

Senate BILL NO. 241

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

INTRODUCED BY HARP

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO DENY AN INSTRUCTION PERMIT OR DRIVER'S LICENSE TO A PERSON WHO IS LESS THAN 18 YEARS OF AGE AND WHO HAS NOT RECEIVED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT AND WHO IS NOT ENROLLED AND ATTENDING A PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL OR A HOME SCHOOL OR ADULT EDUCATION PROGRAM; AUTHORIZING THE DEPARTMENT OF JUSTICE TO SUSPEND THE DRIVER'S LICENSE OF A STUDENT WHO IS 15 YEARS OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE UPON NOTIFICATION THAT THE STUDENT IS NO LONGER ATTENDING SCHOOL; REQUIRING A COUNTY SUPERINTENDENT TO NOTIFY THE DEPARTMENT OF JUSTICE WHEN A STUDENT HAS GRADUATED OR IS NO LONGER ATTENDING SCHOOL; REQUIRING SCHOOL DISTRICT TRUSTEES TO PROVIDE INFORMATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING AN EXCEPTION IN CASES OF DEMONSTRATED FINANCIAL HARDSHIP; PROHIBITING THE ISSUANCE OF A PROBATIONARY LICENSE; CHANGING THE REQUIREMENTS FOR COMPULSORY ATTENDANCE AT SCHOOL TO 18 YEARS OF AGE OR RECEIPT OF A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; AMENDING SECTIONS 20-3-205, 20-3-324, 20-5-102, 20-5-103, 61-5-105, 61-5-107, AND 61-5-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 20-3-205, MCA, is amended to read:

"**20-3-205. Powers and duties.** The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

- (1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;
- (2) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;
- (3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance

- 1 with the provisions of 20-4-202;
- 2 (4) act on each tuition and transportation obligation submitted in accordance with the provisions  
3 of 20-5-323 and 20-5-324;
- 4 (5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;
- 5 (6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;
- 6 (7) keep a transcript and reconcile the district boundaries of the county in accordance with the  
7 provisions of 20-6-103;
- 8 (8) fulfill all responsibilities assigned under the provisions of this title regulating the organization,  
9 alteration, or abandonment of districts;
- 10 (9) act on any unification proposition and, if approved, establish additional trustee nominating  
11 districts in accordance with 20-6-312 and 20-6-313;
- 12 (10) estimate the average number belonging (ANB) of an opening school in accordance with the  
13 provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;
- 14 (11) process and, when required, act on school isolation applications in accordance with the  
15 provisions of 20-9-302;
- 16 (12) complete the budgets, compute the budgeted revenues and tax levies, file final budgets and  
17 budget amendments, and fulfill other responsibilities assigned under the provisions of this title regulating  
18 school budgeting systems;
- 19 (13) submit an annual financial report to the superintendent of public instruction in accordance with  
20 the provisions of 20-9-211;
- 21 (14) monthly, unless otherwise provided by law, order the county treasurer to apportion state  
22 money, county school money, and any other school money subject to apportionment in accordance with  
23 the provisions of 20-9-212, 20-9-334, 20-9-347, 20-10-145, or 20-10-146;
- 24 (15) act on any request to transfer average number belonging (ANB) in accordance with the  
25 provisions of 20-9-313(3);
- 26 (16) calculate the estimated budgeted general fund sources of revenue in accordance with the  
27 general fund revenue provisions of the general fund part of this title;
- 28 (17) compute the revenues and the district and county levy requirements for each fund included  
29 in each district's final budget and report the computations to the board of county commissioners in  
30 accordance with the provisions of the general fund, transportation, bonds, and other school funds parts

1 of this title;

2 (18) file and forward bus driver certifications, transportation contracts, and state transportation  
3 reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

4 (19) for districts that do not employ a district superintendent or principal, recommend library book  
5 and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

6 (20) notify the superintendent of public instruction of a textbook dealer's activities when required  
7 under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

8 (21) act on district requests to allocate federal money for indigent children for school food services  
9 in accordance with the provisions of 20-10-205;

10 (22) perform any other duty prescribed from time to time by this title, any other act of the  
11 legislature, the policies of the board of public education, the policies of the board of regents relating to  
12 community college districts, or the rules of the superintendent of public instruction;

13 (23) administer the oath of office to trustees without the receipt of pay for administering the oath;

14 (24) keep a record of official acts, preserve all reports submitted to the superintendent under the  
15 provisions of this title, preserve all books and instructional equipment or supplies, keep all documents  
16 applicable to the administration of the office, and surrender all records, books, supplies, and equipment to  
17 the next superintendent;

18 (25) within 90 days after the close of the school fiscal year, publish an annual report in the county  
19 newspaper stating the following financial information for the school fiscal year just ended for each district  
20 of the county:

21 (a) the total of the cash balances of all funds maintained by the district at the beginning of the  
22 year;

23 (b) the total receipts that were realized in each fund maintained by the district;

24 (c) the total expenditures that were made from each fund maintained by the district; and

25 (d) the total of the cash balances of all funds maintained by the district at the end of the school  
26 fiscal year; ~~and~~

27 (26) provide to the department of justice by each November 15 and March 15 a list containing the  
28 name of each student who is 15 years of age or older but less than 18 years of age and:

29 {a} was enrolled in the previous enrollment count but is not enrolled in the current enrollment count;

30 or

1           (b) has received a high school diploma or its equivalent since the last required enrollment count;  
2           (27) upon request from the department of justice, cooperate with trustees to provide verification  
3           that a student meets the requirements of 61-5-107 or 61-5-206; and  
4           (28) hold meetings for the members of the trustees from time to time at which matters for the good  
5           of the districts must be discussed."

6  
7           **Section 2.** Section 20-3-324, MCA, is amended to read:

8           **"20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of each district  
9 shall:

10           (1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the  
11 district superintendent, the county high school principal, or other principal as the board considers  
12 necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine,  
13 in accordance with the provisions of Title 20, chapter 4;

14           (2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians,  
15 maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel  
16 considered necessary to carry out the various services of the district;

17           (3) administer the attendance and tuition provisions and otherwise govern the pupils of the district  
18 in accordance with the provisions of the pupils chapter of this title;

19           (4) call, conduct, and certify the elections of the district in accordance with the provisions of the  
20 school elections chapter of this title;

21           (5) participate in the teachers' retirement system of the state of Montana in accordance with the  
22 provisions of the teachers' retirement system chapter of Title 19;

23           (6) participate in district boundary change actions in accordance with the provisions of the districts  
24 chapter of this title;

25           (7) organize, open, close, or acquire isolation status for the schools of the district in accordance  
26 with the provisions of the school organization part of this title;

27           (8) adopt and administer the annual budget or a budget amendment of the district in accordance  
28 with the provisions of the school budget system part of this title;

29           (9) conduct the fiscal business of the district in accordance with the provisions of the school  
30 financial administration part of this title;

1 (10) establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating  
2 reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions  
3 of the general fund part of this title;

4 (11) establish, maintain, budget, and finance the transportation program of the district in  
5 accordance with the provisions of the transportation parts of this title;

6 (12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the  
7 provisions of the bonds parts of this title;

8 (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement  
9 fund, building reserve fund, adult education fund, nonoperating fund, school food services fund,  
10 miscellaneous federal programs fund, building fund, lease or rental agreement fund, traffic education fund,  
11 impact aid fund, and interlocal cooperative agreement fund in accordance with the provisions of the other  
12 school funds parts of this title;

13 (14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises  
14 in accordance with the provisions of the miscellaneous financial parts of this title;

15 (15) hold in trust, acquire, and dispose of the real and personal property of the district in  
16 accordance with the provisions of the school sites and facilities part of this title;

17 (16) operate the schools of the district in accordance with the provisions of the school calendar part  
18 of this title;

19 (17) establish and maintain the instructional services of the schools of the district in accordance  
20 with the provisions of the instructional services, textbooks, vocational education, and special education  
21 parts of this title;

22 (18) establish and maintain the school food services of the district in accordance with the provisions  
23 of the school food services parts of this title;

24 (19) make reports from time to time as the county superintendent, superintendent of public  
25 instruction, and board of public education may require;

26 (20) retain, when considered advisable, a physician or registered nurse to inspect the sanitary  
27 conditions of the school or the general health conditions of each pupil and, upon request, make available  
28 to any parent or guardian any medical reports or health records maintained by the district pertaining to the  
29 child;

30 (21) for each member of the trustees, visit each school of the district not less than once each

1 school fiscal year to examine its management, conditions, and needs, except trustees from a first-class  
2 school district may share the responsibility for visiting each school in the district;

3 (22) procure and display outside daily in suitable weather on school days at each school of the  
4 district an American flag that measures not less than 4 feet by 6 feet;

5 (23) provide that an American flag that measures approximately 12 inches by 18 inches be  
6 prominently displayed in each classroom in each school of the district, except in a classroom in which the  
7 flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

8 (24) adopt and administer a district policy on assessment for placement of any child who enrolls  
9 in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110; ~~and~~

10 (25) upon request from the county superintendent, provide information necessary to verify that  
11 a student meets the requirements of 61-5-107 or 61-5-206; and

12 ~~(25)~~(26) perform any other duty and enforce any other requirements for the government of the  
13 schools prescribed by this title, the policies of the board of public education, or the rules of the  
14 superintendent of public instruction."  
15

16 **Section 3.** Section 20-5-102, MCA, is amended to read:

17 **"20-5-102. Compulsory enrollment and excuses.** (1) Except as provided in subsection (2), any  
18 parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older  
19 prior to the first day of school in any school fiscal year shall cause the child to be instructed in the program  
20 prescribed by the board of public education pursuant to 20-7-111 until the later of the following dates:

21 (a) the child's ~~16th~~ 18th birthday;

22 (b) the date of completion of the work of the 8th grade.

23 (2) A parent, guardian, or other person shall enroll the child in the school assigned by the trustees  
24 of the district within the first week of the school term or when ~~he~~ the parent, guardian, or other person  
25 establishes residence in the district unless the child is:

26 (a) enrolled in a school of another district or state under any of the tuition provisions of this title;

27 (b) provided with supervised correspondence study or supervised home study under the  
28 transportation provisions of this title;

29 (c) excused from compulsory school attendance upon a determination by a district judge that  
30 attendance is not in the best interest of the child;

1 (d) excused by the board of trustees upon a determination that attendance by a child who has  
2 attained ~~the age of 16~~ 18 years of age is not in the best interest of the child and the school; or

3 (e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the  
4 purposes of this subsection (2) (e), a home school is the instruction by a parent of ~~his~~ a child, stepchild,  
5 or ward in ~~his~~ the parent's residence and a nonpublic school includes a parochial, church, religious, or  
6 private school.

7 (f) less than 18 years of age and has received a high school diploma or its equivalent."  
8

9 **Section 4.** Section 20-5-103, MCA, is amended to read:

10 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any  
11 parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older  
12 prior to the first day of school in any school fiscal year shall cause the child to attend the school in which  
13 ~~he~~ the child is enrolled for the school term and each school day ~~therein~~ in the school term prescribed by  
14 the trustees of the district until the later of the following dates:

15 (a) the child's ~~16th~~ 18th birthday;

16 (b) the date of completion of the work of the 8th grade.

17 (2) The provisions of subsection (1) do not apply in the following cases:

18 (a) The child has been excused under one of the conditions specified in 20-5-102.

19 (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies  
20 of the trustees.

21 (c) The child has been suspended or expelled under the provisions of 20-5-202."  
22

23 **Section 5.** Section 61-5-105, MCA, is amended to read:

24 **"61-5-105. Who may not be licensed.** The department may not issue a license under this chapter  
25 to a person:

26 (1) who is under 16 years of age unless:

27 (a) the person is at least 15 years of age and has passed a driver's education course approved by  
28 the department and the superintendent of public instruction; and

29 (b) meets the requirements in 61-5-107; or

30 ~~(b)(c)~~ the person is at least 13 years of age and, because of individual hardship, to be determined

- 1 by the department, needs a restricted license;
- 2 (2) whose license or driving privilege is currently suspended or revoked in this or any state;
- 3 (3) who is addicted to the use of alcohol or narcotic drugs;
- 4 (4) who has previously been adjudged to be afflicted with or suffering from any mental disability
- 5 or disease and who, at the time of application, has not been restored to competency by the methods
- 6 provided by law;
- 7 (5) who is required by this chapter to take an examination;
- 8 (6) who has not deposited proof of financial responsibility when required under the provisions of
- 9 chapter 6 of this title; or
- 10 (7) who has any condition characterized by lapse of consciousness or control, either temporary or
- 11 prolonged, that is or may become chronic. However, the department may in its discretion issue a license
- 12 to an otherwise qualified person suffering from a condition if the afflicted person's attending physician
- 13 attests in writing that the person's condition has stabilized and would not be likely to interfere with that
- 14 person's ability to operate a motor vehicle safely and, if a commercial driver's license is involved, the
- 15 person is physically qualified to operate a commercial motor vehicle under applicable state or federal
- 16 regulations."

17

18 **Section 6.** Section 61-5-107, MCA, is amended to read:

19 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) Each

20 application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form

21 furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle.

22 (2) Each application must be accompanied by the proper fee, and payment of the fee entitles the

23 applicant to not more than three attempts to pass the examination within a period of 6 months from the

24 date of application. A voter registration form for mail registration as prescribed by the secretary of state

25 must be attached to each driver's license application. If the applicant wishes to register to vote, the

26 department shall accept the registration and forward the form to the election administrator.

27 ~~(2)~~(3) Each application must state the full name, date of birth, sex, and residence address of the

28 applicant, must briefly describe the applicant, and must state whether:

29 (a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if

30 so, when and by what state or country;



1 (b) any commercial operator license has ever been suspended or revoked; or

2 (c) an application has ever been refused; and, if so, the date of and reason for suspension,  
3 revocation, or refusal.

4 ~~(3)~~(4) When an application is received from an applicant who was previously licensed by another  
5 jurisdiction, the department shall request a copy of the applicant's driving record from the previous licensing  
6 jurisdiction. The driving record may be transmitted manually or by electronic medium. When received, the  
7 driving records become a part of the driver's record in this state with the same force and effect as though  
8 entered on the driver's record in this state in the original instance.

9 (5) In addition to the information required in subsection (2), an application for an instruction permit  
10 or for a driver's license by a person who is less than 18 years of age on October 1 of any year must be  
11 accompanied by:

12 (a) proof that the person has received a high school diploma or its equivalent or is enrolled in and  
13 regularly attending an adult education program, a public, private, or parochial school, or a home school  
14 program pursuant to 20-5-109; and

15 (b) proof that a student enrolled in a program or school has at least a "C" average for the previous  
16 semester or grading period. A student with disabilities receiving special education or related services or  
17 a student enrolled in an adult education program shall present proof that the student is successfully  
18 completing an individual education plan to be issued a license.

19 (6) If necessary, the department may contact the county superintendent of the resident district of  
20 the student to verify that the student meets the requirements of this section.

21 (7) If a person who is less than 18 years of age is unable to meet the requirements of this section  
22 but can demonstrate that financial hardship would result from the failure to issue a permit or license, the  
23 department may grant an exception only to the extent necessary to ameliorate the hardship. If the  
24 department determines that the conditions for granting a hardship were fraudulent, the parent or guardian  
25 of the minor may be charged with perjury."

26  
27 **Section 7.** Section 61-5-206, MCA, is amended to read:

28 **"61-5-206. Authority of department to suspend license or driving privilege or issue probationary**  
29 **license. (1) ~~The~~ Except as provided in subsection (5), the department may suspend the driver's license or**  
30 **driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient**

1 evidence that the licensee:

2 (a) has been involved as a driver in any accident resulting in the death or personal injury of another  
3 or serious property damage;

4 (b) has been convicted with such frequency of serious offenses against traffic regulations  
5 governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the  
6 safety of other persons on the highways;

7 (c) is an habitually reckless or negligent driver of a motor vehicle;

8 (d) is incompetent to drive a motor vehicle;

9 (e) has committed or permitted an unlawful or fraudulent use of the license as specified in  
10 61-5-302;

11 (f) has committed an offense in another state ~~which~~ that if committed in this state would be  
12 grounds for suspension or revocation;

13 (g) has falsified the licensee's date of birth on the application for a driver's license;

14 (h) is under 21 years of age and has altered the licensee's or another's driver's license or  
15 identification card to obtain alcohol; ~~or~~

16 (i) has authorized another to use the licensee's driver's license or identification card to obtain  
17 alcohol; or

18 (j) is 15 years of age or older but is less than 18 years of age and has been determined by a public,  
19 private, or parochial school as no longer enrolled and attending school.

20 (2) ~~However~~ Except when a license is suspended pursuant to subsection (1)(j), the department  
21 may, ~~in its discretion and~~ in lieu of suspending the license or driving privilege, issue a probationary license  
22 to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the  
23 licensee's driving record ~~is such as~~ would authorize suspension as provided in subsection (1). ~~Upon~~  
24 ~~issuance of~~ When a probationary license is issued, the licensee is subject to the restrictions set forth in the  
25 probationary license. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail  
26 not vacated of any traffic violation during the period of probation. The licensee shall surrender to the  
27 department all driver's licenses that have been issued to the licensee before the probationary license may  
28 be issued. The licensee's refusal or neglect to surrender the licenses upon demand is grounds for  
29 suspending all licenses. Probationary licenses may be issued for a period not to exceed 12 months.

30 (3) Upon suspending the license of any person or upon placing the person on probation, as

1 authorized in this section, the department shall immediately notify the licensee in writing and upon the  
2 licensee's request shall afford the licensee an opportunity for a hearing as early as practical within not to  
3 exceed 20 days after receipt of the request in the county in which the licensee resides unless the  
4 department and the licensee agree that the hearing may be held in some other county. At the hearing the  
5 department through its authorized agent may administer oaths ~~and may~~ issue subpoenas for the attendance  
6 of witnesses and the production of relevant books and papers, ~~and may~~ require a reexamination of the  
7 licensee. ~~At~~ Following the hearing, the department shall either rescind its order of suspension or probation,  
8 or, ~~for good cause,~~ may for good cause affirm, reduce, or extend the period of probation or suspension of  
9 the license.

10 (4) A student whose license is suspended pursuant to subsection (1)(j) may retain or regain the  
11 license from the department by providing evidence that the licensee:

12 (a) is 18 years of age;

13 (b) is attending school or an adult education program;

14 (c) is enrolled in a nonpublic or home school program pursuant to 20-5-109; or

15 (d) has obtained a high school diploma or its equivalent.

16 (5) If a student who is 15 years of age or older but less than 18 years of age is not attending  
17 school but provides convincing evidence that a financial hardship would result from the suspension of the  
18 student's license, the department may grant an exception only to the extent necessary to ameliorate the  
19 hardship."

20  
21 NEW SECTION. Section 8. Effective date -- applicability. [This act] is effective on passage and  
22 approval, and applies to applications for licenses or licenses issued on or after [the effective date of this  
23 act].

24 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0241, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act authorizing the Department of Justice to deny an instruction permit or driver's license to a person who is less than 18 years of age and who has not received a high school diploma or its equivalent and who is not enrolled and attending a public, private, or parochial school or a home school or adult education program; authorizing the Department of Justice to suspend the driver's license of a student who is 15 years of age or older but less than 18 years of age upon notification that the student is no longer attending school; requiring a county superintendent to notify the Department of Justice when a student has graduated or is no longer attending school; requiring school district trustees to provide information to the superintendent of public instruction; providing an exception in cases of demonstrated financial hardship; prohibiting the issuance of a probationary license; changing the requirements for compulsory attendance at school to 18 years of age or receipt of a high school diploma or its equivalent.

ASSUMPTIONS:

1. The effective date of this bill is upon passage and approval. Assuming that this bill would be effective April 1, 1997, the Department of Justice is estimating that its expenditures in fiscal 1997 would be increased by approximately 25% of the projected annualized costs of performing the functions as mandated by this bill.
2. The Office of Public Instruction is estimating public school enrollment as:

Grade	1997-98	1998-99
9	13,793	13,835
10	13,368	13,202
11	12,436	12,763
12	11,423	12,006

Statistics for enrollment in private, parochial or home schools or adult education programs are unknown; therefore, it is assuming that 90 percent of Montana's population between the ages of 15 and 18 are enrolled in public schools.

3. Following the October and February enrollment counts, the county superintendent of each county will need to collect enrollment and graduation reports from each school district in the county. The county superintendent will be responsible for providing that information to the Department of Justice.
4. The burden of proof of enrollment and GPA status is on the applicant for an instruction permit or a driver's license. To assist students who are applying for learner's permits and driver's licenses, it is assumed that school districts will design a form that a student can show, when applying to Department of Justice for a permit or license, to verify that the student is enrolled and has a 2.0 GPA for the prior grading period. Prior to applying for a driver's permit or license, a student would request this verification from the school district.
5. Historically the majority of Montana's population in the 15 to 18 age range obtain their driver's license during their freshman year of high school. Assuming the 1994-95 drop out rate of 3.7% as determined by the U.S. Census remains constant, approximately 570 individuals between the ages of 15 and 18 would be ineligible and would be denied a driver's license each year. ( $13,793 = 90\%$  of population in 15-18 age range;  $15,326 =$  estimated total 15-18 age range population  $\times 3.7\% =$  approximately 570)

(continued)

*David Lewis* 2-3-97  
 DAVID LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

*John Hare* 2/4/97  
 JOHN HARE, PRIMARY SPONSOR DATE  
 Fiscal Note for SB0241, as introduced

**SB 241**

(continued)

6. An estimated 75 percent of those individuals denied a driver's license (570 x 75% = approximately 425) would apply for a driver's license under financial hardship and of those approximately 50% (425 x 50% = approx. 210) would be approved. Assuming 15% (210 x 15% = approximately 30) of those individuals in this age range who are denied a driver's license would appeal the determination through an administrative hearing process. The Department of Justice's personal services costs would increase by approximately \$5,915 each year to perform the investigations and complete the administrative hearings. (425 investigations x 1 hour/each x \$12.20/hr = \$5,185 plus 30 hearings x 2 hours/each \$12.20/hr = \$730 for a total of \$5,915, assuming investigations and hearing performed by a grade 11 Driver Services Specialist I)
7. Assuming the 1994-95 drop out rate of 3.7 percent as determined by the U.S. Census remains constant, it is estimated that each year the Department of Justice would suspend approximately 2,100 additional driver's licenses under the provisions of Section 7 of this bill. (Estimated total population between the ages of 15-18 = 51,200 x 3.7% = 2,100) Each suspension requires approximately one half hour to process, increasing the Department of Justice's work load by approximately 1,050 additional hours or \$10,343 in personal services costs (0.5 FTE grade 8) each year to suspend driver's licenses as required by this bill. (1,050 hours x \$9.85/hr grade 8 = \$10,343)
8. The Department of Justice estimates that 50% of the driver's licenses suspended under Section 7 of this bill would be reinstated. (2,100 DL's suspended x 50% = 1,050 DL's reinstated) Additionally the Department of Justice estimates that approximately 400 driver's licenses would be reinstated each year due to those who have received a high school diploma or its equivalent or attained the age of 18. (11,423 students in grade 12 x 3.7% = approximately 400 DL's reinstated due to graduation or attaining age 18) Each reinstatement requires one half hour to process, increasing the Department of Justice's work load by approximately 725 hours (0.5 FTE) or \$7,141 in personal services costs. (2,100 suspensions x 50% = 1,050 reinstatements plus 400 other reinstatements x 1/2 hr each x \$9.85/hr at grade 8 level = \$7,141)
9. Annual operating expenditures are estimated at \$2,940 for such costs as \$1,100 postage, \$975 for computer access and processing time, \$540 for telephone communications, and \$325 for printing and office supplies.
10. One-time operating costs in fiscal 1998 are estimated at \$1,300 for installation of a telephone/data line at \$200 and \$1,100 for approximately 56 hours of computer programming services.
11. Additional one-time costs in fiscal 1998 would be \$4,525 for one personal computer (\$3,000), and a desk, computer work station and chair (\$1,525).
12. There may be an increase in the number of citations issued for driving without a valid driver's license or driving while license is suspended.

FISCAL IMPACT:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
	Difference	Difference
FTE	1.0	1.0
Personal Services	23,399	23,399
Operating Expenses	4,240	2,940
Equipment	4,525	0
Total	<u>32,164</u>	<u>26,339</u>

Funding:

General Fund	32,164	26,339
--------------	--------	--------

Net Impact:

General Fund	(32,164)	(26,339)
--------------	----------	----------

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This bill may affect the eligibility of students to participate in the driver education program and the cooperative driver testing program which may create a decrease in the revenues for the school districts due to decreased student participation. The school districts will have increased costs to comply with the reporting provisions of this bill.

(continued)

Raising the age of compulsory school attendance will increase school enrollments in grades 11 and 12. Additional enrollments lead to additional state and local expenditures for schools.

There may be an impact on the district court system if an individual whose driver's license was suspended elected to appeal the decision to the courts.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Students who do not maintain a "C" average during the time that they would be eligible for driver's education classes are likely to be less informed about driving standards and the rules of the road. This may have negative long-term implications for individual and public safety.

TECHNICAL NOTES:

For the purposes of this fiscal note, the definition of a "C" average is assumed to be a 2.0 GPA. It would be helpful to state in the bill how a "C" average is defined.

The bill refers to "public, private, or parochial schools or home schools" in a couple of sections, and then later in 61-5-206(4)(c) "non-public or home school" (which is the statutory language currently used). The same reference should be used throughout the bill.

The GED tests are administered in GED centers and are not specifically tied to the school that the students "quit attending." Since the equivalent is allowed, how do they presume to obtain the GED information?

The references to enrollment in an "adult education program" as an option. An "adult education program" is not a personal program but is the enrichment offerings a district has (basket weaving, quilting, welding, Spanish, etc.). If the bill means "adult basic education" that also can be a collection of courses leading to a GED, but could be attending only one course.

No oversight of the home schools (or other nonpublic), therefore, all students who dropout merely need to have a parent state they are in a home school (not even a registered one).