

HOUSE BILL NO. 494

INTRODUCED BY O'KEEFE, T. NELSON, FAGG, CONNELLY, PIPINICH,  
J. BROWN, STRIZICH, PECK, REAM, BECKER, MERCER, GILBERT,  
HARPER, SCHYE, RYE

IN THE HOUSE

JANUARY 31, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

                                  FIRST READING.

FEBRUARY 15, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 16, 1991                   PRINTING REPORT.

FEBRUARY 23, 1991                   SECOND READING, DO PASS AS AMENDED.

FEBRUARY 25, 1991                   ENGROSSING REPORT.

FEBRUARY 26, 1991                   THIRD READING, PASSED.  
AYES, 64; NOES, 34.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

                                  FIRST READING.

APRIL 2, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

APRIL 4, 1991                    SECOND READING, CONCURRED IN.

APRIL 5, 1991                    THIRD READING, CONCURRED IN.  
AYES, 33; NOES, 17.

                                  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 5, 1991                    RECEIVED FROM SENATE.

APRIL 9, 1991                    SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 11, 1991

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 19, 1991

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 24, 1991

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

APRIL 25, 1991

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 24, 1991

FREE CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE HOUSE

APRIL 25, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *494* *Bob Pipinick*  
 2 INTRODUCED BY *Rafe* *Tom Nelson* *Jazz Connally*  
 3 *D. Brown* *Paul Ream* *Becker* *MERCOT* *Schuy* *Rye*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DRIVER'S  
 5 LICENSE REINSTATEMENT FEE; AND AMENDING SECTION 61-2-107,  
 6 MCA."

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

9 **Section 1.** Section 61-2-107, MCA, is amended to read:

10 \*61-2-107. License reinstatement fee to fund county  
 11 drinking and driving prevention programs. (1)  
 12 Notwithstanding the provisions of any other law of the  
 13 state, a driver's license that has been suspended or revoked  
 14 under 61-5-205 or 61-8-402 must remain suspended or revoked  
 15 until the driver has paid to the department a fee of \$50  
 16 \$100 in addition to any other fines, forfeitures, and  
 17 penalties assessed as a result of conviction for a violation  
 18 of the traffic laws of the state.

19 (2) The department shall deposit the fees collected  
 20 under subsection (1) in the general fund."

-End-



INTRODUCED BILL  
 HD 494

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0494, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill would increase the driver license reinstatement fee from \$50 to \$100.

ASSUMPTIONS:

1. The FY90 level of driver license reinstatements will remain constant during the 1993 biennium. FY90 reinstatement fee revenue was approximately \$236,000.
2. In the absence of an effective date in the bill, it is assumed that the effective date will be October 1, 1991.
3. The amount of reinstatement fees passed through to counties with approved DUI task force plans will double with the doubling of the fee. \$200,000 was distributed during FY90 by the Highway Traffic Safety Division.
4. Current law is represented by the Local Assistance portion of the executive budget base for the Highway Traffic Safety Division.


FISCAL IMPACT:

Highway Traffic Safety Division

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Local Assistance	200,000	400,000	200,000	200,000	400,000	200,000
<u>Funding:</u>						
General Fund (01)	200,000	400,000	200,000	200,000	400,000	200,000
<u>Revenues:</u>						
Lic.Reinstatement (01)	236,000	413,000	177,000	236,000	472,000	236,000
General Fund Impact			(23,000)			36,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Driver license reinstatement fee revenue distributed to counties with approved DUI task force plans is expected to increase by \$200,000 for each year of the 1993 biennium.

  
 \_\_\_\_\_  
 ROD SUNDSTED, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

  
 \_\_\_\_\_  
 MARK O'KEEFE, PRIMARY SPONSOR      DATE

Fiscal Note for HB0494, as introduced      **HB 494**

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 *HOUSE* BILL NO. *494* *Bob Pappas*  
 2 INTRODUCED BY *Rylee Tom Nelson Jazz Connolly*  
 3 *J. Brown* *Frank Ream* *Becker* *Mercer* *Rye*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DRIVER'S  
 5 LICENSE REINSTATEMENT FEE; AND AMENDING SECTION 61-2-107,  
 6 MCA."  
 7

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

9 **Section 1.** Section 61-2-107, MCA, is amended to read:

10 "61-2-107. License reinstatement fee to fund county  
 11 drinking and driving prevention programs. (1)  
 12 Notwithstanding the provisions of any other law of the  
 13 state, a driver's license that has been suspended or revoked  
 14 under 61-5-205 or 61-8-402 must remain suspended or revoked  
 15 until the driver has paid to the department a fee of \$50  
 16 \$100 in addition to any other fines, forfeitures, and  
 17 penalties assessed as a result of conviction for a violation  
 18 of the traffic laws of the state.

19 (2) The department shall deposit the fees collected  
 20 under subsection (1) in the general fund."

-End-



SECOND READING  
HD 494

## HOUSE BILL NO. 494

INTRODUCED BY O'KEEFE, T. NELSON, FAGG, CONNELLY, PIPINICH,  
J. BROWN, STRIZICH, PECK, REAM, BECKER, MERCER, GILBERT,  
HARPER, SCHYE, RYE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DRIVER'S  
LICENSE REINSTATEMENT FEE; STATUTORILY APPROPRIATING THE  
FEES TO COUNTIES FOR PROGRAMS AND FACILITIES FOR MINORS,  
ADULT CHEMICAL DEPENDENCY TREATMENT PROGRAMS, LAW  
ENFORCEMENT TRAINING PROGRAMS, AND LAW ENFORCEMENT  
EQUIPMENT; AND AMENDING SECTION SECTIONS 17-7-502 AND  
61-2-107, MCA."

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

**Section 1.** Section 61-2-107, MCA, is amended to read:

"61-2-107. License reinstatement fee to fund county  
drinking and driving prevention programs. (1)  
Notwithstanding the provisions of any other law of the  
state, a driver's license that has been suspended or revoked  
under 61-5-205 or 61-8-402 must remain suspended or revoked  
until the driver has paid to the department a fee of \$50  
\$100 in addition to any other fines, forfeitures, and  
penalties assessed as a result of conviction for a violation  
of the traffic laws of the state.

(2) ~~The department shall deposit the fees collected~~

~~under subsection (1) in the general fund.~~ (A) THERE IS AN  
ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THE FEES  
COLLECTED UNDER SUBSECTION (1) MUST BE DEPOSITED IN THE  
ACCOUNT. THE MONEY IN THE ACCOUNT IS STATUTORILY  
APPROPRIATED TO THE DEPARTMENT, AS PROVIDED IN 17-7-502, TO  
BE DISTRIBUTED TO COUNTY TREASURERS. THE DEPARTMENT SHALL  
DISTRIBUTE TO EACH COUNTY TREASURER ALL FEE MONEY IN THE  
FUND COLLECTED FROM DRIVERS RESIDING IN THAT COUNTY. EXCEPT  
AS PROVIDED IN SUBSECTION (2)(B), THE BOARD OF COUNTY  
COMMISSIONERS IN EACH COUNTY SHALL DISTRIBUTE THE MONEY TO  
STATE AND LOCAL GOVERNMENTAL ENTITIES, AND PRIVATE ENTITIES  
WORKING WITH STATE AND LOCAL GOVERNMENTAL ENTITIES, THAT  
OPERATE PROGRAMS WITHIN THE COUNTY THAT ADDRESS THE PROBLEMS  
AND CONCERNS OF MINORS, INCLUDING BUT NOT LIMITED TO  
SUBSTANCE ABUSE; CHILD ABUSE, NEGLECT, AND DELINQUENCY; AND  
YOUTH RECREATIONAL FACILITIES AND PROGRAMS.

(B) A BOARD OF COUNTY COMMISSIONERS MAY DISTRIBUTE UP  
TO ONE-HALF OF THE MONEY DISTRIBUTED TO THE COUNTY TREASURER  
UNDER SUBSECTION (1)(A) TO ADULT CHEMICAL DEPENDENCY  
TREATMENT PROGRAMS AND LAW ENFORCEMENT TRAINING PROGRAMS  
THAT OPERATE WITHIN THE COUNTY AND FOR EQUIPMENT FOR LOCAL  
GOVERNMENT LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY."

**SECTION 2.** SECTION 17-7-502, MCA, IS AMENDED TO READ:

"17-7-502. Statutory appropriations -- definition --  
requisites for validity. (1) A statutory appropriation is an

1 appropriation made by permanent law that authorizes spending  
2 by a state agency without the need for a biennial  
3 legislative appropriation or budget amendment.

4 (2) Except as provided in subsection (4), to be  
5 effective, a statutory appropriation must comply with both  
6 of the following provisions:

7 (a) The law containing the statutory authority must be  
8 listed in subsection (3).

9 (b) The law or portion of the law making a statutory  
10 appropriation must specifically state that a statutory  
11 appropriation is made as provided in this section.

12 (3) The following laws are the only laws containing  
13 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
14 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
15 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
16 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
17 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
18 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;  
19 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
20 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
21 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
22 53-24-206; 61-2-107; 61-2-406; 61-5-121; 67-3-205;  
23 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;  
24 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;  
25 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws

1 of 1985.

2 (4) There is a statutory appropriation to pay the  
3 principal, interest, premiums, and costs of issuing, paying,  
4 and securing all bonds, notes, or other obligations, as due,  
5 that have been authorized and issued pursuant to the laws of  
6 Montana. Agencies that have entered into agreements  
7 authorized by the laws of Montana to pay the state  
8 treasurer, for deposit in accordance with 17-2-101 through  
9 17-2-107, as determined by the state treasurer, an amount  
10 sufficient to pay the principal and interest as due on the  
11 bonds or notes have statutory appropriation authority for  
12 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
13 664, L. 1987, the inclusion of 39-71-2504 terminates June  
14 30, 1991.)"

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 2, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 494 (third reading copy as amended -- blue), respectfully report that House Bill No. 494 be amended and as so amended be concurred in:

1. Title, lines 7 through 11.

Following: ";" on line 7

Strike: remainder of line 7 through "i" on line 11

Following: "SECTION"

Strike: remainder of line 11 in its entirety

Insert: "SECTION"

2. Page 2, lines 1 and 2.

Following: "-" on line 1

Strike: remainder of line 1 through "." on line 2

Following: "THE"

Insert: "department shall deposit the"

3. Page 2, lines 3 through 22.

Following: "(1)" on line 3

Strike: remainder of line 3 through "COUNTY" on line 22

Insert: "in the general fund"

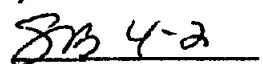
4. Page 2, line 23 through page 4, line 14.

Strike: section 2 in its entirety

Signed: 

Richard Pinsoneault, Chairman

  
4-2-91  
And. Coord.

  
8/13 4-2  
Sec. of Senate

SENATE  
HB 494



## HOUSE BILL NO. 494

INTRODUCED BY O'KEEFE, T. NELSON, FAGG, CONNELLY, PIPINICH,  
J. BROWN, STRIZICH, PECK, REAM, BECKER, MERCER, GILBERT,  
HARPER, SCHYE, RYE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DRIVER'S  
LICENSE REINSTATEMENT FEE; STATUTORILY--APPROPRIATING--THE  
FEE--TO--COUNTIES--FOR--PROGRAMS--AND--FACILITIES--FOR--MINORS,  
ADULT--CHEMICAL--DEPENDENCY--TREATMENT--PROGRAMS,  
LAW--ENFORCEMENT--TRAINING--PROGRAMS,  
AND--LAW--ENFORCEMENT  
EQUIPMENT; AND AMENDING SECTION SECTIONS--17-7-502--AND  
SECTION 61-2-107, MCA."

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

**Section 1.** Section 61-2-107, MCA, is amended to read:

"61-2-107. License reinstatement fee to fund county  
drinking and driving prevention programs. (1)  
Notwithstanding the provisions of any other law of the  
state, a driver's license that has been suspended or revoked  
under 61-5-205 or 61-8-402 must remain suspended or revoked  
until the driver has paid to the department a fee of \$50  
\$100 in addition to any other fines, forfeitures, and  
penalties assessed as a result of conviction for a violation  
of the traffic laws of the state.

(2) The--department--shall--deposit--the--fees--collected

under-subsection-(1)-in-the-general-fund; (A)-THERE--IS--AN  
ACCOUNT--IN--THE--STATE-SPECIAL-REVENUE-FUND; THE DEPARTMENT  
SHALL DEPOSIT THE FEES COLLECTED UNDER SUBSECTION (1) MUST  
BE--DEPOSITED--IN--THE--ACCOUNT; THE-MONEY-IN-THE-ACCOUNT-IS  
STATUTORILY-APPROPRIATED-TO-THE-DEPARTMENT, AS-PROVIDED--IN  
17-7-502, TO--BE--DISTRIBUTED--TO--COUNTY--TREASURERS;--THE  
DEPARTMENT--SHALL--DISTRIBUTE--TO--EACH--COUNTY--TREASURER--ALL--THE  
MONEY--IN--THE--FUND--COLLECTED--FROM--DRIVERS--RESIDING--IN--THAT  
COUNTY;--EXCEPT--AS--PROVIDED--IN--SUBSECTION--(2)(B);--THE--BOARD  
OF--COUNTY--COMMISSIONERS--IN--EACH--COUNTY--SHALL--DISTRIBUTE--THE  
MONEY--TO--STATE--AND--LOCAL--GOVERNMENTAL--ENTITIES;--AND--PRIVATE  
ENTITIES--WORKING--WITH--STATE--AND--LOCAL--GOVERNMENTAL--ENTITIES;  
THAT--OPERATE--PROGRAMS--WITHIN--THE--COUNTY--THAT--ADDRESS--THE  
PROBLEMS--AND--CONCERNS--OF--MINORS;--INCLUDING--BUT--NOT--LIMITED  
TO--SUBSTANCE--ABUSE;--CHILD--ABUSE;--NEGLECT;--AND--DELINQUENCY;  
AND--YOUTH--RECREATIONAL--FACILITIES--AND--PROGRAMS;

(B)--A--BOARD--OF--COUNTY--COMMISSIONERS--MAY--DISTRIBUTE--UP  
TO--ONE--HALF--OF--THE--MONEY--DISTRIBUTED--TO--THE--COUNTY--TREASURER  
UNDER--SUBSECTION--(1)(A)--TO--ADULT--CHEMICAL--DEPENDENCY  
TREATMENT--PROGRAMS--AND--LAW--ENFORCEMENT--TRAINING--PROGRAMS  
THAT--OPERATE--WITHIN--THE--COUNTY--AND--FOR--EQUIPMENT--FOR--LOCAL  
GOVERNMENT--LAW--ENFORCEMENT--AGENCIES--WITHIN--THE--COUNTY--IN--THE  
GENERAL FUND."

SECTION 2. SECTION 17-7-502, MCA, IS AMENDED TO READ:  
"17-7-502. Statutory appropriations-----definition----

1 requisites for validity: (1) A statutory appropriation is an  
2 appropriation made by permanent law that authorizes spending  
3 by a state agency without the need for a biennial  
4 legislative appropriation or budget amendment;

5 (2) Except as provided in subsection (4), to be  
6 effective, a statutory appropriation must comply with both  
7 of the following provisions:

8 (a) The law containing the statutory authority must be  
9 listed in subsection (3);

10 (b) The law or portion of the law making a statutory  
11 appropriation must specifically state that a statutory  
12 appropriation is made as provided in this section;

13 (3) The following laws are the only laws containing  
14 statutory appropriations: 2-9-202, 2-17-105, 2-10-012,  
15 10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111,  
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19 19-10-205, 19-10-305, 19-10-506, 19-11-512, 19-11-513,  
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22 23-5-1027, 27-12-206, 37-51-501, 39-71-2504, 53-6-150,  
23 53-24-206, 61-2-107, 61-2-406, 61-5-121, 67-3-205,  
24 75-1-1101, 75-5-1100, 75-11-313, 76-12-123, 80-2-103,  
25 82-11-136, 82-11-161, 90-3-301, 90-4-215, 90-4-613

1 90-6-331, 90-9-306, and section 13, House Bill No. 861, Laws  
2 of 1985.

3 (4) There is a statutory appropriation to pay the  
4 principal, interest, premiums, and costs of issuing, paying,  
5 and securing all bonds, notes, or other obligations, as due,  
6 that have been authorized and issued pursuant to the laws of  
7 Montana. Agencies that have entered into agreements  
8 authorized by the laws of Montana to pay the state  
9 treasurer, for deposit in accordance with 17-2-101 through  
10 17-2-107, as determined by the state treasurer, an amount  
11 sufficient to pay the principal and interest as due on the  
12 bonds or notes have statutory appropriation authority for  
13 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
14 664, B., 1987, the inclusion of 39-71-2504 terminates June  
15 30, 1991.)<sup>4</sup>

-End-

4/24/91  
11:00am  
BDD

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered Senate Amendments to House Bill 494 and recommend that House Bill 494 (amended reference copy -- salmon) be amended as follows:

1. Title, line 11.

Following: "EQUIPMENT,"

Insert: "PROVIDING THAT A PORTION OF THE FEES BE ALLOCATED TO INCORPORATED CITIES OR TOWNS FOR PROGRAMS AND FACILITIES FOR MINORS, ADULT CHEMICAL DEPENDENCY TREATMENT PROGRAMS, LAW ENFORCEMENT TRAINING PROGRAMS, AND LAW ENFORCEMENT EQUIPMENT; ELIMINATING THE REQUIREMENT THAT THE ANNUAL REPORT CONTAIN INFORMATION REQUESTED BY THE DEPARTMENT;"

2. Title, line 12.

Strike: "SECTION"

Insert: "SECTIONS 61-2-106,"

Following: "61-2-107,"

Insert: "AND 61-2-108,"

3. Page 1, line 25.

Following: "(2)"

Insert: "(a)"

4. Page 2, line 3.

Following: "DEPOSIT"

Insert: "one-half of"

5. Page 2, line 23.

Following: "FUND"

Insert: "to be used for funding county drinking and driving prevention programs as provided in 61-2-108"

6. Page 2, line 24.

Following: line 23

Insert: "(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in an account in the state special revenue fund to be distributed to county treasurers. The department shall distribute to each county treasurer money in the account collected as license reinstatement fees in that county. The county treasurer shall distribute the money to each incorporated city or town in the county in the ratio that the population of the incorporated city or town bears to the

total population of incorporated cities or towns in the county, based on figures provided by the most recent official census. An incorporated city or town shall distribute the money to state and local government entities, and private entities working with state and local government entities, that operate programs within the county that address the problems and concerns of minors, including but not limited to substance abuse and delinquency and chemical-free youth facilities and programs. Up to one-half of the money distributed under this subsection (b) may be used for adult chemical dependency programs and law enforcement training programs and for equipment for local government law enforcement agencies within the respective jurisdiction."

7. Page 4, line 16.

Following: line 15

Insert: " Section 2. Section 61-2-106, MCA, is amended to read:

"61-2-106. County drinking and driving prevention program.

(1) The governing body of a county may appoint a task force to study the problem of alcohol-related traffic accidents and recommend a program designed to:

- (a) prevent driving while under the influence of alcohol;
- (b) reduce alcohol-related traffic accidents; and
- (c) educate the public on the dangers of driving after

consuming alcoholic beverages or other chemical substances that impair judgment or motor functions.

(2) A task force appointed under subsection (1) shall conduct its study and submit its recommendations within 6 months from the date it was appointed.

(3) The county governing body may by resolution adopt the recommendations of the task force appointed under subsection (1). The proposed program must be approved by the governor as provided in 61-2-105.

(4) The chairman of the task force shall submit to the county governing body:

(a) a budget and a financial report for each fiscal year; and

(b) an annual report containing but not limited to:

(i) an evaluation of the effectiveness of the program;

(ii) the number of arrests and convictions in the county for driving under the influence of alcohol and the sentences imposed for these convictions;

(iii) the number of alcohol-related traffic accidents in the county; and

(iv) any other information requested by the county governing body or the department or considered appropriate by the task force.

(5) A copy of the annual report ~~must~~ may be submitted to the department."

ADOPT

REJECT

880814CC.HSF

FCCR #1  
HB 494  
880814CC.HSF

April 24, 1991  
Page 3 of 3

Section 3. Section 61-2-108, MCA, is amended to read:  
"61-2-108. Funding allocation for programs to prevent or reduce drinking and driving, if the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall transmit the county portion of the proceeds of the license reinstatement fees collected in that county to the county treasurer, as provided in 61-2-107(2)(a), at the end of each quarter."

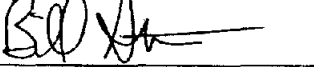
And this Free Conference Committee report be adopted.

For the House:


For the Senate:

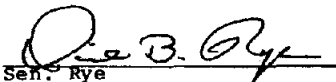
  
Rep. Darko, Chair

  
Sen. Doherty

  
Rep. Strizlich

  
Sen. Svrcek

  
Rep. Swysgood

  
Sen. Rye

## 1 HOUSE BILL NO. 494

2 INTRODUCED BY O'KEEFE, T. NELSON, FAGG, CONNELLY, PIPINICH,  
3 J. BROWN, STRIZICH, PECK, REAM, BECKER, MERCER, GILBERT,  
4 HARPER, SCHYE, RYE

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DRIVER'S  
7 LICENSE REINSTATEMENT FEE; ~~STATUTORILY--APPROPRIATING--THE~~  
8 ~~FEE--TO--COUNTIES--FOR--PROGRAMS--AND--FACILITIES--FOR--MINORS,~~  
9 ~~ADULT---CHEMICAL---DEPENDENCY---TREATMENT---PROGRAMS,---LAW~~  
10 ~~ENFORCEMENT---TRAINING---PROGRAMS,---AND---LAW---ENFORCEMENT~~  
11 ~~EQUIPMENT,~~ PROVIDING THAT A PORTION OF THE FEES BE ALLOCATED  
12 TO INCORPORATED CITIES OR TOWNS FOR PROGRAMS AND FACILITIES  
13 FOR MINORS, ADULT CHEMICAL DEPENDENCY TREATMENT PROGRAMS,  
14 LAW ENFORCEMENT TRAINING PROGRAMS, AND LAW ENFORCEMENT  
15 EQUIPMENT; ELIMINATING THE REQUIREMENT THAT THE ANNUAL  
16 REPORT CONTAIN INFORMATION REQUESTED BY THE DEPARTMENT; AND  
17 AMENDING SECTION ~~SECTIONS--17-7-502--AND~~ SECTION SECTIONS  
18 61-2-106, 61-2-107, AND 61-2-108, MCA.

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 **Section 1.** Section 61-2-107, MCA, is amended to read:

22 \*61-2-107. License reinstatement fee to fund county  
23 drinking and driving prevention programs. (1)  
24 Notwithstanding the provisions of any other law of the  
25 state, a driver's license that has been suspended or revoked

1 under 61-5-205 or 61-8-402 must remain suspended or revoked  
2 until the driver has paid to the department a fee of \$50  
3 \$100 in addition to any other fines, forfeitures, and  
4 penalties assessed as a result of conviction for a violation  
5 of the traffic laws of the state.

6 (2) (A) ~~The department shall deposit the fees collected~~  
7 ~~under subsection (1) in the general fund. (A) THERE IS AN~~  
8 ~~ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THE DEPARTMENT~~  
9 ~~SHALL DEPOSIT ONE-HALF OF THE FEES COLLECTED UNDER~~  
10 ~~SUBSECTION (1) MUST BE DEPOSITED IN THE ACCOUNT. THE MONEY~~  
11 ~~IN THE ACCOUNT IS STATUTORILY APPROPRIATED TO THE~~  
12 ~~DEPARTMENT, AS PROVIDED IN 17-7-502, TO BE DISTRIBUTED TO~~  
13 ~~COUNTY TREASURERS. THE DEPARTMENT SHALL DISTRIBUTE TO EACH~~  
14 ~~COUNTY TREASURER ALL FEE MONEY IN THE FUND COLLECTED FROM~~  
15 ~~DRIVERS RESIDING IN THAT COUNTY, EXCEPT AS PROVIDED IN~~  
16 ~~SUBSECTION (2) (B), THE BOARD OF COUNTY COMMISSIONERS IN EACH~~  
17 ~~COUNTY SHALL DISTRIBUTE THE MONEY TO STATE AND LOCAL~~  
18 ~~GOVERNMENTAL ENTITIES, AND PRIVATE ENTITIES WORKING WITH~~  
19 ~~STATE AND LOCAL GOVERNMENTAL ENTITIES, THAT OPERATE PROGRAMS~~  
20 ~~WITHIN THE COUNTY THAT ADDRESS THE PROBLEMS AND CONCERNS OF~~  
21 ~~MINORS, INCLUDING BUT NOT LIMITED TO SUBSTANCE ABUSE, CHILD~~  
22 ~~ABUSE, NEGLECT, AND DELINQUENCY, AND YOUTH RECREATIONAL~~  
23 ~~FACILITIES AND PROGRAMS.~~  
24 (B) ~~A BOARD OF COUNTY COMMISSIONERS MAY DISTRIBUTE UP~~  
25 ~~TO ONE-HALF OF THE MONEY DISTRIBUTED TO THE COUNTY TREASURER~~

1 ~~UNDER SUBSECTION (1)(A) TO ADULT CHEMICAL DEPENDENCY~~  
 2 ~~TREATMENT PROGRAMS AND LAW ENFORCEMENT TRAINING PROGRAMS~~  
 3 ~~THAT OPERATE WITHIN THE COUNTY AND FOR EQUIPMENT FOR LOCAL~~  
 4 ~~GOVERNMENT LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY IN THE~~  
 5 ~~GENERAL FUND TO BE USED FOR FUNDING COUNTY DRINKING AND~~  
 6 ~~DRIVING PREVENTION PROGRAMS AS PROVIDED IN 61-2-108.~~

7 (B) THE REMAINING FEES COLLECTED UNDER SUBSECTION (1)  
 8 THAT ARE NOT ALLOCATED UNDER SUBSECTION (2)(A) MUST BE  
 9 DEPOSITED IN AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO  
 10 BE DISTRIBUTED TO COUNTY TREASURERS. THE DEPARTMENT SHALL  
 11 DISTRIBUTE TO EACH COUNTY TREASURER MONEY IN THE ACCOUNT  
 12 COLLECTED AS LICENSE REINSTATEMENT FEES IN THAT COUNTY. THE  
 13 COUNTY TREASURER SHALL DISTRIBUTE THE MONEY TO EACH  
 14 INCORPORATED CITY OR TOWN IN THE COUNTY IN THE RATIO THAT  
 15 THE POPULATION OF THE INCORPORATED CITY OR TOWN BEARS TO THE  
 16 TOTAL POPULATION OF INCORPORATED CITIES OR TOWNS IN THE  
 17 COUNTY, BASED ON FIGURES PROVIDED BY THE MOST RECENT  
 18 OFFICIAL CENSUS. AN INCORPORATED CITY OR TOWN SHALL  
 19 DISTRIBUTE THE MONEY TO STATE AND LOCAL GOVERNMENT ENTITIES,  
 20 AND PRIVATE ENTITIES WORKING WITH STATE AND LOCAL GOVERNMENT  
 21 ENTITIES, THAT OPERATE PROGRAMS WITHIN THE COUNTY THAT  
 22 ADDRESS THE PROBLEMS AND CONCERNS OF MINORS, INCLUDING BUT  
 23 NOT LIMITED TO SUBSTANCE ABUSE AND DELINQUENCY AND  
 24 CHEMICAL-FREE YOUTH FACILITIES AND PROGRAMS. UP TO ONE-HALF  
 25 OF THE MONEY DISTRIBUTED UNDER THIS SUBSECTION (B) MAY BE

1 USED FOR ADULT CHEMICAL DEPENDENCY PROGRAMS AND LAW  
 2 ENFORCEMENT TRAINING PROGRAMS AND FOR EQUIPMENT FOR LOCAL  
 3 GOVERNMENT LAW ENFORCEMENT AGENCIES WITHIN THE RESPECTIVE  
 4 JURISDICTION."

5 ~~SECTION 2. SECTION 17-7-502, MCA, IS AMENDED TO READ:~~

6 ~~17-7-502. Statutory appropriations definition~~  
 7 ~~requisites for validity. (1) A statutory appropriation is an~~  
 8 ~~appropriation made by permanent law that authorizes spending~~  
 9 ~~by a state agency without the need for a biennial~~  
 10 ~~legislative appropriation or budget amendment.~~

11 (2) ~~Except as provided in subsection (4), to be~~  
 12 ~~effective, a statutory appropriation must comply with both~~  
 13 ~~of the following provisions:~~

14 (a) ~~The law containing the statutory authority must be~~  
 15 ~~listed in subsection (3):~~

16 (b) ~~The law or portion of the law making a statutory~~  
 17 ~~appropriation must specifically state that a statutory~~  
 18 ~~appropriation is made as provided in this section:~~

19 (3) ~~The following laws are the only laws containing~~  
 20 ~~statutory appropriations: 2-9-202, 2-17-105, 2-10-012,~~  
 21 ~~10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111,~~  
 22 ~~15-25-123, 15-31-702, 15-36-112, 15-37-117, 15-65-121,~~  
 23 ~~15-70-101, 16-1-404, 16-1-410, 16-1-411, 17-3-212, 17-5-404,~~  
 24 ~~17-5-424, 17-5-804, 19-0-504, 19-9-702, 19-9-1007,~~  
 25 ~~19-10-205, 19-10-305, 19-10-506, 19-11-512, 19-11-513,~~

1 19-11-606;---19-12-301;---19-13-604;---20-6-406;---20-8-111;  
 2 20-9-361;---23-5-306;---23-5-409;---23-5-610;---23-5-612;---23-5-1016;  
 3 23-5-1027;---27-12-206;---37-51-501;---39-71-2504;---53-6-150;  
 4 53-24-206; 61-2-107; 61-2-406;---61-5-121;---67-3-205;  
 5 75-1-1101;---75-5-1100;---75-11-313;---76-12-123;---80-2-103;  
 6 82-11-136;---82-11-161;---90-3-301;---90-4-215;---90-4-613;  
 7 90-6-331;---90-9-306;---and-section-13;---House-Bill-Not-061;---laws  
 8 of-1985;

9 {4}--There--is--a--statutory--appropriation--to--pay--the  
 10 principal--interest;--premiums;--and--costs--of--issuing;--paying;  
 11 and--securing--all--bonds;--notes;--or--other--obligations;--as--due;  
 12 that--have--been--authorized--and--issued--pursuant--to--the--laws--of  
 13 Montana;--Agencies--that--have--entered--into--agreements  
 14 authorized--by--the--laws--of--Montana--to--pay--the--state  
 15 treasurer;--for--deposit--in--accordance--with--17-2-101--through  
 16 17-2-107;--as--determined--by--the--state--treasurer;--an--amount  
 17 sufficient--to--pay--the--principal--and--interest--as--due--on--the  
 18 bonds--or--notes--have--statutory--appropriation--authority--for  
 19 such--payments--{In--subsection--(3);--pursuant--to--sec--10;--Ch-  
 20 664;--E;--1987;--the--inclusion--of--39-71-2504--terminates--June  
 21 30;--1991;}"

22 **SECTION 2. SECTION 61-2-106, MCA, IS AMENDED TO READ:**

23 "61-2-106. County drinking and driving prevention  
 24 program. (1) The governing body of a county may appoint a  
 25 task force to study the problem of alcohol-related traffic

1 accidents and recommend a program designed to:  
 2 (a) prevent driving while under the influence of  
 3 alcohol;  
 4 (b) reduce alcohol-related traffic accidents; and  
 5 (c) educate the public on the dangers of driving after  
 6 consuming alcoholic beverages or other chemical substances  
 7 that impair judgment or motor functions.  
 8 (2) A task force appointed under subsection (1) shall  
 9 conduct its study and submit its recommendations within 6  
 10 months from the date it was appointed.  
 11 (3) The county governing body may by resolution adopt  
 12 the recommendations of the task force appointed under  
 13 subsection (1). The proposed program must be approved by the  
 14 governor as provided in 61-2-105.  
 15 (4) The chairman of the task force shall submit to the  
 16 county governing body:  
 17 (a) a budget and a financial report for each fiscal  
 18 year; and  
 19 (b) an annual report containing but not limited to:  
 20 (i) an evaluation of the effectiveness of the program;  
 21 (ii) the number of arrests and convictions in the county  
 22 for driving under the influence of alcohol and the sentences  
 23 imposed for these convictions;  
 24 (iii) the number of alcohol-related traffic accidents in  
 25 the county; and

1 (iv) any other information requested by the county  
2 governing body ~~or the department~~ or considered appropriate  
3 by the task force.

4 (5) A copy of the annual report ~~must~~ may be submitted  
5 to the department."

6 **SECTION 3. SECTION 61-2-108, MCA, IS AMENDED TO READ:**

7 "61-2-108. Funding allocation for programs to prevent  
8 or reduce drinking and driving. If the county in which the  
9 violation or violations occurred has initiated and  
10 maintained a drinking and driving prevention program as  
11 provided in 61-2-106, the department shall transmit the  
12 county portion of the proceeds of the license reinstatement  
13 fees collected in that county to the county treasurer, as  
14 provided in 61-2-107(2)(a), at the end of each quarter."

-End-