police Department/Hill County Sheriff's Office/  
Blaine County Sheriff's Office

P.O. BOX 912  
HAVRE, MT 59501  
(406)265-4366

March 25, 1991

Chairman of Senate Highways &  
Transportation Commission  
Capitol Building  
Helena, Montana 59601

c/o PAT KEIM  
139 North Last Chance Gulch  
Helena, Montana 59601

RE: House Bill #467

Dear Chairman &amp; Committee Members:

By way of introduction, I am a Havre police officer with about 19 years of experience working in North-Central Montana. I am currently a senior patrolman with the Havre Police Department, assigned to a multi-jurisdictional drug task force as team leader.

I support House Bill #467 in it's amended form. There are several reasons for this support. First, here on the Hi-Line, we are aware, through criminal intelligence, that narcotics are transported by use of trains. I am aware that the transportation and possession of dangerous drugs is already covered by state statute. However, I feel that having this section of law specifically covering the railroad usage will help state and local law enforcement officials as they work with the Burlington-Northern special agents.

There are many times when officers have learned of transients carrying weapons on the freight trains. This in itself is not a crime in the state of Montana at this time. However, it is causing more and more of the transients to arm themselves. In the years that I have worked as an officer, I have seen the incidents of reported weapons transportation on the train increase. I am not

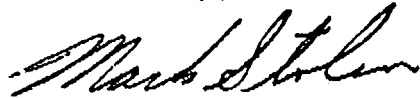
LETTER

Page 2

saying that we are having an all out weapons race, but the reports of weapons possession while hitching a ride on the train is definitely increasing.

In closing, I would like to encourage you to pass this bill as it was approved in the House. Thank-you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Stolen".

Mark Stolen, Team Leader  
Tri-Agency Task Force

MS/dv

Amendments to House Bill No. 467  
Third Reading Copy (BLUE)

Requested by Senator Brown  
For the Committee on Highways

March 27, 1991

1. Page 1, line 10.

Following: (1)

Insert: "Except as authorized by the management of a railroad."

## PROPOSED AMENDMENT TO HB 568

## INTRODUCED COPY

PAGE 4 LINE 18 FOLLOWING SECTION (1) ADD THE FOLLOWING:

SECTION 2. SECTION 61-5-121, M.C.A. IS AMENDED TO READ:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of ~~33-1/3%~~ 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 5% 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray

the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of ~~23-1/3%~~ 17.5% of each driver's license fee and of each duplicate driver's license fee and the amount of 35% of each motorcycle endorsement fee must be deposited into the state traffic education account.

(e) The amount of ~~38-1/3%~~ 53.75% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of ~~5%~~ 3.75 of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county

Ex. 6  
3-28-91  
HB 568

general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(d), (1)(e), and (1)(f).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e), and (1)(f)."



Rep. Sam Wilson

SENATE HIGHWAYS

EXHIBIT NO. 7

DATE 3-28-91

BILL NO. HB 659

HB 659 "Clarify Off-Road Vehicle  
Decal applicable to motorcycles

HB 65 in the '86 session (Carol Ellison)  
set up an off-road decal, costing \$5.00,  
for motorcycles and quadricycles.

The \$5 decal is required for these off-  
road vehicles if they are to be used  
on public lands. The decal is purchased  
from the County Treasurer.

The purpose of that piece of legisla-  
tion is to build up a fund for maintenance  
of trails which are used by off-road  
vehicles. I agree with this program  
and do not want to disturb it with  
my bill HB 659.

My bill's purpose is simply to clarify  
a difference in kinds of motorcycles.  
The inclusion of hiway cruising motor-  
cycles has created a problem for  
a few of my constituents as well as  
Fish & Wildlife & Parks, which enforces  
the decal.

As I understand this, there are two types.

of motorcycles:

1. The hiway motorcycle; i.e., Harley-Davidson, Honda-Goldwing, which are used for long-distance hiway traveling.

They are very heavy vehicles, low-slung with mufflers perhaps 5 inches off the ground - very little clearance. One generally wouldn't take one of these machines off-road.

Some of these motorcycles cost \$10,000 to \$14,000. They are licensed, like an automobile, and a 2% ad valorem tax is paid - \$200 or more in taxes plus license fee per year. They are licensed under section 61-3-321 MCA.

2. The other kind of motorcycle, used for off-~~road~~ hiway vehicles (OHV) are made for the hiway system and cannot be licensed.

- by design, slowed, geared low, no lights, etc)
- by definition in law

The OHV doesn't pay for license plates & tax

3.

Ex. 7  
3-28-91  
HB 659

but instead ~~pay~~ a fee between #26  
and #36 a year.

It is the OHV that requires the fee.

HB 659 arose out of the complaints  
to me by a constituent. I found  
that others in Billings have had his  
experience.

① Cooney Dam county road around  
the lake pull off the county road  
to picnic area lakeside on public  
land & ticketed by FWP

② In addition, I could drive up & park  
next to the motorcycle with my new  
heavy 4x4 pickup (with "off-road"  
decal on rear fender) & not be  
ticketed. Fairness

4.

23-2-802

do not want to upset the OXV  
program supplying funds from  
the local fee.

Want to solve the inconsistency  
in the law that brings in the highway  
motorcycle.

Amendments :

1. Needs effective date added
2. Mr. Del Amilio has  
worked up an amendment

SENATE HIGHWAYS  
EXHIBIT NO. 8  
DATE 3-28-91  
BILL NO. HB 659

*LE*  
MONTANA TRAIL VEHICLE RIDERS ASSN.

3301 W. Babcock  
Bozeman, MT 59715

Linda Y. Ellison *Land Use Coordinator*

March 28, 1991

Comments before Senate Highways Committee

IN SUPPORT OF HB 659

In 1987 the OHV registration decal was established as a method of identifying previously unregistered machines in the field.

In 1989 the decal was extended to "street legal" licensed machines used primarily "off road" in order to allow riders of these "dual purpose" machines to participate in funding the OHV program. The intent was a "pay to play" plan.

The association was not unaware of potential conflicts in some areas where "other conventional motorized traffic" is allowed in an "off road" situation - reservoir flood pans, etc. However, it was not our intention to cause problems for the "road riding" segment of Montana's motorcycling public.

With the OHV program only in the evaluation phase, some confusion has resulted during the transition period.

The complaints of Rep. Nelson's constituent are certainly valid.

Several approaches to resolve the problem were considered, and we feel the amendments to Rep. Nelson's initial bill have resulted in a workable solution. We urge your support for the bill.

Amendments to House Bill No. 192  
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon  
March 28, 1991

1. Title, line 9.

Strike: "RATES,"

2. Title, line 10.

Following: "PROVISIONS"

Strike: ", "

3. Title, line 12.

Strike: "69-12-501, 69-12-502,"

4. Page 6, line 9.

Following: "A"

Strike: "1"

Following: "and"

Insert: "and"

5. Page 6, line 10.

Following: "B"

Strike: ", and Class E"

6. Page 7, lines 6 through 10.

Following: line 5

Strike: lines 6 through 10 in their entirety

7. Page 7, line 21.

Following: "A"

Strike: "1"

Following: "and"

Insert: "and"

Following: "B"

Strike: ", and Class E"

8. Page 9, line 10.

Following: "logs"

Insert: "if the remuneration is fixed in and transportation  
services are furnished under a written contract or  
agreement"

9. Page 10, lines 12 through 15.

Following: "(2)" on line 12

Strike: remainder of line 12 through "days." on line 15

10. Page 16, line 6 through page 17, line 22.

Strike: sections 14 and 15 in their entirety

Renumber: subsequent sections

Amendments to House Bill No. 306  
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon  
March 27, 1991

1. Title, lines 5 and 6.

Strike: ", PARKS, OR PLAYGROUNDS"

Insert: "OR DESIGNATED CROSSWALKS NEAR SCHOOLS"

2. Page 3, lines 21 and 22.

Strike: ", PARK, OR PLAYGROUND"

Insert: "or a designated crosswalk, as crosswalk is defined in  
61-1-209, near a school"

3. Page 3, line 22.

Strike: "70%"

Insert: "80%, rounded to the nearest whole number evenly  
divisible by 5 but not less than 25 miles an hour,"

Amendments to House Bill No. 568  
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon  
March 28, 1991

1. Title, line 5.

Following: "AND"

Insert: "REGULAR DRIVER'S LICENSES AND"

2. Title, line 6.

Following: "ENDORSEMENTS;"

Insert: "REVISING THE DISPOSITION OF FEES;"

3. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "61-5-111"

Insert: "AND 61-5-121"

4. Page 3, line 23.

Strike: "\$3"

Insert: "\$4"

5. Page 4, line 19.

Following: line 18

Insert: "Section 2. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of ~~33-1/3%~~ 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of ~~5%~~ 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount



provided for in subsection (1)(c)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing motorcycle endorsements.

(d) The amount of ~~23-1/3%~~ 17.5% of each driver's license fee and of each duplicate driver's license fee and the amount of 35% of each motorcycle endorsement fee must be deposited into the state traffic education account.

(e) The amount of ~~38-1/3%~~ 53.75% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of ~~5%~~ 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(d), (1)(e), and (1)(f).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e), and (1)(f)."

NEW SECTION. **Section 3. Coordination instruction.** If House Bill No. 2 or some other act of the 52nd legislature is passed and approved and does not contain provisions appropriating to the department of justice the money realized from the increases in fees contained in [section 1 of this act] for the purpose of increasing the number of field personnel engaged in driver's license examinations, [this act] is void."  
Renumber: subsequent section

**Exhibit 12 was not transmitted with the minutes.**

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: March 28, 1991

VISITOR'S REGISTER

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Pat Fein	BN Railroad	467	X	
D. B. DITZEL	Bro. of Locomotive Engs	467	X	
R.R. WEST	UTU	467	X	
Dean Roberts	motor vehicle Driv	568	X	
Anita Arnes	motor veh. div	568	X	
Thane Fzley	" " "	568	X	
Jack A. Lister	IN Dept of Highway	628	X	
Sinde Ellison	MITURA	659	X	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)