

HOUSE BILL 20

Introduced by Mills

11/24	Introduced
11/29	Referred to Appropriations
11/29	First Reading
11/29	Fiscal Note Requested
12/01	Hearing
12/07	Fiscal Note Received
12/08	Fiscal Note Printed
	Died in Committee

HOUSE BILL NO. 20

INTRODUCED BY MILLS

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING STATE FUNDING FOR SCHOOL DISTRICT TRAFFIC EDUCATION AND MOTORCYCLE SAFETY TRAINING PROGRAMS; ELIMINATING SUPERVISION BY THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR SCHOOL DISTRICT TRAFFIC EDUCATION AND MOTORCYCLE SAFETY TRAINING PROGRAMS; REQUIRING THE DEPARTMENT OF JUSTICE TO LICENSE TRAFFIC EDUCATION TEACHERS AND INSTRUCTORS OF MOTORCYCLE SAFETY TRAINING; PROVIDING A LICENSE FEE AND STATE EXAMINATION; PROVIDING FOR LICENSE SUSPENSION AND REVOCATION; GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF JUSTICE; AMENDING SECTIONS 3-10-601, 20-3-106, 20-7-503, 20-7-507, 61-2-103, 61-5-106, AND 61-5-121, MCA; REPEALING SECTIONS 20-7-501, 20-7-502, 20-7-504, 20-7-505, 20-7-506, 20-7-510, 20-7-511, 20-7-512, 20-7-513, 20-7-514, AND 20-9-510, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the department of justice authority to adopt administrative rules. It is intended that the department adopt rules regarding the administration of a nationally recognized test for licensure as a traffic education teacher

or for licensure as an instructor of motorcycle safety training. The department may also adopt rules regarding license suspension and revocation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-601, MCA, is amended to read:

"3-10-601. Collection and disposition of fines, penalties, forfeitures, and fees. (1) Each justice of the peace shall collect the fees prescribed by law for justices' courts and shall pay them into the county treasury of the county wherein--he in which the justice of the peace holds office, on or before the 10th day of each month, to be credited to the general fund of the county.

(2) All fines, penalties, and forfeitures that this code requires to be imposed, collected, or paid in a justice's court must, for each calendar month, be paid by the justice's court on or before the 5th day of the following month to the treasurer of the county in which the justice's court is situated, except that they may be distributed as provided in 44-12-206 if imposed, collected, or paid for a violation of Title 45, chapter 9 or 10.

(3) The county treasurer shall, in the manner provided in 15-1-504, distribute money received under subsection (2) as follows:

(a) 50% to the state treasurer; and

(b) 50% to the county general fund.

(4) The state treasurer shall distribute money received under subsection (3) as follows:

(a) ~~27.88%~~ 61.74% to the state general fund;

(b) 9.09% to the fish and game account in the state special revenue fund;

(c) 11.76% to the state highway account in the state special revenue fund;

(d) ~~33.86%--to--the--traffic--education--account--in--the state--special--revenue--fund;~~

(e) 0.57% to the department of livestock account in the state special revenue fund;

~~(f)~~ (e) 15.9% to the crime victims compensation account in the state special revenue fund; and

~~(g)~~ (f) 0.94% to the department of family services special revenue account for the battered spouses and domestic violence grant program."

Section 2. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties.

The superintendent of public instruction has the general supervision of the public schools and districts of the state and shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the

provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;

(5) approve or disapprove the orders of a high school boundary commission in accordance with the provisions of 20-6-311;

(6) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

(7) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

(8) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;

(9) establish a system of communication for calculating joint district ~~revenues~~ revenue in accordance with the provisions of 20-9-151;

(10) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in 20-9-163 and adopt rules for an application for

1 additional direct state aid for a budget amendment in
2 accordance with the approval and disbursement provisions of
3 20-9-166;

4 (11) generally supervise the school financial
5 administration provisions as prescribed by 20-9-201(2);

6 (12) prescribe and furnish the annual report forms to
7 enable the districts to report to the county superintendent
8 in accordance with the provisions of 20-9-213(5) and the
9 annual report forms to enable the county superintendents to
10 report to the superintendent of public instruction in
11 accordance with the provisions of 20-3-209;

12 (13) approve, disapprove, or adjust an increase of the
13 average number belonging (ANB) in accordance with the
14 provisions of 20-9-313 and 20-9-314;

15 (14) distribute BASE aid and special education allowable
16 cost payments in support of the BASE funding program, in
17 accordance with the provisions of 20-9-331, 20-9-333,
18 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;

19 (15) provide for the uniform and equal provision of
20 transportation by performing the duties prescribed by the
21 provisions of 20-10-112;

22 (16) approve or disapprove an adult education program
23 for which a district proposes to levy a tax in accordance
24 with the provisions of 20-7-705;

25 (17) request, accept, deposit, and expend federal money

1 in accordance with the provisions of 20-9-603;

2 (18) authorize the use of federal money for the support
3 of an interlocal cooperative agreement in accordance with
4 the provisions of 20-9-703 and 20-9-704;

5 (19) prescribe the form and contents of and approve or
6 disapprove interstate contracts in accordance with the
7 provisions of 20-9-705;

8 (20) approve or disapprove the conduct of school on a
9 Saturday or on pupil-instruction-related days in accordance
10 with the provisions of 20-1-303 and 20-1-304;

11 (21) recommend standards of accreditation for all
12 schools to the board of public education and evaluate
13 compliance with the standards and recommend accreditation
14 status of every school to the board of public education in
15 accordance with the provisions of 20-7-101 and 20-7-102;

16 (22) collect and maintain a file of curriculum guides
17 and assist schools with instructional programs in accordance
18 with the provisions of 20-7-113 and 20-7-114;

19 (23) establish and maintain a library of visual, aural,
20 and other educational media in accordance with the
21 provisions of 20-7-201;

22 (24) license textbook dealers and initiate prosecution
23 of textbook dealers violating the law in accordance with the
24 provisions of the textbooks part of this title;

25 (25) as the governing agent and executive officer of the

state of Montana for K-12 vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(26) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

~~(27) administer---the---traffic---education--program--in accordance-with-the-provisions-of-20-7-502;~~

~~(28)~~ administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

~~(29)~~ review school building plans and specifications in accordance with the provisions of 20-6-622;

~~(30)~~ prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408;

~~(31)~~ provide schools with information and technical assistance for compliance with the student assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for the board of public education and the legislature;

~~(32)~~ administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369; and

~~(33)~~ perform any other duty prescribed from time to time by this title, any other act of the legislature, or the

policies of the board of public education."

Section 3. Section 20-7-503, MCA, is amended to read:

"20-7-503. District establishment of traffic education program. The trustees of any district operating a junior high school or high school may establish and maintain a traffic education course. The traffic education course ~~shall~~ must be:

(1) for students who are 15 years old or older or will have reached their 15th birthday within 6 months of the course completion;

(2) taught by a teacher of traffic education who is licensed as provided in [sections 8 through 13];

(3) conducted in accordance with the basic course requirements established by the ~~superintendent-of-public instruction~~ department of justice as provided in [section 8]; and

(4) taught during regular school hours, after regular school hours, on Saturdays, or as a summer school course, at the option of the trustees."

Section 4. Section 20-7-507, MCA, is amended to read:

"20-7-507. District traffic education fund. The trustees of any a district maintaining a traffic education course ~~shall~~ establish a special nonbudgeted fund with the county treasurer for traffic education. ~~The--state--traffic education--reimbursement-and-all-nontax-receipts~~ All revenue

for traffic education ~~shall~~ must be deposited in the district's traffic education fund. The expenditure of the ~~moneys~~ revenue deposited in the district's traffic education fund ~~shall~~ is not be subject to the budgeting provisions of this title, and the ~~moneys-may~~ revenue must be expended for traffic education."

Section 5. Section 61-2-103, MCA, is amended to read:

"61-2-103. Duties. (1) The governor is responsible for the administration of the highway traffic safety program. The governor may contract and do all other things necessary to secure the full benefits available to this state under the Federal Highway Safety Act of 1966, and, in so doing, may cooperate with federal and state agencies, private and public organizations, and individuals to effectuate the purposes of that enactment and all amendments to it. The governor may appoint an administrator of the highway traffic safety program to carry out the governor's responsibilities under this part. For purposes of participation in the Federal Highway Safety Act of 1966, the governor shall designate the ~~superintendent---of---public---instruction~~ department of justice as the state agency responsible for ~~all the~~ all the aspects of federally assisted driver education and safety programs in ~~the-public-schools~~ any driver training school or school district approved by the department, including ~~the--approval--of--the--programs,--certification~~

licensure of traffic education teachers, and the acceptance, allocation, and expenditure of funds for driver education in accordance with applicable federal laws and regulations. Nothing in this part interferes with the provisions of 20-9-603 or part 5, chapter 7, of Title 20.

(2) The department of justice shall:

(a) advise and assist the governor in all matters of highway safety and establish comprehensive training programs, including establishment and regulation of driver training schools, and certification of the schools and licensure of instructors, and establishment of adult training and retraining programs;

(b) develop and procure practice driving facilities, simulators, and other teaching aids for school and driver training use;

(c) establish a continuing and adequate research program designed to determine the causes of accidents and effect a program of prevention;

(d) establish a uniform system of driver licensing, including mental and physical standards; and

(e) prescribe and establish safety regulations for motor vehicles and operators."

Section 6. Section 61-5-106, MCA, is amended to read:

"61-5-106. Instruction and traffic education permits and temporary licenses. (1) A person satisfying the age

1 requirements specified in 61-5-105(1) may apply to the
 2 department for an instruction permit. The department may in
 3 its discretion, after the applicant has successfully passed
 4 all parts of the examination other than the driving test,
 5 issue to the applicant an instruction permit that entitles
 6 the applicant, while having the permit in the applicant's
 7 immediate possession, to drive a motor vehicle upon the
 8 public highways for a period of 6 months when accompanied by
 9 a licensed driver who is occupying a seat beside the driver.
 10 In addition, the department may issue an instruction permit
 11 to any person who is at least 14 1/2 years of age and who
 12 has successfully completed or is successfully participating
 13 in a traffic education course approved by the department and
 14 ~~the-superintendent-of--public--instruction~~. An instruction
 15 permit must be restricted to the operation of a motor
 16 vehicle only when accompanied by an approved instructor or
 17 licensed parent or guardian and may be further restricted to
 18 specific times or areas.

19 (2) The department upon receiving proper application
 20 may in its discretion issue a traffic education permit
 21 effective for a school year or more restricted period to an
 22 applicant who is enrolled in a traffic education program
 23 approved by the department even though the applicant has not
 24 reached the legal age to be eligible for a driver's license.
 25 The permit entitles the permittee, when the permittee has a

1 permit in the permittee's immediate possession, to operate
 2 only on a designated highway or within a designated area a
 3 motor vehicle only when an approved instructor is occupying
 4 a seat beside the permittee or a motorcycle or quadricycle
 5 only when under the immediate and proximate supervision of
 6 an approved instructor.

7 (3) The department may in its discretion issue a
 8 temporary driver's permit to an applicant for a driver's
 9 license permitting the applicant to operate a motor vehicle
 10 while the department is completing its investigation and
 11 determination of all facts relative to the applicant's right
 12 to receive a driver's license. The permit must be in the
 13 permittee's immediate possession while operating a motor
 14 vehicle, and it is invalid when the applicant's license has
 15 been issued or for good cause has been refused.

16 (4) The department may in its discretion issue a
 17 temporary commercial driver's license to an applicant
 18 permitting the applicant to operate a commercial motor
 19 vehicle while the department is completing its investigation
 20 and determination of all facts relative to the applicant's
 21 right to receive a commercial driver's license. The
 22 temporary license must be in the applicant's immediate
 23 possession while operating a commercial motor vehicle and is
 24 invalid when the applicant's license has been issued or for
 25 good cause has been refused."

Section 7. 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 driver's licenses 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 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.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 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 general fund.

(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 general fund.

~~(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.~~

~~(e)~~ In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of ~~53.75%~~ 71.25% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

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

~~(g)~~ (f) The amount of 95% of each motorcycle endorsement fee must be deposited into ~~the state traffic education account in~~ the state ~~special revenue~~ general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit to the state

1 treasurer all remaining fees, together with a statement
 2 indicating what portion of each fee is to be deposited into
 3 the account in the state special revenue fund as provided in
 4 subsection (1)(a)~~7-the-state-traffic-education-account7~~ and
 5 the state general fund. The state treasurer, upon receipt of
 6 the fees and statement, shall deposit the fees as provided
 7 in subsections (1)(a) and (1)(d) through ~~(1)(g)~~ (1)(f).

8 (b) If fees from driver's licenses, commercial driver's
 9 licenses, motorcycle endorsements, and duplicate driver's
 10 licenses are collected by the department, it shall remit all
 11 fees to the state treasurer, together with a statement
 12 indicating what portion of each fee is to be deposited into
 13 the account in the state special revenue fund as provided in
 14 subsection (1)(a), the state special revenue fund, ~~the-state~~
 15 ~~traffic--education--account7~~ and the state general fund. The
 16 state treasurer, upon receipt of the fees and statement,
 17 shall deposit the fees as provided in subsections (1)(a),
 18 (1)(b)(ii), (1)(c)(ii), and (1)(d) through ~~(1)(g)~~ (1)(f)."

19 NEW SECTION. Section 8. Definitions. As used in
 20 [sections 8 through 13], unless the context clearly
 21 indicates otherwise, the following definitions apply:

22 (1) "Department" means the department of justice as
 23 provided in 2-15-2001.

24 (2) "Instructor of motorcycle safety training" means an
 25 instructor approved and licensed by the department to

1 conduct motorcycle safety training.

2 (3) "Motorcycle safety training" means a course for
 3 beginning and experienced motorcycle riders that includes
 4 both classroom and on-road components and that is designed
 5 to teach motorcyclists how to safely operate their vehicles.

6 (4) "Teacher of traffic education" means an instructor
 7 approved and licensed by the department to teach traffic
 8 education.

9 (5) "Traffic education" means instruction in:

10 (a) motor vehicle, pedestrian, and motorcycle laws;

11 (b) the acceptance of personal responsibility while
 12 using the public highways;

13 (c) the causes and consequences of traffic accidents;
 14 and

15 (d) the skills necessary for the safe operation of
 16 bicycles and motor vehicles or motorcycles.

17 NEW SECTION. Section 9. Duties of department for
 18 traffic education and motorcycle safety training programs.
 19 The department shall:

20 (1) establish the qualifications for teachers of
 21 traffic education and instructors of motorcycle safety
 22 training. Qualifications for instructors of motorcycle
 23 safety training must be based on national standards
 24 promulgated by the motorcycle safety foundation or a similar
 25 organization recognized by the department.

(2) approve and license teachers of traffic education and instructors of motorcycle safety training when the teachers or instructors are qualified; and

(3) in cooperation with other state, local government, and private agencies, promote safety and awareness in the use and operation of motorcycles through action appropriate to the agencies' purposes and goals, including the advertising and encouragement of motorcycle safety training.

NEW SECTION. Section 10. License required. (1) A person may not represent to the public that the person is a teacher of traffic education or an instructor of motorcycle safety training unless the person is licensed under the provisions of [sections 8 through 13].

(2) After application for a license and payment of the fee required in [section 12], an applicant must be granted a license as a teacher of traffic education or an instructor of motorcycle safety training if the person:

(a) is at least 18 years old;

(b) is a citizen of the United States;

(c) is of good moral character;

(d) has a high school diploma from an accredited high school or its equivalent; and

(e) has successfully passed an examination conducted by the department that tests the applicant's general knowledge of traffic education or motorcycle safety training as

defined in [section 8].

NEW SECTION. Section 11. Terms of license -- renewal -- fee. (1) The license of a teacher of traffic education or an instructor of motorcycle safety training expires at midnight on March 1 of each year and is renewable only after payment of a renewal fee.

(2) At any time within 2 years after the expiration date, a teacher of traffic education or an instructor of motorcycle safety training whose license has expired may obtain a renewal license without examination upon payment of a license renewal fee to the department.

NEW SECTION. Section 12. Fees. (1) The department shall adopt and charge nonrefundable application, license, and license renewal fees that are commensurate with the costs of administering [sections 8 through 13].

(2) The department shall deposit the fees collected under this section in the state special revenue fund for the use of the department in administering [sections 8 through 13].

NEW SECTION. Section 13. Suspension or revocation of license -- refusal of application -- notice -- hearing -- judicial review. (1) The license of a teacher of traffic education or an instructor of motorcycle safety training may be suspended for a fixed period or may be revoked if, after a hearing before the department, it has been determined by

1 competent evidence that the licensee:

2 (a) has obtained the license by fraudulent
3 representation;

4 (b) employs misrepresentation, false promises, or
5 misleading advertising for the purpose of directly or
6 indirectly obtaining business;

7 (c) is incompetent for any reason to act as a teacher
8 of traffic education or an instructor of motorcycle safety
9 training;

10 (d) has allowed the license to be used by an unlicensed
11 person;

12 (e) has violated the provisions of [sections 8 through
13 13] or any rule adopted by the department that relates to
14 traffic education or motorcycle safety training;

15 (f) has willfully or negligently aided or abetted
16 another person in violating the provisions of [sections 8
17 through 13] or any rule adopted by the department that
18 relates to traffic education or motorcycle safety training;

19 (g) has failed to provide, within a reasonable amount
20 of time, information requested by the department relating to
21 a formal complaint filed with the department involving the
22 licensee; or

23 (h) has been adjudicated by a decree of court to be
24 seriously mentally ill.

25 (2) (a) Before refusing an application for licensure or

1 suspending or revoking a license, the department shall
2 notify the applicant, teacher of traffic education, or
3 instructor of motorcycle safety training by mail not less
4 than 30 days before taking any action. The notice must
5 advise the applicant, teacher of traffic education, or
6 instructor of motorcycle safety training of the intended
7 action and must include a statement that the applicant,
8 teacher of traffic education, or instructor of motorcycle
9 safety training may request a hearing within 20 days of
10 receipt of the notice.

11 (b) If the applicant, teacher of traffic education, or
12 instructor of motorcycle safety training requests a hearing
13 within that period, a hearing must be granted and the
14 contested case provisions of the Montana Administrative
15 Procedure Act apply to the hearing.

16 (c) A person who is aggrieved by a final decision in a
17 contested case is entitled to judicial review under the
18 Montana Administrative Procedure Act.

19 NEW SECTION. Section 14. Codification instruction.
20 [Sections 8 through 13] are intended to be codified as an
21 integral part of Title 61, chapter 5, and the provisions of
22 Title 61, chapter 5, apply to [sections 8 through 13].

23 NEW SECTION. Section 15. Repealer. Sections 20-7-501,
24 20-7-502, 20-7-504, 20-7-505, 20-7-506, 20-7-510, 20-7-511,
25 20-7-512, 20-7-513, 20-7-514, and 20-9-510, MCA, are

1 repealed.

2 NEW SECTION. **Section 16.** Effective date. [This act] is
3 effective July 1, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB20, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act eliminating state funding for school district traffic education and motorcycle safety training programs; eliminating supervision by the Office of Public Instruction for school district traffic education and motorcycle safety training programs; requiring the Department of Justice to license traffic education teachers and instructors of motorcycle safety training; providing a license fee and state examination; providing for license suspension and revocation; granting rule making authority to the Department of Justice; amending and repealing various sections; and providing an effective date.

ASSUMPTIONS:

1. Receipts to the Traffic and Safety Education account (AE 02402) totaled \$1,650,971 in fiscal 1993. These receipts included \$1,059,731 from fines and forfeitures, \$492,656 from driver's license fees, and \$26,947 from motorcycle endorsements. Revenues from these three sources would be transferred to the general fund in fiscal 1995 under House Bill 20. The revenue gain to the general fund is estimated to be \$1,600,000 for fiscal 1995.
2. House Bill 20 repeals the \$2.50 annual motorcycle registration fee imposed by 20-9-514. This fee generated \$59,282 in fiscal 1993. House Bill 20 also repeals the authority of the State Superintendent of Public Instruction to charge a fee for motorcycle safety training courses. Motorcycle safety training courses generated \$11,935 in fiscal 1993.
3. The Office of Public Instruction would no longer administer the Traffic and Safety Education program. The fiscal 1995 budget for this program is estimated to be \$410,000 with 4.00 FTE.
4. Assume that section 12 means that any new costs of administering this bill by the Department of Justice must be recovered by a license fee.
5. Assume that 300 licenses will be issued or renewed each year to instructors, and each instructor will pay \$500 for that license, creating a new revenue source of \$150,000.
6. Assume that three new FTE's will be needed by the Department of Justice to perform the functions outlined in HB 20.

FISCAL IMPACT:Expenditures:Department of Justice

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	3,925,000	3,925,000	0	3,990,000	4,090,000	100,000
Operating	2,319,000	2,319,000	0	2,651,000	2,681,000	30,000
Equipment	101,000	101,000	0	101,000	113,000	12,000
Total	6,345,000	6,345,000	0	6,742,000	6,884,000	142,000

(continued)

Dave Lewis 12/7
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Norm Mills 12/5/93
NORM MILLS, PRIMARY SPONSOR DATE
Fiscal Note for HB20, as introduced

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Office of Public Instruction

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Personal Services	4,944,450	4,733,529	(210,921)	5,024,951	4,812,191	(212,760)
Operating	4,960,982	4,762,283	(198,699)	4,358,238	4,155,047	(203,191)
Equipment	177,639	177,639	0	183,984	183,984	0
Grants, Transfers, Local Asst.	990,526	990,526	0	97,916	97,916	0
Total	11,073,597	10,663,977	(409,620)	9,665,089	9,249,138	(415,951)

Revenues:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Drivers' License:						
General Fund	1,510,000	1,510,000	0	1,510,000	2,030,000	520,000
Traffic Education SSR	520,000	520,000	0	520,000	0	(520,000)
H.P. Retire. SSR	740,000	740,000	0	740,000	740,000	0
Fines and Forfeitures:						
General Fund	889,260	889,260	0	889,260	1,969,260	1,080,000
Traffic Education SSR	1,080,000	1,080,000	0	1,080,000	0	(1,080,000)
Motorcycle Registration Fee:						
Traffic Education SSR	60,000	60,000	0	60,000	0	(60,000)
Motorcycle training fees:						
Traffic Education SSR	12,000	12,000	0	12,000	0	(12,000)
Instructor License:						
SSR	0	0	0	0	150,000	150,000
Total	4,811,260	4,811,260	0	4,811,260	4,889,260	78,000

Net Impact: The general fund would increase revenue in FY 1995 by \$1,600,000 with a \$1,672,000 decrease in the traffic education SSR. New revenues would be generated in FY 1995 through an Instructor's license of \$150,000 with offsetting expenses of \$142,000.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: School districts would not receive a distribution of drivers' education funds from Office of Public Instruction.

(continued)

Fiscal Note Request, HB20, as introduced

Form BD-15 page 3

(continued)

TECHNICAL NOTES: House Bill 20 repeals the authority of the State Superintendent of Public Instruction to charge for Motorcycle Training Courses and the motorcycle registration fee imposed by 20-7-514, MCA. It is not clear whether this authority and fees have been transferred to the Department of Justice.

The language in Section 5 of the bill leaves in language that says, "Nothing in this part interferes with the provisions of 20-9-603 or part 5, chapter 7, of Title 20." The reference to part 5, chapter 7, of Title 20 should be deleted.

DEDICATION OF REVENUE: Driving/motorcycle Instructors:

- a) Are there persons or entities that benefit from this dedicated revenue that do not pay? No.
- b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund? None.
- c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? ☒ Yes ☐ No (if no, explain)
- d) Does the need for this state special revenue provision still exist? ☒ Yes
☐ No The account has not been created yet. It will be created if H.B. 20 passes as introduced.
- e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? According to H.B. 20, the fees are designed to just cover the expenses of this small function.
- f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? Yes. Driver's and motorcycle education has always been a recognized need.
- g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? No efficiencies or inefficiencies created and could be accounted for in the general fund, assuming the function is adequately funded.