

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - SPECIAL SESSION**

**COMMITTEE ON FINANCE & CLAIMS**

**Call to Order:** By Senator Judy Jacobson, Chair, on December 16, 1993, at 9:10 a.m., Room 108.

**ROLL CALL**

**Members Present:**

Sen. Judy Jacobson, Chair (D)  
Sen. Gary Aklestad (R)  
Sen. Tom Beck (R)  
Sen. Don Bianchi (D)  
Sen. Chris Christiaens (D)  
Sen. Gerry Devlin (R)  
Sen. Gary Forrester (D)  
Sen. Harry Fritz (D)  
Sen. Ethel Harding (R)  
Sen. Bob Hockett (D)  
Sen. Greg Jergeson (D)  
Sen. Tom Keating (R)  
Sen. J.D. Lynch (D)  
Sen. Chuck Swysgood (R)  
Sen. Daryl Toews (R)  
Sen. Larry Tveit (R)  
Sen. Eleanor Vaughn (D)  
Sen. Mignon Waterman (D)

**Members Excused:** Senator Franklin, Senator Weeding

**Members Absent:** None.

**Staff Present:** Clayton Schenck, Legislative Fiscal Analyst  
Lynn Staley, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 89  
Executive Action: HB 89

**HEARING ON HOUSE BILL 89**

**Opening Statement by Sponsor:**

Representative Betty Lou Kasten, House District 28, sponsor, said HB 89 incorporates the intent of the education subcommittee to delete funding for driver's education along with FTE's from the Office of Public Instruction (OPI). An amendment in the House

restored half of the funding on fines and forfeitures.

**Proponents' Testimony:**

Jack Copps, Deputy Superintendent, Office of Public Instruction (OPI), said programs funded by the state were prioritized in OPI. The core curriculum was given a high priority, especially at the lower elementary level, with less priority given to programs out on the edge but still very important. He noted that although he is rising as a proponent to cutting back on driver education dollars that will be going to schools, he believes it is a very important program. Decisions have to be made so that student-teacher ratios do not deteriorate, thereby deteriorating the quality of education. He said that HB 89 originally would have eliminated in its entirety approximately \$1.6 million going to school districts for this program. The bill as amended would restore \$800,000, and the Superintendent of Public Instruction supports the bill as amended.

Pat Keim, director of government affairs, Burlington Northern Railroad, testified in support of HB 89 as approved by the House of Representatives (Exhibit 1).

Kent Mollohan, Highway Traffic Safety Division, testifying in support of HB 89, said driver's education is a very important part of youth learning to accept the driving privilege.

**Opponents' Testimony:**

Mark Cadwallader, private citizen, concerned about Montana's children and public safety, testified in opposition to HB 89 (Exhibit 2).

Senator J. D. Lynch, Senate District 35, testifying in opposition to HB 89, said in addition to the importance of the safety factor, there is the fact of insurance rates being reduced when students take driver's education classes. He presented a technical amendment to HB 89 (Exhibit 3).

Dal Smilie, Chairman, Montana Motorcycle Safety Advisory Committee, testifying in opposition to HB 89, presented testimony and an amendment to the bill (Exhibit 4). He added that the motorcycle program is different from traffic education. It relies on user based funds, and he would like to amend out the one-third cut to this user funded program.

Terry Grant, traffic education instructor, Box Elder, said their job is to teach students how to safely drive vehicles and make intelligent decisions. The cost at his school figuring in the cost of the vehicle, fuel, and the instructor's time in the car is approximately \$500 per student. He noted that without the driving instruction, students will still be driving but without experience. Regarding the decision to close some driver's examination centers, the traffic education instructors can waive the testing for driver's licenses of students which would eliminate much of the driving for the new drivers. He concluded

that if funding is cut for driver's education in the classroom or the school system, it will put one more hazard on the roads.

Doug Clanin, supervisor of driver's education, CMR High School, Great Falls, said taking money away from driver's education would mean many low income students being unable to take the class, thereby putting inexperienced drivers on the roads. He said Great Falls charges \$50 per student for driver's education and if the proposed cuts are accepted, they would have to raise their fees to approximately \$100-\$150 per student which would eliminate many students. He concluded that not enough money has been added to HB 89 and that it should remain as originally introduced without any cuts.

Jim Carroll, traffic education and vocational teacher at Conrad High School, testified in opposition to HB 89 (Exhibit 5).

Paulette Kohman, Executive Director, Montana Counsel for Maternal and Child Health; also a parent council bicycle helmet lady at Hawthorne School for her son's class. She said driver education is the first step toward education and prevention of traffic accidents. She said there is also a bicycle and pedestrian safety program for elementary students which is very important and worth the investment, and added that it is vital to keep safety the number one priority.

Mary Cheryl Larango, bicycle pedestrian safety specialist, Office of Public Instruction, testifying on her own time, presented data supporting the need for traffic education in Montana schools (Exhibit 6). She said her department is helping to bring elementary children bicycle and pedestrian skills and information as a pre-driver program. She concluded that an impact can be made by reaching children early to make healthy decisions for themselves.

Carroll Lindsay, Box Elder, Montana, speaking as a parent and former driver's education instructor, testified in opposition to HB 89. He said a tremendous amount of knowledge and skill was obtained through the driver's education program and eliminating money would damage the program in Montana.

Terry Gollehan, Browning High School driver's education teacher, testifying in opposition to HB 89, stated that funding is very much needed for the program.

#### Questions From Committee Members and Responses:

Senator Keating asked Mr. Smilie if part of the funding for their training program comes from fees paid for licensing.

Mr. Smilie said there is a \$2.50 fee on registration of vehicles and approximately \$2.00 of the motorcycle endorsement on the driver's license which will be cut in HB 89.

When asked by Senator Keating if they got any money from the fines, Mr. Smilie said they did not.

Senator Keating asked Mr. Smilie if their program had any connection with OPI.

Mr. Smilie said because of instruction and driver's education, the place they felt would be best was OPI which is where the program was put. Later the freestanding program was incorporated in traffic education, even though it is not primarily taught in the school systems or by school teachers.

When questioned by Senator Keating if they received instructional material and certification for instructors from OPI, Mr. Smilie said certification for their instructors comes from the motorcycle safety foundation. Dealing with OPI, they can work with the school districts, but they are not getting instructional materials through traffic education.

Senator Keating asked Mr. Smilie if Section 3 of HB 89 where some duties of OPI are deleted would affect him.

Mr. Smilie said he did not believe so. His proposed amendments shown on the reverse side of his testimony (Exhibit 4) would take care of his needs.

Senator Harding questioned the federal 402 funds for the motorcycle safety program and why they were not being used for motorcycle safety.

Mr. Mollohan said 402 funds come from the U. S. Department of Transportation as a grant for states to perform highway traffic safety functions. The funds are provided to the state with a match coming from the gas tax fund. The money is used based on a procedure identifying major problems in the state and then distribution of the money; many needs are funded. He said problem identification has shown speed, alcohol, and occupant protection as the major way to save lives on highways. The construction site is handled by the Department of Transportation. Motorcycle safety funds were provided to their program at the beginning when the program was funded with fees and fines, but there was a problem because there was not sufficient money in the registration amounts. They were given grants for two years to get them running. Bicycle safety and bus safety was also funded and money provided to driver's education. He added that selection of money has to be based on how much money is available. The federal government had a rule stating if a program was funded and it was done for three years, then it would be withdrawn so the program would become self-sufficient.

Senator Lynch said he would like to have amendments that he proposed (Exhibit 3) explained by Skip Culver from the Office of Legislative Fiscal Analyst.

Skip Culver said the amendment takes the driver's license fees that are presently 100 percent in the general fund in HB 89 and restores one-half of them to the traffic safety education account. The House of Representatives took half of the traffic fines and forfeitures and put them back into the traffic

education account. That was approximately \$540,000. Senator Lynch's proposed amendment (Exhibit 3) would restore another approximately \$250,000, so there would be approximately \$100,000. It also restores section 20-9-510 which was repealed in the original bill and apparently was the wrong statute cited. This statute only requires that school districts establish a traffic education fund within their accounting system.

Senator Lynch asked Rep. Harrington if it was the intention of the House to cut the money from \$1.6 million to \$800,000.

Representative Dan Harrington, Butte, said that was correct. The amendment was an attempt to have \$800,000 go towards the deficit. The \$800,000 was an attempt to keep the driver's education program and other safety programs alive.

Senator Waterman said while she does not question the value of traffic education, there was a question on amount of money for programs and setting funding priorities. She asked if driver's education in other states was funded by general fund.

Curt Hahn, Traffic Education, OPI, said nationwide there is a variety of funding for this program, although the approach taken by Montana is the most common. Other areas are privatizing the program.

Senator Waterman said with regard to the argument that less students will take traffic education if they are charged more, she asked if there was statistics maintained relative to cost of the program.

Mr. Hahn said there were no statistics related to cost, but 87 percent of the students statewide take the program. He noted that the Helena system with 110 students taking the program is reaching the 87 percentage or higher.

Senator Devlin questioned the tuition for driver's education students at the Conrad school district.

Jim Carroll, Conrad, Montana, said they currently charge \$35.

When asked by Senator Devlin how much was charged at Browning schools, Terry Gollehan, Browning, said there was no charge to the student.

Senator Devlin noted the variation in tuition across Montana.

Mr. Copps said there is no consistency. The average cost for the program across Montana is \$189. At the present time, \$117 per pupil flows from the state to the local district. The difference comes through parent fees or local taxes and support or through a combination of the two, which is the reason for the wide disparity.

Senator Devlin questioned Mr. Smilie regarding his resistance to the helmet law.

Mr. Smilie said he personally believes helmets are safer. However, the committee feels training is the best thing. Adults should be able to make their own decision, but there should be training for the younger students. He said he did not care if there was a helmet law for riders under 18 years of age. In training programs, they advise motorcycle riders that helmets are valuable, good and the number one saver. The motorcycle safety foundation requires them to do that.

Senator Bianchi said it was his understanding that money for the motorcycle program was not taken out in subcommittee action.

Skip Culver said the subcommittee left in motorcycle registration and money from the course fees that are charged, but the motorcycle endorsement was removed. Approximately \$75,000 to \$85,000 was left in the program. He said that OPI in their testimony asked that the \$85,000 remain.

Rep. Kasten said the \$60,000 registration fee and \$12,000 training fee were left in the bill. The \$2 endorsement fee connected with the driver's license was removed because the driver's license funding was removed.

When asked by Senator Bianchi if that was reverted to the general fund, Rep. Kasten said \$27,000 was reverted.

Senator Beck questioned the average across the state being \$189 and why there was such a variation from one district to another.

Mr. Copps said many school districts do not provide local tax support for traffic education courses. Those programs then are not part of a free basic system of quality education because the fees are assessed. He felt the local districts should be providing support to the programs because of their importance. School districts decide how much support if any they will give to the programs, how much will be charged and how much instructors will be paid. As a result of that, fee costs vary dramatically from district to district.

Senator Beck asked if it was up to each district school board to determine what would be levied to the parents for the cost of the driver education program.

Mr. Copps said that was correct. He concluded that he was unaware of any school district intentionally charging more for the program than actual program costs; the intent is to break even.

Senator Hockett asked Mr. Smilie if he himself supported the helmet law but the organization that he represented did not support it.

Mr. Smilie said there are several constituent organizations that support the law. The American Motorcycle Association which he is vice president of supports voluntary helmet usage. The ABATE organization supports voluntary helmet usage. In programs

conducted, the students and instructors must wear helmets.

Senator Hockett said he wanted a yes or no answer from Mr. Smilie.

Mr. Smilie said the organization supports voluntary helmet usage but not mandatory laws.

Senator Keating said tax dollars that fund K through 12 students is being discussed in this issue, and he would like to know the total tax revenue available for fiscal year '93 and '94 for K through 12.

Greg Groepper, OPI, said he did not have the numbers at his command, but he could get the figures to the committee.

Senator Keating said the legislature is supposed to provide a funding mechanism for K through 12 but the local administration has the constitutional authority to direct the programs they will have. Richer schools can provide more money for driver's education while the poor schools do not have money available for the driver's education program. He requested figures from OPI on the total expenditure for K through 12 per school across the state so that he could understand the type of increases K through 12 received from the \$860 million in '92 fiscal year. He felt there is about \$970 million of revenues for K through 12 across Montana, which would be a \$100 million increase. He questioned why \$2 was being taken from bicyclers when there is that much money available to fund K through 12. He concluded that interfering with driver's education is interfering with classroom which is not acceptable.

Mr. Groepper asked if Senator Keating would like it separated for each fund or all together.

Senator Keating said he would like to have it by the seven sources of revenue if possible but if that was not possible, he wanted the bottom line total budget for each school.

Mr. Groepper said he would get the information for each fund for each school district.

Chair Jacobson suggested that while there is some tie in with the request and the presentation of HB 89, Senator Keating should discuss the matter with Mr. Groepper after the committee meeting.

**Closing by Sponsor:**

Rep. Kasten closed, stating the program would not be destroyed even if all funding was taken from it. It would not be privatized, and bicycle or motorcycle safety would not be taken out. The local level would be told that it is their program, and they should do as they see fit with it. She added that most schools have a summer program for driver's education, meaning a summer job for teachers. There are 72 full-time teachers and 239

part-time teachers, as well as 58 school districts offering the course in the summer. If the \$200,000 in general funds is removed that OPI was allowed to keep in order to administer the program, it would be half and half. Senator Lynch's amendment would be cutting \$600,000 and restoring \$1 million.

**EXECUTIVE ACTION ON HOUSE BILL 89**

**Motion:** Senator Lynch moved the amendments he had prepared relative to HB 89 (Exhibit 3).

**Discussion:** Senator Beck said he would like clarification regarding Rep. Kasten stating that the amendment would amount to \$1 million rather than \$800,000.

Senator Jacobson said the mention to the amendment by Rep. Kasten was contingency language about FTE.

Mr. Culver said Senator Jacobson's amendment took the federal money and emphasized that 2.5 FTE would come out of OPI's budget. Senator Lynch's amendment would take \$250,000 that was going to the general fund and put it back into traffic safety education. It would now be \$800,000 in traffic education and \$800,000 going to the general fund. There is contingency language in HB 2 that if HB 89 passes, OPI would get a \$100,000 increase in general fund in fiscal year '95. HB 89 removes the earmarked funds from OPI which they used to administer traffic education programs in the state. The subcommittee added \$100,000 to the general fund to continue a scaled down program of administration and supervision in OPI.

When questioned by Senator Devlin if Senator Lynch's proposed amendment (Exhibit 3) would restore the bill as it was in the House, Mr. Culver said the amendment would make it \$800,000.

In a question from Senator Devlin regarding the intent of the House, Rep. Harrington said he argued on the House floor that \$800,000 would go to the general fund and \$800,000 would go back to driver's education, and he noted that amount of money would barely keep driver's education functioning. That is exactly where it was when it passed the full House.

Senator Aklestad asked with regard to page 2, line 20, HB 89, if 16.93 percent equates to \$800,000.

Mr. Culver said it takes half of the driver's license fee and half of the traffic fines, and the two together would put \$800,000 into the traffic education account. Senator Lynch's proposed amendment takes 17.5 percent and puts 8.75 percent back so it halves the driver's license fees.

**Vote:** Senator Lynch's amendment motion to HB 89 (Exhibit 3) CARRIED with Senators Fritz, Hockett, Jergeson, Waterman opposed.

**Motion:** Senator Christiaens moved HB 89 amendments 1 through 7 provided by Mr. Dal Smilie of the motorcycle safety advisory committee (reverse side of Smilie testimony, Exhibit 4).

**Discussion:** Senator Jacobson asked Senator Christiaens if it was his intention to put \$27,000 back in HB 89.

Senator Christiaens said that was correct. He said there is intent to use federal 402 funds if they are available for this type program, which is amendment number 7 on Mr. Smilie's list of amendments (reverse side of Exhibit 4).

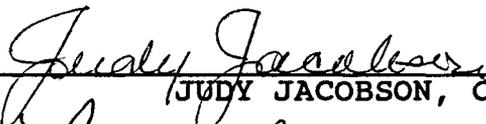
Senator Jacobson said she has trouble with that language because there may be conflict with the federal government regulations in some areas.

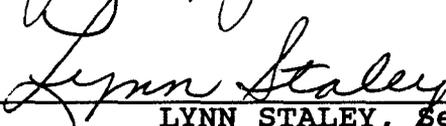
**Motion/vote:** Senator Beck, in a substitute motion, moved amendment numbers 1, 2, 3 (Exhibit 4), which would restore \$27,000 back into the budget. Motion CARRIED on a roll call vote.

**Motion/vote:** Senator Beck moved that HB 89 AS AMENDED BE CONCURRED IN. Motion CARRIED on a roll call vote.

**ADJOURNMENT**

**Adjournment:** 10:35 a.m.

  
\_\_\_\_\_  
JUDY JACOBSON, Chair

  
\_\_\_\_\_  
LYNN STALEY, Secretary

JJ/LS

# ROLL CALL

SENATE COMMITTEE FINANCE & CLAIMS

DATE 12/16/93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON	✓		
SENATOR FRANKLIN			✓
SENATOR AKLESTAD	✓		
SENATOR BECK	✓		
SENATOR BIANCHI	✓		
SENATOR CHRISTIAENS	✓		
SENATOR DEVLIN	✓		
SENATOR FORRESTER	✓		
SENATOR FRITZ	✓		
SENATOR HARDING	✓		
SENATOR HOCKETT	✓		
SENATOR JERGESON	✓		
SENATOR KEATING	✓		
SENATOR LYNCH	✓		
SENATOR SWYSGOOD	✓		
SENATOR TOEWS	✓		
SENATOR TVEIT	✓		
SENATOR VAUGHN	✓		
SENATOR WATERMAN	✓		
SENATOR WEEDING			✓

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
December 17, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 89 (third reading copy -- blue), respectfully report that House Bill No. 89 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson  
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Title, lines 12 and 13.

Strike: "REPEALING" on line 12 through "MCA;" on line 13.

2. Page 4, line 8.

Following: "~~account.~~"

Insert: "The amount of 8.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) "

Renumber: subsequent subsections

3. Page 4, line 11.

Strike: "71.25%"

Insert: "62.5%"

4. Page 4, line 21.

Following: "~~in~~"

Insert: "the state traffic education account in"

Following: "~~revenue~~"

Strike: "general"

Insert: "special revenue"

5. Page 5, lines 10 and 21.

Strike: "(1)(f)"

Insert: "(1)(g)"

6. Page 9, lines 24 and 25.

Strike: Section 6 in its entirety.

Renumber: subsequent section.

EXPLANATION: This amendment accomplishes two purposes: 1) it restores section 20-9-510, which requires school districts to establish a traffic education fund within their accounting system; and 2) allows the traffic education account to receive 8.75 percent of driver license fee revenue (under current law the account receives 17.50%). Presently HB 89 proposes that none of the driver license fees be deposited in traffic education fund, but instead be redirected into the general fund.

-END-

M- Amd. Coord.  
QB Sec. of Senate

Lutz  
Senator Carrying Bill

170737SC.Sma

# ROLL CALL VOTE <sup>①</sup>

SENATE COMMITTEE FINANCE AND CLAIMS BILL NO. NB 89

DATE 12/16/93 TIME \_\_\_\_\_ A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON	✓	
SENATOR JERGESON		✓
SENATOR AKLESTAD		✓
SENATOR BECK	✓	
SENATOR BIANCHI	✓	
SENATOR CHRISTIAENS	✓	
SENATOR DEVLIN		✓
SENATOR FORRESTER	✓	
SENATOR FRANKLIN <i>excused</i>		
SENATOR FRITZ	✓	
SENATOR HARDING		✓
SENATOR HOCKETT		✓
SENATOR KEATING	✓	
SENATOR LYNCH	✓	
SENATOR TOEWS		✓
SENATOR SWYSGOOD	✓	
SENATOR TVEIT		✓
SENATOR VAUGHN		✓
SENATOR WATERMAN <i>excused</i>		
SENATOR WEEDING <i>excused</i>		

Lynn Staley  
SECRETARY

\_\_\_\_\_  
CHAIR

MOTION: Sen. Beck substitute motion to accept amendments 1, 2, 3 on Cal Smilie testimony (Council rule 7 Exhibit 4)

# ROLL CALL VOTE <sup>(2)</sup>

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. HB 89

DATE 12/16/193

TIME \_\_\_\_\_

A.M. P.M.

NAME	YES	NO
SENATOR JACOBSON		✓
SENATOR JERGESON	✓	
SENATOR AKLESTAD	✓	
SENATOR BECK	✓	
SENATOR BIANCHI	✓	
SENATOR CHRISTIAENS	✓	
SENATOR DEVLIN		✓
SENATOR FORRESTER		✓
SENATOR FRANKLIN	✓	
SENATOR FRITZ	✓	
SENATOR HARDING	✓	
SENATOR HOCKETT	✓	
SENATOR KEATING		✓
SENATOR LYNCH		✓
SENATOR TOEWS	✓	
SENATOR SWYSGOOD		✓
SENATOR TVEIT		✓
SENATOR VAUGHN	✓	
SENATOR WATERMAN	✓	
SENATOR WEEDING <i>excused</i>		

Lynn Staley  
SECRETARY

\_\_\_\_\_  
CHAIR

MOTION: Senator Beck moved HB 89  
be amended to be concurred in.

*Motion Passed*

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 1

DATE 12/16/93

BILL NO. HB 89

**MDM. CHAIRMAN AND MEMBERS OF THE COMMITTEE:**

**FOR THE RECORD, MY NAME IS PAT KEIM. I AM THE DIRECTOR OF GOVERNMENT AFFAIRS FOR BURLINGTON NORTHERN RAILROAD. I AM HERE AS A PROPONENT OF HB 89 AS APPROVED BY THE HOUSE.**

**BURLINGTON NORTHERN AND ITS EMPLOYEES ARE DEEPLY CONCERNED ABOUT TRAFFIC SAFETY EDUCATION. OUR EMPLOYEES EVERY YEAR SEE NUMEROUS INCIDENTS AT GRADE CROSSINGS INVOLVING DRIVERS NOT USING GOOD DRIVING SKILLS. ALL TOO OFTEN OUR EMPLOYEES ALSO SEE THE FATAL ACCIDENTS RESULTING FROM BAD DRIVING PRACTICES.**

**OVER THE LAST SEVERAL YEARS, BURLINGTON NORTHERN'S EMPLOYEES, THROUGH "OPERATION LIFESAVER," HAVE BEEN ACTIVE IN HIGH SCHOOL DRIVER EDUCATION PROGRAMS STRESSING GRADE CROSSING SAFETY. WE HAVE SEEN THE POSITIVE IMPACT OF SUCH PROGRAMS IN A SIGNIFICANT REDUCTION IN THE NUMBER OF GRADE CROSSING FATALITIES IN RECENT YEARS.**

**WHILE I AM HERE AS A PROPONENT TO THIS BILL, HAD THE BILL NOT BEEN AMENDED ON THE HOUSE FLOOR TO RESTORE SOME FUNDING, I WOULD HAVE BEEN AN OPPONENT. I FEEL IT IS IMPORTANT THAT WE MAINTAIN DRIVER SAFETY PROGRAMS, BUT I WOULD URGE THIS COMMITTEE TO SERIOUSLY CONSIDER RESTORING THE ADDITIONAL FUNDS THAT WERE NOT RESTORED ON THE FLOOR OF THE HOUSE.**

BEFORE THE SENATE FINANCE AND CLAIMS COMMITTEE

House Bill No. 89  
Testimony of Mark Cadwallader  
December 16, 1993

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 2

DATE 12/16/93

BILL NO. HB 89

Good morning. My name is Mark Cadwallader, and I am here today speaking as a private citizen, concerned about Montana's children and public safety. I am here to voice my opposition to House Bill 89.

I am a motorist, a bicyclist, and a pedestrian. I am a past president of the Helena Bicycle Club, and a current member of its education committee. I drafted the 1983 legislation that legitimized bicycles as vehicles under our state traffic laws, and have been active in promoting bicycle safety issues in Montana for a number of years.

The state traffic education program does more than just teach driver's education to teenagers learning to drive. The traffic education program also gets into the grade schools and teaches young kids the skills they need to know to become safer pedestrians and bicyclists. Long before kids learn to drive a car, they walk and ride their bikes. I firmly believe that our schools should be teaching them traffic safety at an early age.

Now I know many of you may be thinking that this is not the best use of our scarce revenue dollars, to be teaching bicycle and pedestrian safety in the grade schools. Especially when we're cutting social programs like medicaid. But I respectfully suggest that the costs of one serious head injury to a ten year old who gets hurt while walking or riding their bike to school, because that child didn't learn not just to watch out for cars, but also to look out for trucks, busses, and motorcycles, will far outstrip the short-sighted savings proposed by this bill.

We all know that the lasting lessons are the ones we learn as children. It is too late for us to wait and start learning about traffic safety just when we're 15 or 16 and in driver's ed class. This very Legislature passed the Safety Culture Act as part of its workers' compensation reforms during the regular session. It requires that workplace safety be taught at our jobs and in our schools and vo-techs, so that we can avoid costly injuries in the first place. I submit to you that long before our young people enter the workforce, we need to get safety ingrained in their every behavior.

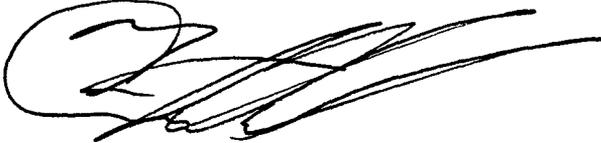
12-16-93

HB 89

Senate Finance and Claims Committee  
House Bill 89  
Comments of Mark Cadwallader  
December 16, 1993

I'm sure that you know that by far the leading cause of death for Montana young people is from traffic accidents. I'm sure you have heard the statistics that for every one injury fatality, there are 42 hospitalizations for injuries. That for every injury fatality, there are over 1,100 emergency room visits due to less serious injuries. Let's not chop the programs that teach traffic safety to the children of Montana. I urge you to vote "do not pass" on House Bill 89.

Thank you for your time and attention. I have a copy of my comments for the clerk, and ask that they be entered into the record.



MARK CADWALLADER  
515 North Rodney Street  
Helena, Montana 59601  
(406) 443-5703

mec/HB\_89.doc

Amendments to House Bill No. 89  
Third Reading Copy

Requested by Senator Lynch

For the Committee on Senate Finance and Claims

Prepared by Skip Culver  
December 16, 1993

SENATE FINANCE AND CLAIMS  
EXHIBIT NO. 3  
DATE 12/16/93  
BILL NO. HB 89

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{Office of Legislative Fiscal Analyst

444-2986}

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 4

DATE 12/16/93

BILL NO. HB 89

December 16, 1993

TO: SENATE FINANCE AND CLAIMS COMMITTEE  
FROM: DAL SMILIE, Chairman, Montana Motorcycle Safety Advisory  
Committee (444-3310 w)  
RE: TESTIMONY IN OPPOSITION TO HB 89

HB 89 eliminates one-third of the user derived funds for the Motorcycle Safety Education Program. Rep. Kasten, the sponsor, indicated prior to the initial committee hearing that she understood that HB 2 provided a General Fund appropriation to make up the difference. HB 2 does have administrative funds for OPI's Traffic Ed. program but OPI does not intend utilize them for the motorcycle program.

User groups volunteered \$5.00 per motorcycle registration to gain a nationally certified and recognized statewide motorcycle safety education program. Based upon OPI's testimony the final bill required only \$2.50 per registration. This creates \$71,000 of income. See 20-7-514, MCA. An additional \$27,000 comes from motorcycle endorsement fees for driver's licenses. That \$27,000 would be removed by HB 89.

This program currently was to operate with merely \$98,000 of income provided from these user fees. OPI hires one FTE. Training is provided by citizen instructors throughout the state that are not state employees. They are certified as motorcycle safety instructors by the Motorcycle Safety Foundation, which is headquartered in Irvine, CA. The instructors receive a \$50 supplement for teaching each novice student and \$20 for experienced students. The students are charged an additional tuition of \$20 to \$60 per course.

This one-third cut would reduce the program to below "critical mass". A program can only get so small before it cannot work. Other programs at OPI are taking 5-6% cuts, a one-third cut is exceptional. OPI plans to eliminate .5 of the FTE which effectively eliminates 50% of the program.

The user groups will come back to the 1995 legislative session and propose an increase fee for registrations to \$5.00. They wish to keep this program intact, they are the rarest type of constituent, they are willing to fund their own safety program. It just cannot exist through such an extreme cut.

There is another option. Federal 402 funds are given to the state for safety. Motorcycle safety is a priority use for these funds. Highway Traffic Safety Division administrator Al Goke has been unwilling to utilize these funds for this program. An instruction to him to utilize funds equivalent to the funds removed by HB 89 could save the program.

Death rates on motorcycles have decreased 20% since this program began in 1990. It provides training to young riders. Class

enrollment was up 44% from the previous year. We teach a number of students equal to 2.3% of registered motorcycles. The national average is 1.5% in the other 45 states who have such a user funded program.

The motorcycle program is different from Traffic Ed. It relies on user based funds. Please amend out the one-third cut to this user funded program.

#### AMENDMENTS TO HB 89

1. Page 4, line 20.  
Following "into"  
Insert "the traffic education account in"
2. Page 4, line 21.  
Following "state"  
Insert "special revenue fund."
3. Page 4, line 21.  
Following "state"  
Strike "general fund."
4. Page 5, line 22.  
Insert "Section 3. Section 20-7-502 is amended to read:  
20-7-502. Duties of the superintendant of public instruction.  
The superintendant of public instruction shall:  
(1) establish qualifications for an instructor of motorcycle safety training based upon national standards promulgated by the motorcycle safety foundation or a similar organization recognized by the superintendant.  
(2) approve instructors of motorcycle safety training,  
(3) periodically conduct onsite review of motorcycle safety training ranges."  
Renumber Sections
5. Page 7, line 23.  
Insert "(2) A portion of all money collected from motorcycle endorsements must be contributed to the traffic education account as provided in 61-5-121."  
Renumber (2)
6. Page 8, line 7.  
Following "registration"  
Insert "and motorcycle endorsement"
7. Page 8, line 13.  
Insert "(4) It is the intent of the legislature that the highway traffic safety division provide federal 402 funds for the motorcycle safety education program as long as that program can demonstrate a reasonable need and motorcycle safety remains a priority with the federal government."

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 5

DATE 12/16/93

BILL NO. HB 89

TO: Senate Finance and Claims Committee  
FROM: Jim Carroll, Traffic Educator, Conrad H.S. *JC*  
TOPIC: Testimony on House Bill 89  
DATE: December 16, 1993

Dear Senator Jacobson and Committee Members:

I am here today to voice my concern over what has been happening with legislation concerning Traffic Education, and in particular how HB 89 affects this program.

During my 13 years as an instructor of Traffic Education, I have seen a good program get even better. This has happened primarily because those in state leadership, like yourself, and local communities have seen the importance of this program. They have nurtured and supported it for the safety of all Montanan's.

Current figures from OPI show that 87% of all high school students take this program.

We are now at a crossroad. Many ideas have sprung up on how to help balance the budget using reimbursement dollars that have traditionally gone back to local school districts.

On the one hand, these dollars do look inviting. They are relatively constant and of financial proportion. On the other hand, however, we need to also be aware of the impact this program has on our state.

It really isn't an issue that a student who successfully completes this program can obtain their license at 15 years of age. Or even if they want their license bad enough, they or their parents might have to pay many times more than what they currently pay.

The real issue is that virtually all students at some point will get their Driver's License. That may be at 15 or 18 or even 20. The bottom line is that these young adults will be using the roadways to get to school or to a job.

While it can be argued that not all those who complete an approved course turn out to be exemplary drivers, what they do learn is the social aspect of the driving task.

Page 2.

This means they are able to handle not only the physical aspects of driving, but more importantly, the mental aspects as well.

What better way to reach the vast majority of students than through an affordable state-sponsored program. The funding mechanism is already intact. It allows license and fine monies to help fund this program. We end up reaching the most number of young adults through quality instruction with moderate cost. This program is paid for by the users of the system as well as the abusers.

If funding to this vital program is cut, we will no doubt see local rates skyrocket to many times what they currently are. This would probably result in less students being able to take the course, based on cost. This would result in a program for the elite, not for the many. We would likely see more students learning to drive without the proper supervised instruction that a trained Traffic Educator can provide.

Insurance companies recognize the importance of our current program. Without proper training, there would likely be more accidents, more trauma, more death. Insurance rates will climb for all of us, not just the ones involved in crashes.

At the same time, I recognize the situation you are faced in trying to balance the state budget. While I feel this program is of vital importance, I also recognize that you may indeed impose severe cuts or even elimination.

Education has already taken a huge hit in spending cuts. I urge you however to consider that we are not just trying to save dollars, but more importantly trying to save lives through proper, affordable training.

In closing, I'd like to thank you for your hard work during this session and your willingness to listen to my concerns.

# DATA SUPPORTING THE NEED FOR TRAFFIC EDUCATION IN MONTANA SCHOOLS

SENATE FINANCE AND CLAIMS  
 EXHIBIT NO. 6  
 DATE 12/16/93  
 BILL NO. AB99

CHILDREN FACE A GREATER LIKELIHOOD OF DEATH OR DISABILITY THROUGH TRAFFIC-RELATED INJURIES THAN THROUGH ANY OTHER DISEASE OR CAUSE. Statistics reveal that traffic trauma takes 20 times more children's lives than drugs and kidnapping combined.

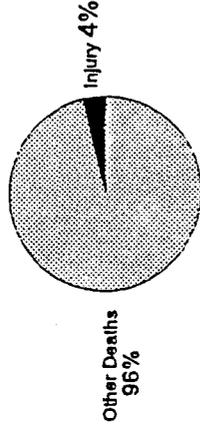
The graphs show Montana Death and Injury Death Statistics by age category. The solid black in the Deaths by Age Category reflect INJURY Deaths. Significant is that in the ages 5-14 years, our target ages, injury deaths are 67 percent of the deaths. In the Injury Death column, MOTOR VEHICLE related deaths, whether improperly buckled, bicycle or pedestrian related, are shown in black.

When we look at the types of injury deaths we find that 48 percent of the deaths are related to Motor Vehicles in the 5-14 years. In the 15-24 years, the new vehicle driver, the injury deaths that are motor vehicles related jump to 76 percent.

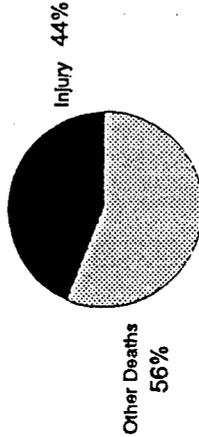
This is compelling justification for traffic education, pedestrian and bicycle training in the elementary school. It is imperative that pre-drivers are given the decision-making skill to deal with traffic. An example of a significant problem is that most children are told to watch out for cars. They grow as drivers who are still looking for cars. We need to train drivers to watch out for traffic which includes cars, trucks, bicycles, motorcycles, pedestrians. Our brain will only let us see what we are looking for, making the identification process of traffic other than cars slower. Most crash reports involving

## Injury Deaths By Age Category Montana, 1986-1990

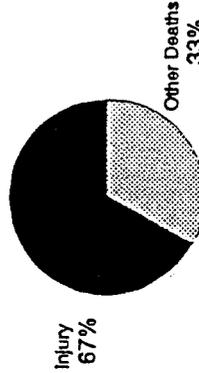
Under 1 Year - All Deaths



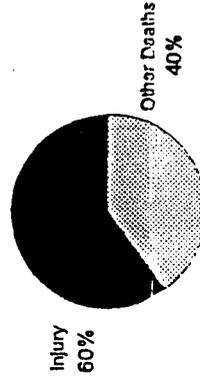
1 to 4 Years - All Deaths



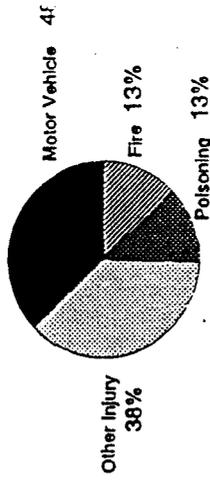
5 to 14 Years - All Deaths



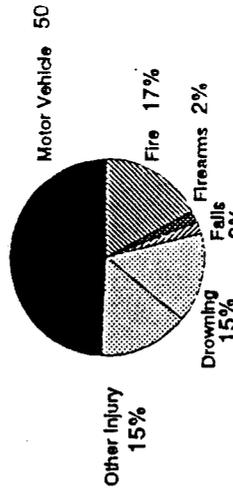
15 to 24 Years - All Deaths



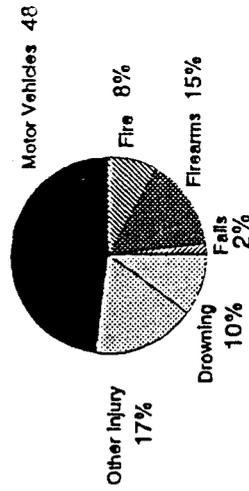
Under 1 Year - Injury Deaths



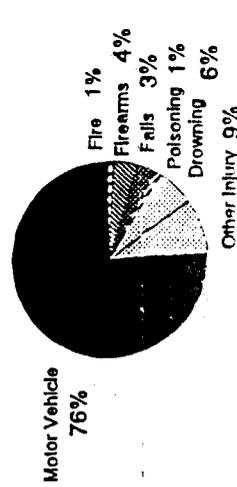
1 to 4 Years - Injury Deaths



5 to 14 Years - Injury Deaths



15 to 24 Years - Injury Deaths



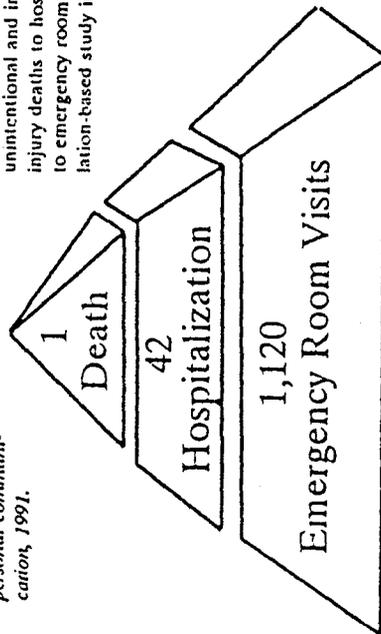
the driver of the vehicle saying, "I never saw the bicycle." They didn't see them in time partly because their brain wasn't looking for a bicycle.

Children need practice, not just rules. They need to learn the defensive street crossing and visual and psychomotor skills needed to cope with gap assessment, hazard detection and other fundamental traffic threats. These exact skills are needed under the future demands of driving.

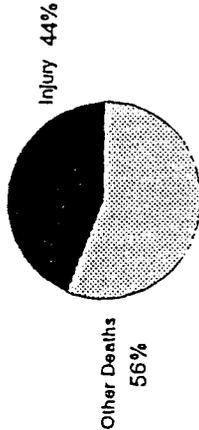
Also note the injury pyramid; it reflects that deaths are the tip of the iceberg and the number of injuries is significant. Our concern centers on the permanent disability and what that means to the loss of potential and the emotional and financial impact on society.

Childhood injury mortality figures are shocking. However, mortality is only a small part of the total injury picture. The pyramid compares the number of unintentional and intentional injury deaths to hospitalizations to emergency room visits in a population-based study in Massachusetts.

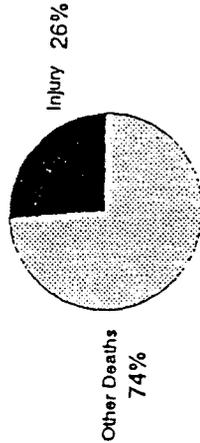
*Pyramid of Childhood Injury.*  
Source: Gallagher, personal communication, 1991.



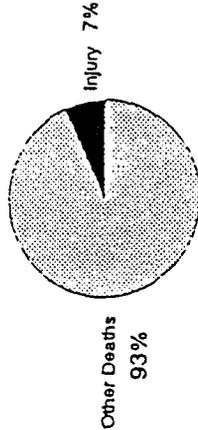
25 to 34 Years - All Deaths



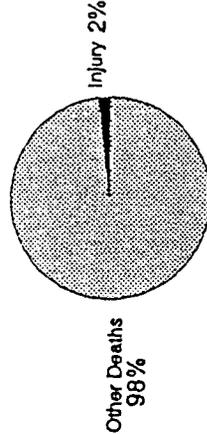
35 to 44 Years - All Deaths



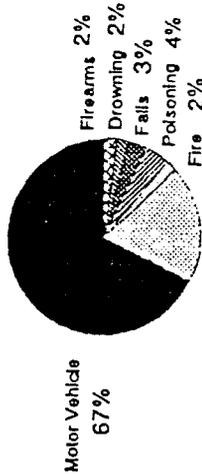
45 to 64 Years - All Deaths



65 Years and Over - All Deaths

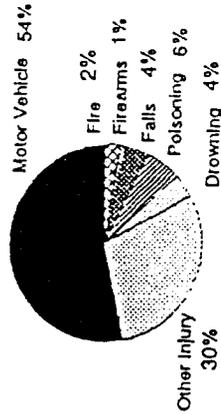


25 to 34 Years - Injury Deaths

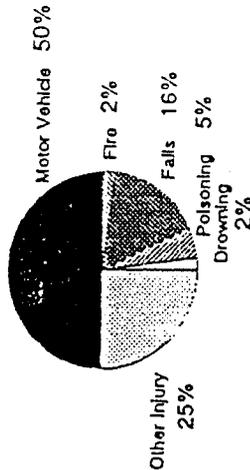


Other Injury 19%

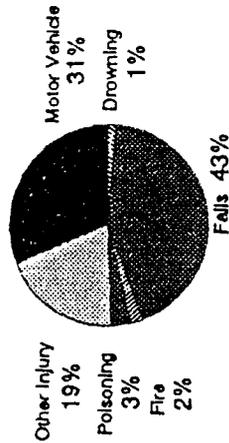
35 to 44 Years - Injury Deaths



45 to 64 Years - Injury Deaths



65 Years and Over - Injury Deaths



Statistics: EMS Bureau, MT Dept. of Health and Environmental Sciences, 1992.

LATHROP  
12-16-93  
HB 89

DATE 12/16/93

SENATE COMMITTEE ON Finance - Claims

BILLS BEING HEARD TODAY: HB 89

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
DAL SMITH	MI McSally Advisory Committee	HB 89		✓
Terry Goffe	Browning Schools			✓
DOUGLAS BLANIN Doug Blain	GREAT FALLS Schools	HB 89		✓
MARK CADWALLADER	SELF	HB 89		✓
MC LARANGO	SELF	HB 89		✓
Terry Grant	Box Elder Schools	HB 89	✓	✓
Kent Mollohan	Highway Traffic Safety		✓	
CALEDON SIMPSON	Box Elder	HB 89	✓	✓
Rachel Clavin	Great Falls	HB 89		✓
JIM CARROLL	CONRAD	HB 89		✓
Pat Keim	Burlington Northman	HB 89	✓	
Jack Capps	OPI	HB 89	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY