

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 15, 1985

The meeting of the Local Government Committee was called to order by Chairman Darko on January 15, 1985 at 3:00 p.m. in Room 129 of the State Capitol.

ROLL CALL: All members were present.

Preceding the public hearing, Chairman Darko thanked the Montana Tax Foundation for providing the Property Tax Mill Levy booklets. She also asked that all witnesses who were going to testify sign the Witness Statement.

CONSIDERATION OF HOUSE BILL NO. 59: Rep. Connelly, District 8, sponsor of HB 59, appeared before the committee to present the bill. She stated that 50% of DUI fines are put into a drinking and driving program for the purpose of education. At present, 25 or 28 counties have DUI task forces using federal money. She distributed a portion of the codes for this bill (exhibit 1), which explained the purpose of the bill. She also presented a proposed Statement of Intent (exhibit 2)

PROPONENTS: Betty Wing, representing the Missoula county attorney's office, stated their county has had this program longer than any other county. They have had two years of operation of their task force. The money is used for law enforcement and education. She stated the Ellen Leahy of the Missoula City-County Health Department was present and would present information to the committee later in the meeting. She stated revenue from DUI fines increased by 240% and during the first year of Missoula's program, alcohol-related fatalities decreased by 58%. This federal funded project will continue for two years. Some DUI fines go back into prevention programs. She would like the offenders to pay for the programs - 1/2 of the fines to go back into the program. She stated DUI programs are revenue producers. This program would be totally voluntary. Only the counties who want to do it should participate. She does not feel the city should be forced into this program. She would like to see Page 3, line 13 amended to read: "If program is terminated, 1/2 of the money should be returned to the city or state. The county should not be able to keep the money".

Ellen Leahy, Health Education Program Manager from the Missoula City-County Health Department, presented testimony in favor of HB 59. She suggested that an amendment should be made that both the city and county agree with. She handed out copies of the testimony to each committee member (exhibit 3).

Albert E. Goke, Administrator of Highway Traffic Safety Division, Helena, stated that the state became eligible for \$365,000 federal funds per year for a 3-year period. It has recently received approval for the second year. Allocated money that went out to all counties had 18 counties respond extremely fast and had contracts with all 18 counties before the year was out. He gave a rundown of how the money is being spent: 22% is spent on enforcement; 18% on equipment; 15% on education; 12% on coordination of the cost of the task force, and 33% for prosecution and court system. He feels this is a good balance. He believes it is important to leave the bill at local option.

Mike Males of Livingston urged support of HB 59. He stated the task force has done valuable educational work on DUI issues. He also feels that it is very important that they receive funding from DUI fines.

Roger Tippy, representing Montana Beer and Wine Wholesalers Commission, stated that their commission applauds Rep. Connally's bill. They feel it is much better to focus on getting revenue from the abuser rather than the taxpayer who consumes alcoholic beverages in moderation.

Mike Murray of the Chemical Dependency Program of Montana, stated the bill should be earmarked for the DUI tax.

OPPONENTS: Alec Hansen, representing the Montana League of Cities and Towns, stated it should be optional to cities. An amendment with regard to termination of the program should be made saying that if the program is terminated those funds given by the cities should be given back to the cities. This legislation, if amended, would set the level of support at 50% and require that funds come from DUI. If the amendment was adopted they could support the bill.

Nathan Tubergen, Finance Director for the city of Great Falls, spoke in opposition to the bill.

Bill Verwolf, representing the city of Helena, stated that the city of Helena strongly supports the bill; however, they do have some problems with the bill and have to oppose it as presented.

Mike Young, Finance Director for the city of Missoula, stated that he worked on helping put together a 1980 program. He suggested they let local government decide for themselves whether they want to participate in this program and how much general funds they want to use.

Gordon Morris, Montana Association of Counties, stated there is a weakness in the bill as proposed.

Bernie McCarthy, Justice of the Peace of Lewis and Clark, representing the Montana Magistrates Association, read his prepared statement of opposition which is attached as exhibit 4.

Jim Jensen, representing the Montana Magistrates Association, stated on three offenses and convictions, the district court has jurisdiction and this bill does not deal with those fines.

In closing, Representative Connelly stated that this year the fatality rate on the highways is the lowest in ten years and they think it is a direct increase in law enforcement. She passed out a copy of the Flathead County three-year task force plan which is attached as exhibit 5.

There were no further opponents or proponents present.

DISCUSSION OF HOUSE BILL NO. 59: Representative Pistoria asked Representative Connelly who is going to make up the other 50% taken away from local government. The answer was that they hope that the increase in arrests and convictions, and increase in fines will help.

Representative Poff questioned a setback from smaller counties where they have small jails. He can see a real problem with a small jail in small communities. Representative Connelly responded that when a jail is full they have to wait several months down the road. They assign a day when a jail is not full. It is working very well.

Representative Brown asked Representative Connelly if she would have any objections in light of the dire straits of county and city governments of eliminating all of this bill on page 3, line 4, and allowing local government to pay for it if they could afford it. Representative Connelly responded saying that the program is available to the counties and federal money is involved. This program is worth saving.

Representative Brandewie stated that in Missoula the increased arrest rate from the task force has generated enough money to continue its own existence without federal money.

Representative Pistoria stated he did not like the bill the way it is and he asked Alec Hansen what could be done in order to salvage the bill. Alec stated the only way it would work is to leave it up to the city to work with the task force the amount of money to be budgeted for this.

Representative Wallin addressed Mr. Hansen. If there is more money generated with a figure of 25% there should be some in-

centive through this bill for city and county to take on the program. Mr. Hansen stated that it is impossible to set standards in Helena to apply to the cities in other parts of the state.

Representative Sands asked if there is anything that would preclude any restriction to prohibit this type of voluntary program now without a bill. Why should we pass a bill to authorize a program that is already authorized to do so. Representative Connelly answered by stating the reason is because they wanted the money available.

There being no further discussion on HB 59, the hearing was closed.

CONSIDERATION OF HOUSE BILL NO. 104: Representative Marks appeared before the committee as sponsor of HB 104. He explained this bill was for allowing counties to buy warrants of school districts and municipalities and that the rest of the bill explains how to do it.

PROPOSERS: Dennis Burr, lobbyist for the Montana Taxpayer's Association, stated he favors this bill. This would keep counties from paying interest to financial institutions.

Bob Lawmeyer, superintendent of the Boulder Public School, stated if it is the option on the part of the county commissioners it would be a saving to the taxpayers. He said it is a good bill and does not require anyone to do anything.

Helen Williams, Jefferson County superintendent, also agreed with Representative Marks' bill. The amount of registered warrants in Montana City schools totaled \$112,000. For 1983-84, there were no warrants. This year it would allow a way of escape.

Mike Young, Finance Director for the city of Missoula, stated that the bill will have the effect of saving money.

Tom Otton, superintendent of Deer Lodge, stated their district has had no registered warrants in recent years. Their concern is will they have access to money at lesser interest, and they have to deal with a lack of protected fund.

Alec Hansen, Montana League of Cities and Towns, said this bill has the potential to reduce interest rates and that it is a good piece of legislation.

Bob Johnston, Powell County Superintendent, stated this bill has much merit.

Bill Anderson, representing OPI of Helena, stated it should be a local option.

Chip Erdman of the Montana School Board Association, stated that endorsing this bill gives school districts more flexibility in giving smaller interest rates.

There being no further opponents, Representative Marks closed his presentation by stating that the county treasurer said it might have difficulty in book work, and Representative Marks agrees.

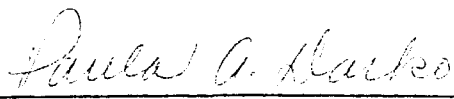
DISCUSSION OF HOUSE BILL NO. 104: Representative Kadas asked Mr. Lawmeyer if an earlier effective date would help him out. He replied saying it could very likely.

Representative Sands asked Representative Marks if this bill allows counties to loan money to school districts and is the reverse true. Representative Marks said no, it would have to be authorized in another section. In the case of schools, you would have to go into school codes. Mr. Anderson stated that with county tax money, the whole county is involved. The school district is only a very small part sharing its money.

Representative Brandewie stated that in all likelihood, practically all school districts in the state who are operating on levies, the money is very tight. This bill will be used very little. School districts don't register warrants until funds are gone. It means they do not have money available to them until right after tax collection.

DISPOSITION OF HOUSE BILL NO. 104: Representative Pistoria moved that HB 104 DO PASS. It was seconded by Representative Brown. Representative Fritz made a motion to amend the bill to provide an effective date on passage and approval. The amendment PASSED UNANIMOUSLY. Representative Wallin moved that the bill be passed as amended, seconded by Representative Brandewie. The motion PASSED UNANIMOUSLY.

There being no further business before the committee, the meeting was adjourned at 4:45 p.m.



PAULA DARKO, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-15-85

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	X		
Norm Wallin, Vice Chairman	X		
Ray Brandewie	X		
Dave Brown	X		
Harry Fritz	X		
Stella Jean Hansen	X		
Bob Gilbert	X		
Mike Kadas	X		
Les Kitselman	X		
Paul Pistoria	X		
Bing Poff	X		
Walter Sales	X		
Jack Sands	X		
Dean Switzer	X		

STANDING COMMITTEE REPORT

January 15, 1985

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 104

FIRST reading copy (WHITE)
color

ALLOW COUNTY TO PURCHASE WARRANTS OF SCHOOL
DISTRICTS AND MUNICIPALITIES

Respectfully report as follows: That HOUSE Bill No. 104

BE AMENDED AS FOLLOWS:

1) Title; line 9

Following: "MCA"

Insert: ";AND PROVIDING AN EFFECTIVE DATE"

2) Page 5

Following: line 7

Insert: "NEW SECTION, Section 4.

Effective date. This act is

effective on passage and approval."

AND AS AMENDED

DQ.PASS.

JW 1/16

STATE PUB. CO.
Helena, Mont.

PAUL D. DAY

Chairman.

COMMITTEE SECRETARY

Section 1. Definitions.

- (1) Program, as used in this section, shall mean a drinking and driving prevention program approved by the administrator of the Highway Traffic Safety Division.
- (2) Administrator. Administrator means the administrator of the Highway Traffic Safety Division.

Section 2. Program establishment

- (1) Where a county establishes a drinking and driving prevention program pursuant to this part, it shall receive one-half of all fines and forfeitures collected by any court, judge or justice of the peace within that county for violations of Section 61-8-401 or 61-8-406. The county shall deposit these moneys in a separate account entitled "drinking and driving prevention program" and they shall be under the exclusive control of the chief fiscal officer of each county participating in the program.
- (2) Expenditures from this account shall only be made pursuant to the approval of a county program by the administrator. The chief fiscal officer of each participating county shall, on a quarterly basis, forward to the administrator a written certificate of moneys expended from this account.

Section 3. Program organization

- (1) Where a program is established by a county, it shall be organized by a coordinator who shall be designated by the county commissioners. The coordinator shall receive such salary and expenses as the county commissioners may fix and shall serve at the pleasure of the commissioners.
- (2) Each county shall have a drinking and driving prevention task force. The county commissioners may designate the coordinator as chairman of the task force.

Section 4. Purpose

- (1) The program shall provide a plan for coordination of county efforts to reduce alcohol-related traffic injuries and fatalities.
- (2) The program shall provide funding for such activities as the task force may approve for the purposes described in (1).

Section 5. Duties of the coordinator; reports.

- (1) It shall be the duty of the coordinator to:
 - (a) submit annually to the county commissioners a verified account of all funds received and expended by him or under his direction.
 - (b) submit annually to the chief fiscal officer of the county a budget of the funds required to carry out the purposes of this part.
 - (c) make an annual report to the administrator on or before the first day of August of each year to include the following:
 - (i) the progress, problems and other matters related to the administration of the program;
 - (ii) an assessment of the effectiveness of the program within the county and any recommendations for expanding and improving the program.

Section 5 (continued)

- (2) The annual report shall also contain the following, in a form prescribed by the administrator:
- (a) The number of arrests for violations of Section 61-8-401 and 61-8-406.
 - (b) Description of dispositions resulting from these arrests.
 - (c) Total fine moneys returned to the county for the program.
 - (d) Contemplated activities.
 - (e) Distribution of monies in connection with program administration; and
 - (f) Any other information required by the administrator.

Section 6. Functions of the coordinator

In addition to the duties provided in Section 5, the coordinator shall perform the following functions:

- (1) Formulate a prevention program and coordinate efforts of interested parties and agencies engaged in traffic safety, law enforcement, the judiciary, rehabilitation and preventive education.
- (2) Obtain and assemble data on alcohol-related accidents, arrests and convictions and to analyze and consolidate the data for research and educational purposes.

Section 7. Program approval

The program, including a proposed operational budget, shall be submitted each year by the coordinator to the administrator for approval.

Section 8. Duty of the administrator

The administrator shall monitor all programs to ensure satisfactory implementation in conjunction with the established program goals.

Section 9. Program cessation

When a county wishes to cease its program, the coordinator shall notify the administrator in writing of the date of termination and all money remaining in the fund established by that county on the termination date shall be transferred to the county's general fund. All fines and forfeitures collected on or after the termination date shall be disposed of pursuant to Section _____, MCA.

*as determined by the governing
body of the county.*

1 STATEMENT OF INTENT

2 HOUSE BILL 59

3
4 Under 5-4-404, MCA, the legislature shall, by its joint
5 rules, provide a procedure by which a statement of intent
6 may be included with a bill that does not delegate
7 authority.

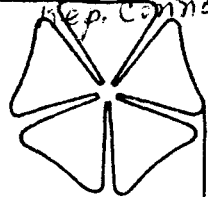
8 This bill does not grant rulemaking authority.

9 It is the intent of the legislature that the governor's
10 approval authority under section 1 and 61-2-105 be exercised
11 by him through that official in the department of justice
12 who administers highway traffic safety programs. It is also
13 the intent of the legislature that the report required by
14 section 2 to be submitted to the governor be submitted to
15 him through such official and that such official exercise
16 the governor's authority under section 2(2)(d)(v).

MISSOULA CITY-COUNTY HEALTH DEPARTMENT

301 West Alder • Missoula, Montana 59802 • Ph. (406) 721-5700

Exhibit 3
HB 59
1-15-85
Rep. Connelly



TESTIMONY IN FAVOR OF HB 59

HB 59 provides for two important activities; a workable funding mechanism for DUI prevention and local choice to utilize its provisions or not.

The benefits of a successful DUI program are clear. During the first year of Missoula's program, alcohol-related fatalities decreased by 58%. This was achieved through a close cooperation between city, county and state efforts. For example, DUI grant money was appropriated directly to the city police department and the county sheriff office for funding patrol hours and purchase of materials and equipment necessary to booking and convictions of DUI arrests. In return, the DUI arrest rate and, likewise, revenues from DUI fines increased by 240%.

As an employee of the Missoula City-County Health Department which currently administers the DUI program and a member of the DUI Task Force, I can attest to the interlocal cooperation as well as the significant community effect brought about by local DUI prevention activities. I am in full support of the local choices that would be made possible by HB 59.

Ellen Leahy



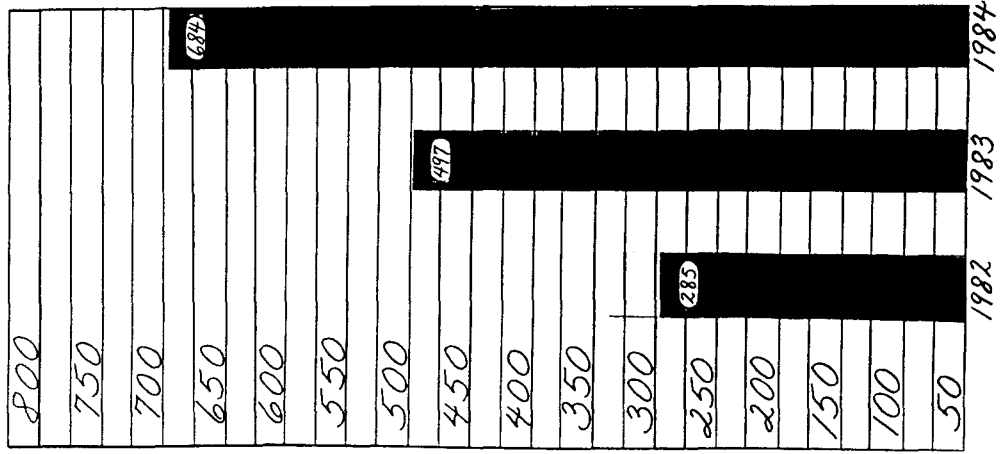
Health Education Program Manager
Member, Missoula/County DUI Task Force

EL:mjp

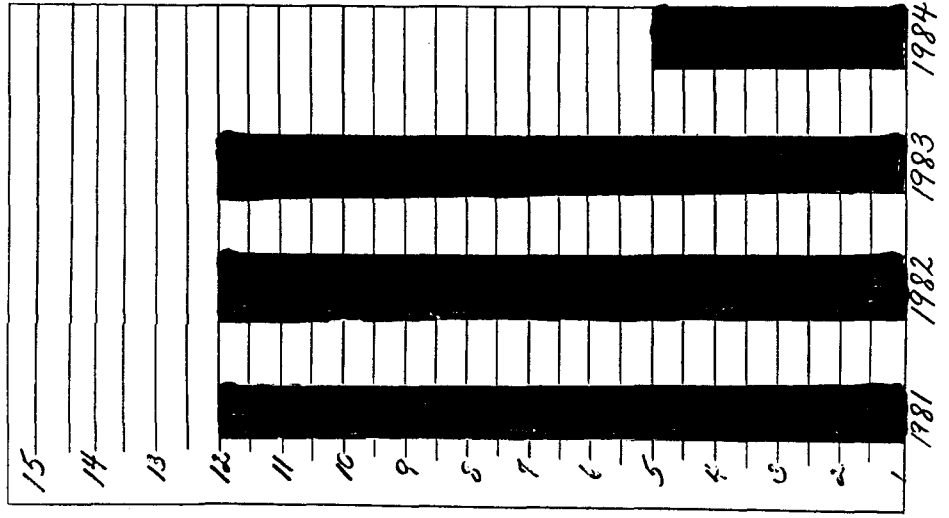
Attachments: Newspaper articles
DUI statistics, Montana
DUI statistics, Missoula County

MISSOULA COUNTY
DRINKING AND DRIVING PREVENTION PROGRAM

DUI ARRESTS



ALCOHOL-RELATED FATALITIES



MISSOULIAN

1-6-85

RESULTS AFTER COMPLETION OF FIRST YEAR IN MISSOULA

County's drivers practiced sobriety New Year's Eve

By ANTHONY BROWN
of the Missoulian

For one brief, shining moment it looked like most of the drunken drivers were off the streets.

That moment, ironically enough, came last Monday night — New Year's Eve. Despite the best efforts of all the sheriff's deputies, highway patrolmen and city police officers, only three drunken drivers could be found in the whole county that night.

Nine intoxicated New Year's motorists were arrested a year ago.

"It was amazing," said one policeman. "There were sober drivers all over the place."

However, such sobriety is not typical for Missoula County one year after the state enacted tougher drunken driving laws.

There were 22 drunken driving arrests over the weekend just before New Year's.

And on last Friday night alone, five people were arrested for DUI — driving under the influence of alcohol.

"New Year's Eve gets a lot of attention, but it's just one day out of the year," said Deputy County Attorney Betty Wing, who prosecutes DUIs. "There are still a lot of drunk people out there the rest of the time... It's exciting what happened New Year's Eve, but we have to keep our perspective."

It was a year ago this week, with a new \$43,000 federal grant, that the county began to get that perspective.

New state laws mandating jail sentences for drunken drivers had been in place for three months. A special "DUI team" was put on the street on weekends. Officers were trained to better identify and arrest drunks.

The result was a 240 percent increase in drunken driving arrests between 1982 and the end of 1984. About 57 people on average were arrested for DUI in Missou-

"There are still a lot of drunk people out there the rest of the time.... It's exciting what happened New Year's Eve (3 arrests), but we have to keep our perspective."

— Betty Wing, prosecutor

la County each month last year. There were 82 arrests in December alone.

And, according to the Missoula City-County Health Department, alcohol-related traffic deaths in the county were more than cut in half, from 12 in each of 1981, 1982 and 1983, to just five in all of 1984.

"I don't think there's any question this (tougher laws and enforcement) is

having an effect," Wing said. "With that many arrests every month, word has to get out. But this also shows there are just a lot more out there to get."

Still, prosecutors and cops hope this past New Year's Eve might reflect progress. One frustrated deputy who was assigned exclusively to DUIs that night said he stopped four drunken driving suspects, all of whom proved sober.

The Missoula Yellow Cab Co. reportedly did double its usual business. By morning, police said, downtown and bar parking lots were strewn with abandoned cars. And, again, the cops couldn't find DUIs to save their badges.

"We looked for them," said city patrolman Kevin Clader. "They all must have known we were going to concentrate on drunken drivers."

And we were," said police Sgt. Carl Ibsen. "There were a lot of cars filled with people, and all of them were drunk — except the driver."

Wing theorized that concern for sobriety on New Year's could be a sign that general attitudes toward drinking and driving are changing, even as arrests continue to increase.

She points to health department statistics for 1984 that show the average drunkenness of arrested drivers declined from .20 percent levels of alcohol in their blood to .17 percent (a person is legally drunk with .10 percent). Wing attributed the decline to drivers' new-found temperance and officers' training to spot and arrest drunken drivers.

But recently, Wing said, the amount of alcohol in arrested drivers' blood has increased again.

"That could mean we're getting the social drinkers off the road and getting down to the hard-core 10 percent, the alcoholics and the real problem drivers," Wing said. "Whoever they are, we're not having trouble finding people to arrest."

Except on New Year's Eve.

Plan designed to get drunks off the road

By LARRY HOWELL
of the Missoulian

Starting in December, chances are you'll be able to drink all night for free in scores of Missoula bars.

How? Simply by wearing a green and white lapel button available upon request at the bar.

The catch? You just have to agree to serve as chauffeur for the other members of your party. And the free drinks you'll be served will be non-alcoholic.

The Missoula Designated Driver Program is a joint effort of the DUI Task Force and local bars and restaurants that serve alcohol. The task force consists of people from all sectors of the community and is funded by a federal grant administered by the Missoula City-County Health Department.

The program is designed to get the drunks off the roads without driving customers away from businesses that sell booze, according to Ellen Leahy, health education man-

ager for the Health Department.

"Rather than just say — 'No, don't do it' — we're trying to provide some alternatives," Leahy said.

The idea came from the restaurant industry, she added, which has encouraged individual establishments to adopt the program. But as far as she knew, no other place in the country has attempted to install the program throughout the community.

Customers will be able to tell which establishments participate through a decal on the door. Leahy said it will feature a steering wheel and three people, one holding a beer, another a champagne glass and the third a set of car keys.

When designated drivers turn in

their buttons before leaving, they also will get a card good for a free alcoholic drink in the future. The cost of all the free drinks will be absorbed by the restaurant or tavern.

Leahy had high hopes that the majority of bars would participate, but was a little less certain of how the public would react.

Jeff Hainline was instrumental in setting the program in motion, she added. Hainline owns the Montana Mining Company and Black Angus and 4B's restaurants in Missoula, as well others in Montana and elsewhere.

Hainline said all his restaurants would be in the program by Jan. 1.

"Times are changing in the bar

business," he said. "We decided it would be better to get into it before it was forced upon us."

But he added that he felt "as much of a moral obligation as a legal one."

Hainline said one of his restaurants in Great Falls already has its own designated driver program, which served as a test model.

Public acceptance is good, he said, despite some confusion. When the program started, the cocktail waitresses buttons that said to ask for a designated driver program.

"Some of the people thought that the cocktail waitresses give them a ride home," Hainline said.

SPOKESMAN REVIEW

12-1-84

Drinks for free — with a catch

*Spokesman Review
Dec 1, 1984*

MISSOULA (AP) — Beginning in December, bar patrons in some Missoula taverns can drink all night for free.

All that's needed is a green-and-white lapel button available on request at the bar.

The only catch is that the button wearer must agree to act as chauffeur for the other members of his or her party. From then on, all the free drinks are non-alcoholic.

At the end of an evening, designated drivers turn in their buttons and get a coupon for a free alcoholic drink in the future.

Such is the Missoula Designated Driver Program, a joint effort of the DUI Task Force and bars and restaurants that serve alcohol. The task force is made up of people

from throughout the community and is funded by a federal grant.

The program is designed to keep drunks from driving, while not hurting businesses that serve alcohol, said Ellen Leahy, health education manager for the Missoula City-County Health Department.

"Rather than just say, 'No, don't do it,' we're trying to provide some alternatives," she said.

The idea came from the restaurant industry, which has encouraged businesses to adopt the program, Ms. Leahy said.

Participating establishments will have decals on their doors.

Restaurant owner Jeff Hainline, who helped set up the program, said, "Times are changing in the bar business. We decided it would

be better to get into it before it was forced upon us."

The move, he added, is "as much of a moral obligation as a legal one."

New drunk driving law hits hard on teens

By Susan Grote
Staff Writer

A new state law for 1984 has prompted the Missoula County Sheriff's Department to construct a Driving Under Intoxication (DUI) Enforcement Team to patrol Missoula's streets for drunken drivers.

The Enforcement Team patrols the streets of Missoula Friday and Saturday nights, according to Deputy County Attorney, Betty Wing.

When the team spots a car driving out of the ordinary, that car is pulled over, and routine procedures are followed through, such as asking for a driver's license.

If alcohol can be smelled, then the officer administers physical tests, such as walking a line, and saying the alphabet, said Wing.

If the person appears drunk, they are placed under arrest, and if no one else in the car is sober and can drive the car, it is towed away at the owner's expense.

Once at the police station, the tests are redone, on video tape, as well as a breath test and questions such as "Where have

you been in the last couple of hours?" Have you been drinking?" If so, where and with whom, according to Wing.

Wing explained that if the person is cooperative, then "we try to find a responsible person like a parent, relative, or neighbor who will take the person home safely."

She said that there are only six segregation cells to put drunk persons into. "We try to save those for the violent ones that don't like to cooperate."

She added that a person who has been picked up for drunk driving must appear in court the next day, or the following Monday if arrested on a weekend.

Wing explained that the sentence for the first arrest is: \$250 fine, plus 24 hours in jail, court (DUI) school which costs the offender \$100, and a suspended license for six months.

The judge is more lenient on minors, who receive a \$50 fine and no jailing unless a juvenile probation officer determines it. The license suspension is also six months.

She said that there are an average of five arrests per

weekend.

"It (drunk driving) has increased an awful lot, at least twice since 1982," she said.

She continued, "Drunk driving has been accepted in Missoula until the last couple of years."

There's no said reason why Missoula's alcohol level is high, Wing said, "It's just an accepted way of life."

BIG SKY SUN JOURNAL, 1-19-84

DUI TEAM

County plans attack on DUI cases

By CHARLES F. MASON
of the Missoulian

An infusion of federal money may help make the coming year anything but happy for drunken drivers in Missoula County.

County Commissioner Ann Mary Dussault announced Wednesday that the county will receive \$33,105 each year for the next three years for its drunken-driving prevention program.

The money comes courtesy of the Federal Highway Traffic Safety Administration after being funneled through the state, which enacted new and tougher laws this year against drunk drivers.

The program will have two focuses: education and law enforcement.

The highlight of the law enforcement phase will be the establishment of a team of officers who will roam the county's streets and roads looking for drunken drivers. Members of the team will be drawn from city, county and state law-enforcement officers.

The city officer will stay at police headquarters to help process drunks.

Team members will start working this weekend to nab people who celebrate by driving while under the influence New Year's Eve.

The team will operate every Friday and Saturday night throughout the rest of the year.

And county officials are hoping the team will bust a lot of people.

"We expect to be able to double the number of DUI arrests," said Betty Wing, a Missoula County deputy attorney and the director of the county's drunken-driving prevention program.

The team will do nothing but process drunken drivers. Other law enforcement officers who pick up drunks will be able to turn them over to the team, which will handle the necessary paperwork.

As part of its increased enforcement, the county also may set up roadside sobriety checkpoints in the future. Under that system, the police stop every car or cars at random on a selected stretch of road and check each driver for drunkenness. If a driver appears to be under the influence, then he could be asked to take a breath test.

The system has reportedly been used with success in some communities in other parts of the country. Police in Montgomery County, Md., for example, reported that between 40 to 60 percent of drivers stopped during routine roadside checks turned out to have blood alcohol levels that indicated they were too intoxicated to drive.

But Wing says Missoula won't use the checkpoint system until the state attorney general advises the county of its legality and the legal procedures that must be used.

But according to statistics supplied by the county, a checkpoint in Missoula would probably turn up a lot of people driving while under the influence of alcohol.

There were 397 alcohol-related car accidents in 1982 in Missoula County. And 300 of those caused physical injuries, including 12 deaths.

As of last month, 12 people have died on county roads this year as the result of alcohol-related accidents.

In contrast to the law enforcement phase of the program, which is designed to nab drunk drivers, the education portion is designed to convince people to stay off the roads if they've had too much to drink.

It will include

- Attempts to increase public awareness of the problems of drunken driving
- Working with schools
- A speakers' bureau
- A public drinking-and-driving demonstration

The City-County Health Department will shepherd the education program.

The increased-enforcement program comes in the wake of the new and tougher state laws which took effect on Oct. 1. The laws include a mandatory minimum of 24 hours in jail for first offenders convicted of driving under the influence.

People refusing to take a breath test will have their license to drive suspended for 90 days.

MISSOULIAN

12-29-83

MISSOULA'S DUI PROGRAM

MISSOULIAN EDITORIAL

12-15-83

Opinion

Editorial Board: • Tom Brown, Publisher • Bradley Hurd, Editor • Sam Reynolds, Editorial Page Editor
Missoulian, Thursday, December 15, 1983

Page 6

Drinking-driving mix is jolly humbug

It is the season to be jolly, and the Missoula City Health Department reminds us all that mixing drinking and driving is jolly-well irresponsible.

Congress for the second year in a row has de-

Missoulian editorial

clared National Drunk and Drugged Driving Awareness Week, the department reminds us. The week begins last Sunday and expires next Saturday.

Weeks for this or that purpose number far more than 52 a year. But this week, during the holiday season, is especially important.

There are points worth making about the sub-

ject:

- As of Oct. 1 a whole batch of anti-drunk driving laws went into effect in Montana. To refuse an alcohol test of your blood, breath or urine means your driver's license can be confiscated on the spot by an arresting officer. A temporary 72-hour driving permit will be issued, but a refusal to take a test could cause your license to be suspended for 90 days. Punishments get tougher after subsequent refusals to take an alcohol test.

- Convictions for drunk driving begin with a minimum 24-hour trip to the slammer and a six-month suspension of the driver's license, and get tougher with subsequent convictions.

- More than half of all vehicle accidents in Missoula County and the nation are alcohol in-

volved, and 65 percent of the single-vehicle accidents nationwide involve drivers whose blood alcohol exceeds the legal limit.

- For the 15- to 24-year-old age group, drunk driving is the leading cause of death in the United States. In 1982 more than 44,000 Americans died in traffic accidents. It was the leading cause of violent death in the nation.

- The nation pays \$24 billion a year in total costs for drunk driving, aside from human suffering.

- One 12-ounce bottle of beer with 5 percent alcohol content has the same amount of alcohol as 5 ounces of wine with 12 percent alcohol, and 1.5 ounces of 80-proof hard liquor. You can get too

bent out of shape to drive by drinking any alcoholic beverage.

There are simple, sensible things to do to stay safe — take a cab, arrange to have a sober person drive, sleep it off at the host's house, make sure boozed friends don't get behind the wheel, or call 9-1-1 and report the drunk driver.

If you call, try to provide the license number, describe the vehicle, state where you saw it and where it was headed. Montana has a program for reporting and picking up drunk drivers.

This is the season to be jolly. It is a season of celebration. To get smashed up at a party and then get smashed up on the highway is jolly humbug. Please drive soberly and safely.

— Sam Reynolds

12-12-83

WFF Assoc. of Counties

Analysis County News 12/12/83

Drunken driving: A local job

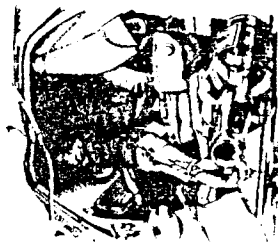
Community drunk driving programs have made significant inroads into the problems caused by the drunk driver.

Traffic fatalities and injuries are down. Chronic drunk drivers are given treatment as well as punishment. Police, prosecutors, courts and citizens are actively involved in mitigating the problem.

And in most cases the catalyst for focusing attention on this serious issue has been a local drunk driving task force.

The public demands that someone do something about the drunk driver. The someone must back to do something is a local elected official.

Through their leadership role, elected officials have the greatest opportunity to marshal community resources and achieve cooperation among all these public and private elements concerned about the problem.



The closest thing is most likely to appoint a local drunk driving task force to help plan, manage, and finance an adequate drunk driving program. Many states already have statewide drunk driving programs. But the primary responsibility for solving the problem lies at the local level where the tragic consequences

are most acute. All three levels of government—federal, state, and local—have an important role to play. But a successful deterrent program must be built on a sound local foundation.

Appointing a local task force accomplishes two major objectives that are crucial to an effective drunk driving program:

First, it draws together all the public and private agencies and organizations with responsibilities in the community.

Second, it focuses the community attention on the magnitude of the problem—individual, not statewide. But in the neighborhoods where these most affected by the drinking driver live.

Thus, a task force should include all the diverse elements in a community willing to examine the many causes and cures for drunk driving. The experience of other state and local task forces shows that their

See DRINK, page 12

Drunken driving: A local job, a responsibility for counties

Continued from page 1

are no simple or single cures for the problem. Many elements have to be blended into an effective program: enforcement, prosecution, education, information and treatment programs. If one or more of these elements are neglected, the whole deterrent approach may break down.

In Montgomery County, Md., County Executive Charles Colburn has created an ad hoc task force on Drunken and Driving by executive order. The 25-member group includes representatives from involved government agencies, citizens, victims of drunk drivers, and associations concerned with selling alcohol beverages. Twenty-eight

people were killed in alcohol-related crashes in the county during the 12-month period prior to the task force's start-up of this task force. In the next 12 months, fatalities were cut to 16, and in 1982, 18. There were only seven drunk driving deaths.

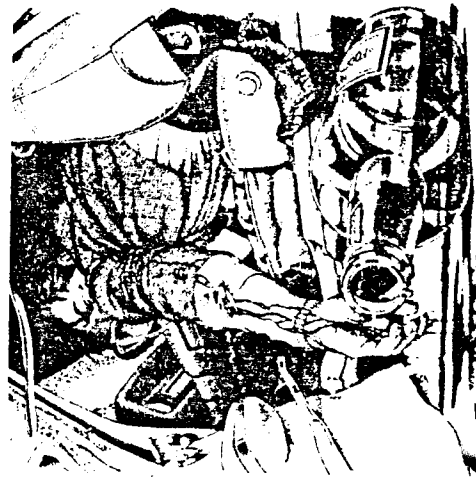
Montgomery County officials analyzed the results of the task force and the implementation of its recommendations. Colburn said: "The report clearly indicated that 44 more citizens are alive today, people who may have been killed in drunk driving crashes had our county not taken this systematic, coordinated attack on drinking and driving. Montgomery County has demonstrated that a systems approach to the drunk driving problem is work-

to save lives.

There are a lot of strategies, recommendations and details that local task forces already have addressed. Those are available to counties that wish to establish their own task forces.

The U.S. Department of Transportation's publication *Who's going to pick up the lost lifetime* is a helpful guidebook to setting up a task force and an agenda for action for county officials, the most important question may be: "When shall I call the first meeting?"

For information on NAC's Drunk Driving Deterrence Project, contact Rick Krueger, project director, at First St., N.W., Washington, D.C. 20001 or call 202/462-1000.



Kids, cars and alcohol

Survey sees new class of drunken drivers

By MIKE McINALLY
of the Missoulian

A recent survey on the drinking and driving habits of Missoula students has a sobering, if not altogether surprising, message:

More than 80 percent of students in grades seven through 12 have tried alcohol at least once.

About 29 percent of those students drink at least weekly.

And many of those weekly drinkers also are weekly drunken drivers.

Considering the strong link between teen-agers, cars and alcohol, that also is not surprising.

"They can't go to bars," said Missoula County Deputy Attorney Betty Wing, "and they're not going home. All they have left is their cars."

Health officials are looking for ways to break that link. The survey indicates it will be an uphill battle.

The survey was given to 2,449 students in Missoula schools during their English classes. It cost about \$3,000 and was prepared for the Missoula City-County Health Department.

The money came from a grant from the Montana Highway Traffic Safety Division. Britt Finley, an associate professor with Montana State University's Missoula-based nursing school, conducted the survey and summarized its findings.

Health officials hope the survey will give them an idea of when to place alcohol-prevention programs in schools.

They can't go to bars, and they're not going home. All they have left is their cars.'

—Betty Wing,
Missoula County Deputy Attorney

Survey results suggest that the earlier education is introduced, the better.

More than 60 percent of the students said they had tried alcohol at least once by the time they were in seventh grade. That suggests the time to begin alcohol education is before the seventh grade.

Finley said she was surprised and worried by the amount of heavy drinking — defined as consuming more than five drinks on each occasion — the survey revealed. "We have students who are getting drunk six or more times a year," she said.

And many of those students are running into difficulties — with family members, police officers and school teachers — because of their drinking habits.

However, the study indicated that some students aren't drinking at all.

"The kids who are saying no in Missoula have something for us," Finley said. "We need to learn about them."

Another goal of the survey was to discover where students receive their information about alcohol.

According to the study, students rely more on their parents than on any other source. Educators also are an important source of information, and Finley said that Missoula schools "have been keenly responsible" in making that information available.

Many Missoula educators also have been trained to recognize drug and alcohol problems in students — and to find help for those students.

But these are just the first steps in what will be a long battle.

The report contains one statistic that indicates just how difficult the task will be:

Fifty-five percent of the students in grades 7-12 personally know a victim of a drunken driver; and yet many of those students still drive while intoxicated.

The reason, Finley said, is that drinking "is an accepted way of life."

And fighting drunken driving, she added, will require "a long-term commitment over generations."

STATE OF MONTANA

HIGHWAY STATISTICS

	TOTAL ACCIDENTS		FATAL ACCIDENTS		FATALITIES		INJURIES	
	ALL	ALCOHOL RELATED	ALL	ALCOHOL RELATED	ALL	ALCOHOL RELATED	ALL	ALCOHOL RELATED
1978	24,138	4,194	234	139	271	154	10,012	3,220
1979	22,476	4,320	275	137	332	164	10,263	3,453
1980	20,812	4,400	276	163	325	187	9,771	3,458
1981	21,310	4,711	289	182	338	211	10,460	3,808
1982	19,382	4,301	215	136	254	159	9,313	3,283
1983	18,670	4,172	253	148	286	165	9,262	3,149

FLATHEAD COUNTY
THREE YEAR PLAN TO REDUCE ALCOHOL RELATED
MOTOR VEHICLE ACCIDENTS AND
ALCOHOL RELATED TRAFFIC INJURIES

I. INTRODUCTION

This three year plan proposed by the Flathead County DUI Task Force is a county-wide cooperative incorporating constructive input from citizens of Columbia Falls, Kalispell, Whitefish, Somers, and other populated areas of Flathead County. This plan is proposed by members of the Legislature, County Commission, law enforcement agencies, health care providers, schools, business community, M.A.D.D. and C.A.R.E.

II. BACKGROUND AND PROJECT RATIONALE

In December 1983, the board of Flathead County Commissioners received notification from the Highway Traffic Safety Division of the Montana Department of Justice that Flathead County was eligible for approximately \$25,480.00 per year over the next three years. The eligibility for this incentive funding was generated by comprehensive DUI legislation enacted by the 1983 legislature.

Research indicates that more than 250,000 Americans have died in alcohol-related traffic accidents during the last decade. This figure represents nearly one half of all highway deaths and reflects about 26,000 fatalities per year or 70 per day. A substantial number of these deaths involve youths, with drunk driving crashes being the nation's single greatest cause of death for individuals between 16 and 24. In addition to this toll, many lives are impacted by injury - more than 650,000 each year. Economic costs incurred from alcohol related traffic accidents have risen to more than \$24 billion annually. Included in this figure are costs attributed to lost work and/or productivity, increased insurance, legal and court costs, medical expenses, as well as vehicle and property damage.

The task force method of addressing this serious DUI problem has proven successful in many large and small communities throughout the country. This rationale has been incorporated into Flathead County by developing a broad based countywide task force. This task force realized the DUI problem is a community problem and by incorporating community resources and ideas, the task force may significantly reduce the DUI problem. They began by identifying the problems, performing needs assessments, examining the potential solutions and recommending actions and priorities.

III. STATEMENT OF PURPOSE

By initiating this proposed program, we hope to reduce alcohol related motor vehicle accidents and alcohol related traffic injuries. Alcohol related crashes have been responsible for excessive numbers of injuries and deaths in Flathead County. (See table below.) This section provides data regarding the magnitude of the drinking driver problem, past efforts and results in Flathead County.

	<u>1981</u>	<u>1982</u>	<u>1983</u>
Population	52,147	52,329	52,512
Roadway Miles	12,000	12,000	12,000
Number of Registered Vehicles	51,887	52,069	52,251
Number of Vehicle Miles Driven	648,588,000	650,862,000	653,138,000
Number of Licensed Drivers	51,440	51,621	51,802
Total Crashes*	1,467	1,377	1,012
Total Fatal Crashes	16	5	15
Total Injury Crashes	898	723	612
Total Nighttime Fatal Crashes (8:00 pm - 4:00 am)	9	1	9
Total Nighttime Injury Crashes (8:00 pm - 4:00 am)	350	282	228
Total Alcohol Related Fatal Crashes	8	3	4
Total Alcohol Related Injury Crashes	335	274	208

Unusual Circumstances: (i.e., University and enrollment, Military installation, ect.) Significant traffic increase during summer months by tourism. Ski area of North Valley creates increased traffic during winter and early spring. This may be offset to some degree by those residents who winter in the southern states.

IV. SCOPE OF THE PROJECT

There are four approaches to the prevention of drinking and driving which have traditionally been tried throughout the world. The

*Using a conservative estimate, 50% of the total crashes are believed to be alcohol related.

four approaches place emphasis on these areas:

1. Public information and education
2. Raising the actual and/or perceived risk of apprehension by law enforcement
3. Imposing substantial penalties on apprehended drivers
4. Exposing apprehended drivers to educational or rehabilitation programs.

The National Highway Traffic Safety Administration (NHTSA) has concluded from its review of the available literature that some of these approaches are more successful than others.

The education and rehabilitation programs have been found to have some impact on social drinkers, but relate only to those specific drivers who have been apprehended. Rehabilitation programs for specific groups are beyond the scope of this project because the grant guidelines do not include these aspects.

Imposing severe penalties has had mixed results. The 1983 Montana Legislature's increased penalties and imposed mandatory sentences for DUI arrests would seem sufficient in this area, with the possible exception of slightly increased penalties for juveniles.

The NHSTA reports that public information programs used alone are unlikely to have any impact on crash reduction without an accompanying program for deterrence. Studies have shown that the most important requirement for an impact on crashes is raising the actual and perceived risk of arrest. "No other countermeasure area has more frequently demonstrated impact in terms of measurable reduction in overall alcohol-related fatalities than has increased enforcement and surrounding publicity." (Executive Summary, NHSTA Alcohol Highway Safety Program Plan, September, 1981) This is consistent with health education literature regarding the Health Belief Model that two essential components of preventive health behavior are perceived susceptibility and perceived benefit of preventive action.

The scope of the Flathead County program is five pronged: to educate and persuade the public to act responsibly in relation to drinking and driving; to raise the drinking age to twenty-one; to increase enforcement to DUI laws; to alert the public to the increased enforcement and the stiffer penalties; and to rehabilitate the drinking driver.

V. GOALS AND OBJECTIVES

OVERALL GOALS:

- A.) Reduction of Alcohol Related Motor Vehicle Accidents

- B.) Reduction of Alcohol Related Traffic Injuries
- C.) Promotion of Public Awareness

THREE YEAR PROJECTION:

- 1985 - Reduce alcohol related motor vehicle accidents by 10%
- 1986 - Reduce alcohol related motor vehicle accidents by 20%
- 1987 - Reduce alcohol related motor vehicle accidents by 30%

OBJECTIVES:

- A.) Increase the number of reported DUI calls to law enforcement agencies.
 - (1) Support community efforts to secure a 911 number.
- B.) Increase the number of DUI arrests from the 1983 level.
- C.) Increase the public's perceived risk of arrest through education.
- D.) Increase the number of DUI convictions.
- E.) Increase the penalties imposed for minors, first offenders, repeat offenders and those convicted of negligent homicide.
- F.) Improve public attitudes, knowledge and acceptance of the responsibility regarding drinking and driving.
- G.) Establish a method for the DUI prevention program to be self-sustaining.
- H.) Continue active participation by members and the promotion of the Statewide task force.

VI. PROGRAM PLAN

The Flathead County Task Force believes these four areas encompass the total ramification of DUI:

- 1.) Education
- 2.) Law Enforcement
- 3.) Treatment and Rehabilitation
- 4.) Legislation and Adjudication.

Therefore, the steering committee divided into four groups consisting of diversified appropriate personnel from all corners of Flathead County. The steering committee unanimously adopted the following implementation procedures from each area:

EDUCATION COMMITTEE

Objective: To provide methods and means for those stated task force objectives which can be met through education.

Issue: To improve public attitudes, knowledge and acceptance of the responsibility regarding drinking and driving and to increase the number of DUI calls and to increase public awareness of the problem of DUI.

Activities:

1. Public Service Announcements stressing:
 - a. Understanding effects of alcohol/drugs
 - b. Highlighting "report - a - drunk"
 - c. Taking care of a friend who has been drinking
 - d. Changing the image of alcohol use
2. Place articles in "in house" newsletters of businesses throughout the valley
3. Utilize a speakers' bureau
4. Education of K-12 (incorporate within the school curriculum of K-12)
5. Use of hands on materials, billboards, bumper stickers, media awareness
6. Use of professional education seminars on chemical use/abuse for laymen, educators, medical and social service personnel.

Timeline: Begin with needs assessment, establish priorities, implement over a three year period.

Projected budget for one year to cover the objectives and goals of the education committee: \$3,000.00

Goals:

- A.. Workshops:
 1. To cover education of laymen and educators
 2. To cover education of medical and social service personnel
- B. General Public
 1. Youth (in schools)
 2. Adults (evenings with community meetings)

Objectives:

- A. Recognize and support CARE
 1. Cause Awareness
 2. Co-ordinate the two programs
- B. Curriculum
 1. Material for review for K-8 of "Children are People"
 2. Printed materials
 - a) for waiting areas (such as doctors' offices)
 - b) Mail inserts
 - c) Utility companies
 - d) Insurance companies

3. Library Materials
 - a) Schools and Public
 - b) Computer Software
4. Speakers' Bureau (materials)

"Friday Night Live" (no cost)

Scheduled for Columbia Falls, Bigfork, Whitefish, on Oct. 30 - Nov. 2; and Kalispell on November 13 - 16.

TREATMENT AND REHABILITATION

<u>Objective</u>	To insure that those persons convicted of DUI and diagnosed as Problem Drinkers, Drug Abusers or Chemically Dependent, seek treatment.
<u>Issue</u>	The Courts are in a position to provide Education and Treatment for Chemical Dependence related to legal and social problems. It is often in the Court that socially dangerous chemical related behavior must answer for some conduct that without chemicals would not have occurred. In most cases the effected person will not seek treatment unless social pressure is applied. The most effective method is Court Mandated Treatment, specifically those persons who are convicted of DUI.
<u>Activities</u>	1. Legislative change with existing law to read: First Offense; Fine \$100.00 to \$500.00; Jail time of 1-60 days (with minimum 24 hours). Required mandatory completion of Montana Court School, which <u>will</u> include Alcohol and Drug Treatment for those diagnosed as Problem Drinkers, Drug Abusers, or Chemically Dependent. Inclusive of all convictions, the Drivers License should not be re-issued without proof of Court School completion, including treatment if necessary.
<u>Timeline</u>	1985 Legislative session. 1984 Legislative Forum held annually in Kalispell prior to the 1985 Legislative session.
<u>Activities</u>	2. Encourage court system to impose maximum, or near maximum sentence with suspension of time, at the courts discretion, if all requirements of Court School and Treatment are completed. This procedure will allow immediate access to the convicted DUI client who does not follow through with recommendations of the Courts and Treatment Programs. This shall be accomplished by conducting annual Law Enforcement panels to include District, County, and City Judges, County Attorneys, County Sheriff, Under Sheriff, Chiefs of Police, Juvenile Court, City Attorneys, Parole and Probation Officers. Responsibility for organizing this activity shall be the Flathead Valley Chemical Dependency Clinic's.
<u>Timeline</u>	June 1985, 1986, 1987 - annually
<u>Evaluation</u>	Comparison of sentences given before 1984 and after the three year program.

LAW ENFORCEMENT COMMITTEE

Each Department will have thirty six-hour days to use to put officers in the field to work DUI only. Hours would be from 2100 to 0300 on Friday and Saturday nights. Department heads would have other times and days to work the task force also - for example, the Fourth of July, Labor Day, etc.

The Sheriff's Department and the Kalispell Police Department would have two officers working together, and Whitefish and Columbia Falls would have one officer working on the task force.

The Sheriff's Office would, when necessary, assist the other departments.

Court time would be used for testifying in court on their off-duty time.

Training hours would be used to train as many officers as possible in all the departments to be used on the Task Force. They also should know, even if they are not on the Task Force.

Prosecutors will assist the county and cities in convictions of DUI cases only. This would be determined by the case loads in the courts. We recommend that the County Attorney be the point of contact to determine when the prosecutor is needed.

TRAINING

DUI Course for officers	July 1984
DUI Course for prosecutors	Oct. 1984
Breathalyzer certification for officers	Aug. 1984
On-going training of officers on law by instructors	throughout

LAW ENFORCEMENT

Establish DUI team	July 1984
Have DUI prosecutor	Sept. 1984
Encourage agencies to arrest policies	Nov. 1984
Write enforcement manual	Winter 1984 Spring 1985

LAW ENFORCEMENT BUDGET

Sheriff's Department	two officers	
	\$20.00/hour X 6 X thirty days =	\$3,600.00
KPD	two officers	
	\$20.00/hour X 6 X thirty days =	3,600.00
W/F	one officer	
	\$20.00/hour X 6 X thirty days =	1,800.00
C/F	one officer	
	\$20.00/hour X 6 X thirty days =	1,800.00
Video Camera		1,500.00
Court Overtime		1,500.00
Training Overtime		
Sheriff's Department	(four officers)	1,280.00
KPD	(four officers)	1,280.00
WF	(two officers)	640.00
CF	(two officers)	640.00
	sub total:	<u>\$17,640.00</u>
Prosecutor (6 months)		3,500.00
	TOTAL:	<u>\$21,140.00</u>

ADJUDICATION AND LEGISLATIVE COMMITTEE

1. Enforcement Recommendations

A. Stricter license restrictions

- (1) Impound the car license plate and registration,
- (2) Impose a higher fine if caught driving without a, driver's license - minimum of 30 days to 6 months.

B. Different colored plates to identify offenders (or colored tabs)

- (1) 1st offense,
- (2) 2nd offense,
- (3) 3rd offense.

C. Sobriety checkpoints authorized for law enforcement personnel:

- (1) This could produce a major change in the deterrence climate;
- (2) Legality has been upheld by the courts as long as all vehicles are checked or used on an unbiased selection process.
- (3) Rationale for use:
 - (a) Alcohol-related injury accidents declined by 32% during an 8½ month period in Delaware. Alcohol-related injury accidents as a percentage of all injury accidents, dropped from 27% to 20%;
 - (b) When roadblocks were used from July 1982 to July 1983 outside of Washington D.C., alcohol-related accidents dropped by 75% compared to a similar period in 1980-1981 when no roadblocks were used;
 - (c) With aggressive police patrols, one out of 200 could be apprehended as compared to one out of 2,000 currently apprehended.

D. Current Insurance law violations need to be enforced.

- (1) Higher fines,
- (2) Perjury enforcement (when signing statement that insurance has been obtained) for falsification of public document.

2. Funding Recommendations:

A. Increased funding for Missoula lab

- (1) Equipment
- (2) Personnel

Rationale: More funding for local equipment could cut the need for increased lab funding;

Samples could be processed locally, rather than mailed to lab.

- (3) Intoxilizer cost: \$3,697.00
(State certified & state maintained)
 - (a) Columbia Falls has one,
 - (b) Whitefish has a breathalyzer
 - (c) Kalispell has one
 - (d) The county does not have one.

- B. Radio change-over from lowband to highband:
(1) Base radio (cost) \$3,000.00
(2) Mobile radio (cost) \$1,500.00

Rationale: To be on same system as Highway Patrol and civil defense and disaster systems.

City and county could get on the state-bid system.

Motorola now has the current state-bid.

Perhaps could be purchased through revenue-sharing funds.

- C. Police officers will have to be certified:
(1) Four hour schooling
(2) Missoula staff would certify. Craig Bell is authorized to teach the use of the machines. (Intoxilizer or breathalyzer).
(3) Need to certify every six months.
- D. Police judges need D.U.I. Instruction.
- E. More state funding for Bozeman school
(1) Police training in addition to the local certification;
(2) City and County should budget for officers to attend the CARE school.

3. Local D.U.I. Recommendations:

- A. Car-mounted video camera system
(1) Monitor, camera, tape library, recorder. (Approximate cost complete: \$4,000.00 - maximum);
(2) Remote microphone system and appropriate cables to be included.
- B. Two officers (only weekends) as a possibility.
- C. One D.U.I. officer for the whole county
(1) Only one mobile mounted video unit would be needed,
(2) Two options available:
(a) Full-time officer: (salary per year \$25,000.00, plus 5 to 6% extra for benefits.
1) Who would be responsible for supervision?
2) Who would be responsible for insurance, etc?
(b) Officer could be loaned to the program on a parttime basis, divided up through the system. Work every third week for four hours, on day off or vacation or a city could donate one officer a week every third week to go with regular patrol.
- D. Eliminate the contract system - in lieu of the fine imposed. need a better definition of "Who can Pay", to eliminate ambiguity.
- E. Support the Constitution Amendment petition #22 to raise the legal drinking age from 19 to 21 years.

- F. Encourage tavern owners to be more responsible to the education and prevention.
 - (1) Not let drunks drive;
 - (2) Promotion of alternative transportation programs. Call a cab for any patron who appears intoxicated. Use posters to advise patrons of the service with slogans, "Don't let your friends drive drunk".
 - (3) Offer to take care of the patrons car overnight.
 - (4) Workshops to teach employees how to recognize situations that could lead to drunken driving, and how to cope with them.
 - (5) Stop practices that lead to overconsumption, such as happy hour (two drinks for the price of one).
 - (6) How to spot fake I.D. cards.

4. Recommendations to Legislature:

January 1, 1985

- A. State-wide open container law
 - (1) Fine (minimum & maximum)
 - (2) Misdemeanor
- B. Seat Belt legislation
 - (1) Mandatory
 - (2) Fine: minimum - warning on 1st offense; fine on 2nd offense; fine on 3rd offense.
- C. Clarify per-se portion of current D.U.I. law
 - (1) Eliminate plea bargaining,
 - (2) Need leverage to get treatment enforced,
 - (3) Higher fine if caught driving without a license.
- D. Study possibility of Juvenile Court system for D.U.I.
 - (1) Increase fine;
 - (2) Implied consent to be applied to juveniles when license is issued, so they are then treated as an adult;
 - (3) Confiscate license plates and registration, and drivers license for a minimum period of time.
 - (4) Strict enforcement.

5. Felony Drunk-Driving Law: (Based on current California law)

- A. Upon conviction of driving under the influence,
- B. Injury or death caused by D.U.I.,
- C. Imprisonment and fine upon conviction:
 - (1) Not less than one year nor more than 5 years. Fine not to exceed \$5,000.00 or both;
- D. Revocation of driver's license
- E. Unlawful driving: a felony
- F. Proximate cause
- G. Blood or chemical tests
- H. Failure to stop after an accident
- I. Failure to comply with any of these actions
- J. Failure to render aid, give identification or identify oneself.

6. Long-Range Goals:

A. Improved automobile design

- (1) Automatic restraint systems
- (2) Running boards to minimize slush and gravel from approaching vehicles.

B. Consider legislation to reduce width and length of trucks.

7. A designated percentage of D.U.I. fines should be directed to the implementation of the task force recommendations and programs.

PROJECT CO-ORDINATOR

The steering committee voted to meet monthly during the initial six months of the program with a project co-ordinator.

Project Co-Ordinator's Budget

\$520.00

Exhibit 5
HB 59
Rep Connelly
1-15-85

TO: House Local Government Committee Members

FROM: Bernard F. McCarthy, Justice of the Peace, Lewis & Clark County

DATE: January 15, 1985

RE: House Bill 59

I am appearing here today on behalf of the Montana Magistrates Association, the representative organization of the Courts of Limited Jurisdiction. I am appearing today to register our opposition to HB 59 in its present form.

We are not opposed to the concept put forth in the bill-- that being the need to establish DUI task forces in the counties to combat the growing drinking and driving problem. We are opposed to the manner in which this bill requires the funding of those programs. The bill allows unlimited access by the local program director to one-half the fines collected for alcohol related driving offenses, without the need for that program to have its budget reviewed. It further requires additional accounting on the part of the local magistrates. We feel that this additional accounting requirement places an unnecessary burden on our overworked courts. The requirement also puts us in the position of having the responsibility of supplying the budget monies for the program. This type of situation raises the possibility of our courts getting unwarranted pressure from DUI groups and supporters to increase our fines to supply monies for the local program. We feel this would lead to interference with what we feel is an important aspect of our job - objectivity. The program should seek funding in the same manner as other local governmental agencies.

WITNESS STATEMENT

Name Roger Tippy Committee On Local Govt
Address P O Box 124, Helena MT 59624 Date 1/15/85
Representing MT BEER & WINE WHOLESALER Support X
Bill No. HB 59 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name MIKE MALES Committee On Local Gov't
Address 528 N. F, LIVINGSTON Date 15 JAN 85
Representing SELF Support HB 59 X
Bill No. HB 59 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. TASK FORCES HAVE DONE VALUABLE EDUCATIONAL WORK ON DUT ISSUE.
- 2.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

NAME Robert Johnston BILL No. 104
ADDRESS Deer Lodge, MT DATE 1-15-85
WHOM DO YOU REPRESENT Powell County Supl. Sch. Bd.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Chip ERDMANN BILL No. HB 104
ADDRESS Helena DATE 1/15/85
WHOM DO YOU REPRESENT Mr School Board Assoc
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This will allow school districts more flexibility when they are in a position to register warrants.

WITNESS STATEMENT

NAME Chip Erdmann for Jess Long BILL No. HB 104
ADDRESS Helena DATE 1/15/85
WHOM DO YOU REPRESENT School Administrators of Montana
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This gives school districts
more flexibility in
registering voters.

WITNESS STATEMENT

NAME Tony Cotton BILL No HB 104
ADDRESS Deer Lodge Elbow DATE 1-15-85
WHOM DO YOU REPRESENT Deer Lodge Elbow
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

City/County of Flathead County/Kalispell/Columbia Falls/Whitefish

ANNUAL BUDGET ESTIMATE—EXPENDITURES

Fund Name <u>L.V.I. TASK FORCE</u>				Department: <u>SHERIFF</u>				Fiscal Period: 19 <u>35</u>						
Fund Number: <u>2400</u>				Department Number: <u>209</u>				Page No. <u>1</u> of <u>1</u>						
Function Number	Activity Number	Sub Act Number	Object Number	EXPENDITURE ACCOUNT NAME	PRIOR F.Y.			CURRENT FISCAL YEAR			BUDGETED FISCAL YEAR			
					Actual Expenditures	Budgeted Expenditures	Actual Expenditures To Date	Estimated Total Expenditures	Total Actual Expenditures	Department Request	Preliminary Budget	Final Budget		
				Overtime										
				Flathead Co. Sheriff							7,732.			
				Kalispell Police							7,732.			
				Columbia Falls Police							4,366.			
				Whitefish Police							4,366.			
				SUB TOTAL							24,196.			
				Supplies							1,500.			
				SUB TOTAL							1,500.			
				Advertising <i>education</i>							4,500.			
				Postage							100.			
				Contracted Services							1,500.			
				Training							1,750.			
				Printing							1,200.			
				SUB TOTAL							7,050.			

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

BCC-85-031
January 15, 1985

The Honorable Paula Darko, Chair
House Local Government Committee
House of Representatives
Capitol Station
Helena, Montana 59620

Re: Testimony in Support of HB 59 .


Dear Representative Darko and Other Committee Members:

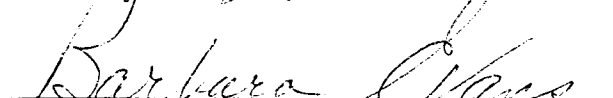
During the first year of Missoula County's Drinking and Driving Program, alcohol-related traffic fatalities in Missoula County dropped by 58 percent. DUI arrests and, likewise, revenues from DUI fines, have increased by 240 percent.

These results are clearly beneficial to the people of Missoula and represent a successful approach to the DUI problem that justifies continued funding. HB 59 provides a workable funding mechanism that individual counties could choose to adopt. Missoula County finds funding for DUI prevention activities necessary and is in full support of the local option made possible by HB 59.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS


Ann Mary Dussault, Chair


Barbara Evans, Commissioner


Bob Palmer, Commissioner

BCC/EL/lis

cc: All Missoula Legislators

WITNESS STATEMENT

NAME Jim Jensen BILL No. H2359

ADDRESS 406 Chaucer Helena DATE 1-15

WHOM DO YOU REPRESENT MT. Magistrates Ass'n.

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITOR'S REGISTER

HOUSE

Local Government

COMMITTEE

BILL

HB 59

DATE

1-15-85

SPONSOR

Rep. Connelly

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Ellen Leahy	1003 Sherwood St	Missoula Health Dept.	X	
Bernie McLoethy	733 9th AVE Helena	MT. Magistrates Assoc		X
Betty Wing	329 So 2nd W	Missoula County atty off	X	
William Tuley	1305 AVE B N.W	City of Great Falls		X
Jim Jensen	128 Alderson Bldg.	MT. Magistrates Assoc		X
Jim Erdman	Helena	MT School Bd Assoc		
Al Foster	Helena	Highway Safety	X	
Cathy Campbell	Helena	MT Area Church	X	
Al Sampson	Missoula	City of Missoula		X
Mike Young	Missoula	City of Missoula		X
Kathryn Hayes	Bozeman	Gallatin Co. DUI Program	X	
Roger Tippy	Helena	MT Beer & Wine Wholesaler	X	
Mike Males	Livinston	SELF	X	
Chuck Starks	Missoula			
Alec Hansen	Helena	MT LEAGUE OF CITIES		X
Bill Verwolf	Helena	City of Helena		X
Gordon Morris	HELENA	MH Co		X
Mike Murray	Helena	Chemical Dep Program	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE

COMMITTEE

BILL

HB 104

DATE _____

1-15-85

SPONSOR

Rep. Marks

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.