

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

1/23/87

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. BUDD GOULD	✓		
REP. REP. TIMOTHY WHALEN	✓		
REP. PAULA DARKO	✓		
REP. TOM BULGER	✓		
REP. JAN BROWN	✓		
REP. BOB GILBERT	✓		
REP. LARRY GRINDE	✓		
REP. WALTER SALES	✓		
REP. STELLA JEAN HANSEN	✓		
REP. PAUL PISTORIA	✓		
REP. ROBERT HOFFMAN	✓		
REP. LES KITSELMAN	✓		
REP. JACK RAMIREZ	✓		
REP. DAVE BROWN	✓		
REP. CAROLYN SQUIRES	✓		

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 23, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on January 23, 1987, at 1:00 p.m. in Room 312-F of the State Capitol.

ROLL CALL: All members were present. Lee Heiman, Committee Counsel from the Legislative Council was also present.

CONSIDERATION OF HOUSE BILL 253: Rep. Bob Ream, House District 54 and sponsor of the bill, stated HB 253 corrects what he feels is an inequity in the law. In Missoula, they have a relatively new urban transportation system which started in 1979. The original transportation district had basic bus routes with new areas being added by petition. A couple of years ago, a group of people in the Rattlesnake area petitioned to add their area to the bus district. The bus district did initiate service to the area but decided to stop the service after less than a year. The people in the area have been paying taxes ever since.

Rep. Ream stated current statutes provide that an urban transportation district can be created or deleted or by petition areas added, but there is no way to get out once in. The problem was checked through the county attorney and an attorney general's opinion was issued. The Attorney General indicated there was no way an urban transportation district can assess a levy for a portion of a district that is less than any other portion of the district. HB 253 adds a provision that by petition, the qualified electors of an area can add and also remove an area from an existing district.

Rep. Ream stated there were two people from the area present to speak to the issue.

PROPONENTS: Carolyn Hathaway, 1502 Aspen Drive, Missoula, representing one of the two areas impacted by the inequity in the transportation, presented written testimony (Exhibit 1) and also an unofficial petition from other people in the area in support of HB 253 (Exhibit 2). She stated they had tried other avenues and the Attorney General said the only recourse was to go to the legislature to take care of the problem. The purpose of the legislation was to allow taxpayers the same right to

petition out of an urban transportation district as Montana law gave them to petition in.

Friedrich Weber, 1505 Aspen, Missoula, supported Ms. Hathaway's statement and pointed out as an individual who used the bus service during the time offered that the service was very limited. The rides were only off hours and the ridership very low. People going to work and school and returning could not use the system.

OPPONENTS: Mark Donaghy, General Manager of Missoula Urban Transportation District (MUTD), stated he registered as an opponent mainly because he did not have a copy of the bill. He said from what was read in the newspapers he and the board of directors had great concern. The history as he had read from MUTD files and minutes of board meetings was that originally MUTD was opposed to extending service to the area because of problems associated with the extension of the current route. In minutes of a board meeting from several years back, the decision to annex was only based on representatives from the area wishing to be annexed with no guarantees of service to that area. Service was put in on a trial basis. It failed for lack of ridership and because of being infrequent.

Mr. Donaghy stressed their main concern which was to see that the district could not be dismantled in one form or another on a section by section basis. They had questions on how a territory could be defined. He heard the statement made that the language in the legislation stated the area would have had to be annexed for five years and hoped that would cover this situation.

There were no further proponents.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 253: Rep. Sales asked Lee Heiman if under the bill it read so the district could be broken apart piece by piece? He asked if you could go out to any area in the transportation district and get a 51 percent signature and have that area removed?

Mr. Heiman responded yes it did read that way in the bill.

Rep. Sales asked Rep. Ream if this was his intention?

Rep. Ream responded if an area was receiving service there would be no need to petition out of the district. His feeling was that the people that petition into the district do not do so to benefit others. The idea of petitioning in is to benefit the people in the area. If there is no service, they should be able to get out. The last subsection,

in the bill does have the five-year limitation having to do with indebtedness. He wasn't sure if Rep. Sales was concerned with the indebtedness or service.

Rep. Sales commented his concern was a district being ruined piece by piece. He said there wasn't anything in the bill that requires the area to have service or not. He said it appears that even those having service could submit a petition and withdraw.

Rep. Ream stated it was not in the bill but a transportation district could be created by 20 percent of the electors of a district, but it would take 50 percent to disband the district.

Rep. Wallin asked if it was assembled by district or if it was a complete transportation system and divisions were established afterwards into what are districts?

Rep. Ream responded it was one entire district for the urban area that goes out to the east to Bonner and to the Pulp Mill on the west part of town.

Rep. Wallin asked how the districts were established to withdraw if they were one total district to start with; how were the segments of the total district established to withdraw?

Rep. Ream thought it would be by petition process. The area would have to be defined. The same question would apply as to how you would add areas to the districts. An area would be drawn on the map and 51 percent of that area needed to get in.

Rep. Gould asked if it took 20 percent on a petition to get in, why should it not take 20 percent to get out?

Rep. Ream responded that was a whole other issue that he did not want to get into on this bill. That is for creation of a district. He said HB 253 was for just adding or deleting.

Rep. Sales asked if the 20 percent petition was to establish an election or if the petition allowed for set up of a district?

Lee Heiman responded there is a 20 percent petition to hold an election.

Rep. Darko asked as a point of clarification if 51 percent

of the people petition to get in then would the same 51 percent have to petition to get out?

Rep. Ream answered yes.

Rep. Kitselman wanted clarification as to what the established district is and if a small four block area of a district could say they are a district and get a 51 percent vote to get out.

Rep. Ream said within the five years, it would have to be the same area drawn on the map to petition to get out.

Rep. Kitselman had the same concern as Mr. Donaghy of small sections achieving the 51 percent needed to petition out of a district and doing so.

Rep. Ream stated the problem was with the many outlying areas; an example being Bonner and Milltown which are a long way from Missoula. If MUTD decided to discontinue service, these people would be paying for MUTD for the rest of their lives even though they are not within five miles of service.

Rep. Ream passed out a summary sheet which listed some arguments that could be used in opposition to the bill (Exhibit 3). In closing he stated if an urban transportation district is fulfilling the need then the taxpayers will not have this incentive to get out. He felt they would have a difficult time in achieving the 51 percent to get out with the safety measures in the bill. Rep. Ream felt the inequity has to be taken care of one way or another.

CONSIDERATION OF HB 277: Rep. Mary Ann Connelly, House District 8, sponsor of HB 277, stated the bill started with the federal FUI Task Force Program. The county commissioners started the program in 1981 in 18 counties. At the present time there are 23 task forces. They are required to document problems in their particular counties and determine needs such as education or enforcement. Rep. Connelly said a lot of the problems are addressed by volunteer groups without any problems at all. Some counties had the basic program already in place and used federal money for education and enforcement portions of the program. She stated that what they are asking is that there be a \$50 reinstatement fee on drivers' licenses if someone is convicted of a DUI and their license revoked.

In order to get reinstated persons would have to pay the \$50 fee in addition to any other fines there might be. In this way each task force could be funded on the local level for each of the various counties that participate in the program. Any fines in counties that do not have a program would be put into a state fund to be distributed to those counties that do have a program.

Rep. Connelly stated their feeling was that because of the task forces, the DUI's are less a problem than in the past. There were 9 per 1,000 DUI arrests and convictions last year which is down quite proportionately from 1985.

PROPOSERS: Al Goke, Administrator for the Highway Traffic Safety Division, spoke in support of HB 277. He stated he had been involved with the task force since its inception. He gave the history involved with the DUI task forces since passage of legislation in the 1983 session.

Mr. Goke stated principally DUI related problems are community based problems but that isn't to say they are not state government responsibility. The problems do, however, reside locally and the answers will come locally.

Mr. Goke presented a handout to the committee (Exhibit 4). He stated the handout basically outlines some success that can be contributed to task force efforts across the state. He thought it more than coincidence that alcohol related traffic accidents have decreased to the degree they have since the initiation of task forces in Montana.

Mr. Goke said his division's duties were to administer the programs already in place. The principal effect to any state budget would arise in the Motor Vehicle Division. He said it is felt when dealing with the reinstatement fee on suspended or revoked licenses that the proper place to have the clerical work (to type the fee, keep record of the county, etc., and to deposit within the state treasury) should come to that area. Mr. Goke presumed his division would make the disbursements to the county that have approved plans. He said he saw no significant difficulty in doing that.

Mr. Goke felt strongly that the federal money was not intended to be used to supplant local funds but to be used for new activities. He stated his intention and hoped the committee's intention if they recommended the bill would

be that the funds be disallowed to supplant local funds.

The following persons testified in support of HB 277 and also presented written testimony attached to these minutes as numbered exhibits: Doris Fisher, Gallatin County Task Force Coordinator and representative of MAD (Exhibit 5); Ann Mary Dussault, Missoula County Commissioner (Exhibit 6); Wilbur Visser, Gallatin County Commissioner (Exhibit 7); Ellen Leahy, Administrator of DUI Program in Missoula (Exhibit 8). Ms. Leahy presented written testimony for Jeanette Buchanan, Chairman of the Missoula Task Force (Exhibit 9); Jeff Hainline, President Missoula Tavern Owners (Exhibit 10); Bob Lovegrove, Missoula City Mayor (Exhibit 11); Lorena Hillis, Missoula County MAD Treasurer (Exhibit 12); Michael Wood, Missoula Task Force Member (Exhibit 13); Glen Henkel, Tool and Easter, Inc. (Exhibit 14); Warren Guffin, Missoula Physician (Exhibit 15). Gary Keeler, Program Manager for Butte-Silver Bow DUI Task Force and Bill McDonald, Missoula City/County Board of Health testified in support of the bill. Susan DeBree, Facilitator for the Health DUI Program in Helena presented a poster made for the Last Chance Stampede Fair which showed the variety of people who are active and have contributed personally and as businesses to the task force program in this area.

Robert McCarthy, Butte-Silver Bow County Attorney and representative of the DUI Task Force, was in support of the bill and presented written testimony (Exhibit 16). Mr. McCarthy had a question as to whether or not another section should be included on page 2, line 22. He felt Section 61-8-722 which refers to a person's license being revoked for being convicted of driving under the influence should also be included.

Clay Gregory, Missoula Police Department and active member of the DUI Task Force testified in support of HB 277. He presented written testimony from Mark Hamilton, Chief of Police Missoula (Exhibit 17). Rayleen Beaton, Helena City Commissioner, testified and brought from the Helena City Mayor and the other commissioners to Do Pass HB 277. Written testimony was presented from William Ware, Chief of Police Helena Police Department (Exhibit 18); and from John Albrecht, Attorney at Law from Choteau (Exhibit 19). At the request of the Chairman, other proponents present stood up in support of the bill.

OPPONENTS: None.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 277: Rep. Gould asked Mr. Goke what the charge is for the DUI school in Missoula.

Mr. Goke responded he would have to answer on an average because of a rule set by the state. Fees are from \$50 to \$125 depending on local situation.

Rep. Gould asked what percentage of people arrested for drunk driving have to go to the school?

Mr. Goke responded by law all offenders whether it be for their first, second or third offense have to attend the school.

Rep. Brown stated under statutes 61-5-205 and 61-5-206 there are a variety of cases that have nothing to do with DUI or alcohol-related accidents but are cases under Montana law where licenses may be revoked. He asked if it was the intent to include all those areas where that money has nothing to do with alcohol-related accidents to be assessed the \$50 fine?

Rep. Connelly stated at first it was thought it should be only for a DUI but more of these other things do relate to reckless driving or careless driving so it was felt a good idea to include in the bill.

Rep. Sales asked if it was correct that there are 23 counties that have task forces and there is no enabling legislation at this time on the statutes?

Mr. Goke responded there is no state law which addresses DUI task forces or any mention of that process. He felt DUI task forces should go on the statutes because it took an action by County Commissioners across Montana to establish DUI task forces with no more authority than the authority they now have.

Rep. Sales asked then what is being looked at is purely a revenue source?

Rep. Connelly replied yes, the program is strictly voluntary. Each county can locally establish their own task force through the county commissioners.

Rep. Sales asked what is optional or voluntary about the fee?

Rep. Connelly responded that the program is optional.

Rep. Sales commented the the fee would be assessed regardless of whether the county has a task force or not.

Rep. Connelly replied yes.

In response to Rep. Bulger's comment that the fee is assessed even if there is not a task force in the county and the money goes to those that do have the program, Rep. Connelly replied it goes into a state fund and then gets portioned out across the state. All the task forces are voluntary and the money is used for education, enforcement, for chemical grants in the high schools, care programs in the high schools, television and newspaper ads; just general education programs. Also extra time for enforcement is funded by this money.

Rep. Bulger stated there are many similar, adequate programs and other governmental needs in each county. He was concerned with the money being raised in a county without the DUI task force program going to another county. He felt the money could be used in the county for other purposes and had a problem with it going to another that had the DUI program.

Rep. Connelly couldn't see how the problem with the DUI could even go away completely or to the point that the county commissioners would think the program was not needed. She stated the money still goes out on a statewide basis in the fact that it would be on television and in local newspaper ads. This would affect each county whether or not the county received any money there.

Rep. Grinde asked if there was any reason given by the counties as to why they did not want the program?

Mr. Goke responded that he had dealings with all county commissioners across the state. He had conducted several seasonal regional meetings that afforded the county commissioners the opportunity to come and discuss the DUI program. The biggest problem they had initially, was the disbursement of federal money. The portion of DUI-related accidents in the counties was taken in a statewide poll and a percentage was taken from this for disbursement of those funds. There were a number of counties that simply did not get much at all. Probably 12 counties out of the total would have received approximately \$1,000. Many of the county commissioners simply chose to not make the

effort to get the \$1,000. Mr. Goke stated they had two counties that tried to establish task forces but their plans were rejected by him and so they were not included in the program.

Rep. Darko asked if there were statistics for the number of license revocations under the statutes listed in the bill for the last year?

Mr. Goke responded that he does have very accurate data and there is a fiscal note that will be available. He said they are assuming about 9,600 suspensions and revocations that would be potentially allowable statewide. In checking with other states, Mr. Goke said they found a 37 percent no pay in North Dakota off of a similar law and the assumptions of revenue generation were based on 63 percent of \$9,650. That in an average year would be slightly over \$300,000.

Rep. Darko asked if there are 9,600 license revocations, are alot of these concentrated in the areas where there are DUI task forces? She said she was trying to get at the rational for assessing this \$50 fee. If the money comes mostly from the areas where they are task forces then she could see the money going to those counties, otherwise she would have problems as well as other people on the committee on assessing this fee statewide when not everyone receives services.

Mr. Goke stated it would be true to say the majority of money will go to those areas that are creating a majority of the activity. That typically would be the way any formula could really work. He was sure the top six or seven counties will produce 50 percent of the activity.

Rep. Brown asked of the 9,600 suspensions and revocations of licenses, how many of those are DUI-related?

Mr. Goke responded in the average year there were 1,500 of some 10,000 actions taken that are not DUI-related.

Rep. Brown asked what the reason for the loss of federal funds was?

Mr. Goke responded when they qualified, it was technically a three-year incentive fund set up under federal law but they have secured the maximum benefit available under the law. That is why it is a total loss of funds.

Rep. Brandewie asked if Yellowstone County has a task force?

Mr. Goke responded yes.

Rep. Hoffman stated in the last two years alcohol-related accidents have decreased by about 50 percent and asked if there were figures as to how that percentage relates to counties with programs compared to those who do not have programs?

Mr. Goke responded yes that he actually calculated that 87 percent of the statewide deduction in those accidents occurred in the 23 counties.

Rep. Gilbert asked when talking about the \$50 fee why not say in the bill that only those counties having programs will get the money back? He asked if this was some method of blackmail to induce those other counties into developing a program?

Mr. Goke stated that the \$300,000 may sound like significant money, but if broken across the state county by county, it is not big money in any one county. His feelings were that there has to be a motivation and an interest to do something about the problems because certainly the money is not going to buy it.

Rep. Grinde asked who administers this program at a local level and who would take in the fees?

Mr. Goke said technically, as they envision the bill to work as it is drafted, the Department of Justice collects fees routinely, in the process of a revocation as an example. They would add the fee collection as a duty to the department. So the state would collect the money and put it in a proprietary account and distribute it back to the local government.

Rep. Grinde asked if anyone in the courthouses would have anything to do with administration of the program?

Mr. Goke said the only thing would be a state check would be made available to the county treasurer and she would have to place it in an account as the bill requires.

Rep. Grinde asked if the federal funds are gone, are the counties now participating in the program using the funds?

Mr. Goke replied yes. He said that since the counties wrote

three-year plans, many activities have changed and many activities have been picked up within the local government. The local government is in a position now where there is not much they can do. Mr. Goke stated that it was obvious that DUI arrests create some revenue. Fine convictions from city government go directly to city government.

Rep. Grinde asked if Fergus County is participating in this program?

Mr. Goke responded yes.

Rep. Connelly closed on HB 277.

CONSIDERATION OF HB 312: Rep. Hansen, House District 57, stated the bill was asking for staggered terms for members of the County Board of Adjustment. The staggered terms would allow for continuity and expertise.

PROPOSERS: Ann Mary Dussault, County Commissioner from Missoula, stood in support of HB 312. She presented a handout prepared by Howard Schwartz, Executive Officer Missoula County (Exhibit 20). She stated that all counties, cities or towns that have zoning through their jurisdiction have boards of adjustments. The boards are the first avenue that a citizen has to receive an adjustment or variance from zoning requirements. The board must issue findings of fact in making determinations. The next step is for citizens to go through the district courts. The board has significant legislative responsibilities.

Ms. Dussault stated the problem is it is the only board that does not have staggered terms. If all the board members choose to not reapply, the board would start a new term with a whole new group. She stated it was very important to have that expertise that staggered terms would allow.

OPPOSERS: None.

Rep. Hansen closed on HB 312.

DISPOSITION OF HOUSE BILL 159: Rep. Brandewie moved to DO PASS HB 159. He stated there were people present from the Department of Administration's Aeronautics Division to answer questions.

Rep. Sales asked if anyone came up with whether this extension would affect the callability of the bonds. He asked if the Board of Investments were losing money and the best thing to do was to cut losses and get out, if this locks them in so they can't get out?

Marvin Eicholtz, Administrative Office from the Department of Administration, responded no they were not being locked in. The problem with the bonds is the call date is August 1, 1993. Those bonds cannot be called until then. There is a possibility of doing an advanced refund on the bonds, but the factors involved are not good enough to refund those bonds today. He felt they needed 100 to 150 base points to make any money on refunding for dollar savings.

Rep. Sales asked how they could refund a bond before it is called?

Mr. Eicholtz responded they do an advanced refund. Refunding bonds are issued, proceeds are taken and put into an escrow account. The escrow pays off the bond being refunded plus pays off the bonds on the call date.

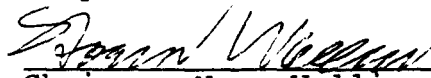
Rep. Dave Brown wanted to go on record in strong support of the bill. He stated we desperately need this kind of ability in Montana especially given the quality of air service nearly everywhere. Rep. Brown has another resolution in drafting promoting air service in Montana.

Rep. Gilbert felt that they had lost track of what was trying to be done with the bill. He said Rep. Brandewie intended for the bill to widen the scope of the areas where this money could be spent. It was meant to help out in the transportation system in Montana and not to become an issue of figuring out how to pay the bonds off in advance.

Rep. Sales commented on the statement from the Department of Commerce was they were very concerned with losing interest on this money. The only way they can get out from under it is to open up eligibility to an additional 165 airports. It is important for them to do this. With the explanation given, Rep. Sales stated he did support the bill.

The question was called. The bill passed unanimously.

There being no further business to come before the committee, the hearing was adjourned at 2:40 p.m.


Chairman Norm Wallin

Carolyn Hathaway
1502 Aspen Drive 728-8052 (home)
Missoula, Mt. 59802 728-3661 (work)

January 23, 1987

RE: TESTIMONY IN SUPPORT OF HB253 (Ream): To provide for the removal of territory from an urban transportation district upon petition of 51% of the qualified electors.

PURPOSE OF LEGISLATION:

1. To provide a mechanism for territory within an urban transportation district to de-annex.

January 22, 1986, Attorney General Mike Greeley wrote Missoula County Attorney Robert Deschamps (on request of Missoula's Urban Transportation District): "The Montana Legislature granted the power to form a transportation district, to enlarge it, and to dissolve it, but not the power to de-annex parts of it... Since there is no Montana law providing for de-annexation from urban transportation districts and there is no evidence of any legislative intent to allow de-annexation, it is my opinion that the transportation board has no power to de-annex a neighborhood which had previously been added to the urban transportation district." Statutes for other service districts, however, such as those for fire protection, do provide mechanisms for boundary changes.

2. To allow property taxpayers the same right to petition out of an urban transportation district as Montana law gave them to petition in.

The right to petition out is necessary because:

(1) the petitioning-in process does not allow for informed consent, as petition language does not inform potential signers that urban transportation districts are under no legal obligation to ever provide service, although successful petitioners are under a continual legal obligation to pay urban transportation district taxes and assume the district's financial obligations.

(2) when service can be discontinued indefinitely but the mill levy imposed continuously, urban transportation districts have no incentive to manage fairly, efficiently nor accountably: the taxpayers' money is guaranteed to flow in whether or not service is ever provided.

CASE HISTORY:

1. With encouragement from then Missoula Urban Transportation District (MUTD)'s manager, John Grew, and an estimate by him of an annual cost of bus service at \$10, residents of Klapwyk Additions No. 2 and 3 (about 60 households two miles north of Missoula) petitioned into the district.
2. On November 16, 1983, minutes of the MUTD's Board of Directors meeting recorded: "Carol Berger moved to annex this area into the District and to determine service levels later. Pat Summers seconded the motion and it was passed by the Board."
3. On January 11, 1984, 5 routes were "borrowed" from the Lincolnwood subdivision's 21 daily routes. Lincolnwood is approximately 3/4 mile from the beginning of the Klapwyk Additions, past privately owned and fenced fields. A bus would pick up passengers at Lincolnwood's entrance and then continue north to make a short loop to pick up passengers in the Klapwyk Addition.

Although Klapwyk residents had asked that the 7:15 AM bus be re-routed, as this was the one needed to get to both work and school, Directors refused because 1 - 3 Lincolnwood riders would be inconvenienced by walking (on sidewalks) to a new bus stop. The 3:15 PM and 4:15 PM routes were also requested by Klapwyk residents, to get them home from work and school; these also were refused. Consequently, ridership in Klapwyk was low and MUTD discontinued service indefinitely.

4. Tax bills keep adding up, however. MUTD taxes for Klapwyk residents range between \$25 - \$57 annually, not the \$10 that was estimated by MUTD's former manager. In less than three years, residents paid over \$7,000 to MUTD with no bus service nor hope of service.

5. This situation is not unique. In Missoula, at least one other neighborhood is so affected: Weaver Village, a lower-income area where property owners can least afford additional taxes, particularly when no services are provided.

6. ²⁵³ HB235 is designed to address this kind of inequity: taxation without service nor accountability from the taxing agency. HB235 corrects an oversight in existing law, and grants not only a right to petition, but a right to basic fairness, while still protecting the integrity of an established transportation district. The right to petition out without retaining district indebtedness is limited to those who were accepted into the district within five years of the date the petition for removal was presented to the transportation board.

Thank you.

Carol Guthrie

WE SUPPORT HB253 SPONSORED BY BOB REAM: "TO PROVIDE FOR THE REMOVAL OF TERRITORY FROM AN URBAN TRANSPORTATION DISTRICT UPON PETITION OF 51% OF THE QUALIFIED ELECTORS."

Existing legislation only provides a process for territory to be included within a district via petition and for dissolution of an entire district. We believe that if an area petitions into a district, it should have the right to petition out, rather than to pay bus district taxes indefinitely when no service may ever be rendered (urban transportation districts now have no legal obligation to provide service for those who are paying taxes to the district). We believe that dissolution of the entire district, which is the taxpayer's only recourse, is not the best solution. Consequently we support HB253.

NAME

ADDRESS

William Baker, Jr.	4611 Juniper Dr., Missoula
John Baker, Jr., Idaho	4627 Juniper Dr. Missoula
Edward & Fern 454290	4620 JUNIPER -- MISSOULA
John & Patricia	4627 Juniper Dr.
Mr. & Mrs. Thompson	4629 Juniper Missoula
Don & Linda	4707 Aspen Dr. Missoula
Mr. & Mrs. Hart	4702 East Rattlesnake, Missoula
Mr. & Mrs. Ernest Aug. S.	4762 Ranch Rd. Missoula
Mr. & Mrs. Richard Sall	4802 Aspen Dr. Missoula
Mrs. & Mrs. James L. Sayle	4719 Aspen Dr. Missoula
Mr. & Mrs. Harry Allen	4716 Aspen Missoula
Don & Cathy	4710 Aspen Dr. Missoula
Frank W. Miller	4700 Aspen Drive
Gregory & Melissa	4704 Aspen Dr.
Fred & Jonetta Raining	4625 Aspen Dr.
	1390 and Harrison

Existing legislation only provides a process for territory to be included within a district via petition and for dissolution of an entire district. We believe that if an area petitions into a district, it should have the right to petition out, rather than to pay bus district taxes indefinitely when no service may ever be rendered (urban transportation districts now have no legal obligation to provide service for those who are paying taxes to the district). We believe that dissolution of the entire district, which is the taxpayer's only recourse, is not the best solution. Consequently we support HB253.

ADDRESS

1502 Asym Dr. Missoula 59802

1502 Aspen Dr., Mpls. 55802

4906 E Rattlesnake Mts 59800

[illegible]

100 1000 21 509-3200
100 1000 21 509-3200

543-8004

1965-1966

5015 2.26 59802

Lang. orthographe 5/10

709 Nov. 12 Dec. 57802

575-2.

Journal of Management Studies, 19(1), 67-80.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

7. 20. 1966. 1976 5/8-1

[Handwritten signature]

1948

611 1200 1200 5900

54. Quercus Gr. Th. 590

19. 10. 1945

1537. *Leucocarpus*

WE SUPPORT HB253 SPONSORED BY BOB REAM: "TO PROVIDE FOR THE REMOVAL OF TERRITORY FROM AN URBAN TRANSPORTATION DISTRICT UPON PETITION OF 51% OF THE QUALIFIED ELECTORS.

Existing legislation only provides a process for territory to be included within a district via petition and for dissolution of an entire district. We believe that if an area petitions into a district, it should have the right to petition out, rather than to pay bus district taxes indefinitely when no service may ever be rendered (urban transportation districts now have no legal obligation to provide service for those who are paying taxes to the district). We believe that dissolution of the entire district, which is the taxpayer's only recourse, is not the best solution. Consequently we support HB253.

NAME	ADDRESS
Caroleyn L. Curman	4815 Larch, Missoula
Benny L. Curman	" " "
Erwin R. Weber	1505 Aspen Dr
Fred Weber	1505 Aspen Dr Missoula
Krista Anderson	4710 Larch
Marianne Fortune	4707 Aspen Dr
Fred Fortune	" " "
Susan Fortune	" " "
Orma Fairbank	4703 Juniper
Donald H. Fairbank	" " "
Barbara Pontta	1516 Aspen Dr.
Harry Pontta	"

WE SUPPORT HB253 SPONSORED BY BOB REAM: "TO PROVIDE FOR THE REMOVAL OF TERRITORY FROM AN URBAN TRANSPORTATION DISTRICT UPON PETITION OF 51% OF THE QUALIFIED ELECTORS.

Existing legislation only provides a process for territory to be included within a district via petition and for dissolution of an entire district. We believe that if an area petitions into a district, it should have the right to petition out, rather than to pay bus district taxes indefinitely when no service may ever be rendered (urban transportation districts now have no legal obligation to provide service for those who are paying taxes to the district). We believe that dissolution of the entire district, which is the taxpayer's only recourse, is not the best solution. Consequently we support HB253.

NAME

ADDRESS

Robert Nygaard	4624 Aspen Dr.
Robert Nygaard	
Joanne Hall	4614 Aspen Dr.
Gerald Hall	4614 Aspen Dr.
Howard H. Hines	4606 Aspen Dr.
Donald S. Grinde	4606 Aspen Dr.
Norm Vane	1622 Tamarack
Cheryl Ramos	1612 Tamarack
Jeanne Walker	4612 Rattlesnake
Donald J. Walker	4612 Rattlesnake
Blaine Muehlen	4620 Rattlesnake
Eugene Mendingi	4620 Rattlesnake
Marlene Simms	4628 Rattlesnake Dr.
John L. Simms	4628 Rattlesnake Dr.
Jeanne Rasmussen	4704 Rattlesnake Dr.
Guy Rasmussen	4704 Rattlesnake Dr.

WE SUPPORT HB253 SPONSORED BY BOB REAM: "TO PROVIDE FOR THE REMOVAL OF TERRITORY FROM AN URBAN TRANSPORTATION DISTRICT UPON PETITION OF 51% OF THE QUALIFIED ELECTORS.

Existing legislation only provides a process for territory to be included within a district via petition and for dissolution of an entire district. We believe that if an area petitions into a district, it should have the right to petition out, rather than to pay bus district taxes indefinitely when no service may ever be rendered (urban transportation districts now have no legal obligation to provide service for those who are paying taxes to the district). We believe that dissolution of the entire district, which is the taxpayer's only recourse, is not the best solution. Consequently we support HB253.

NAME

ADDRESS

Diane Bildertack	5000 Larch, Missoula
David E. Bildertack	5030 Larch, Missoula
William R. Ballard	5120 Larch, Missoula
John M. Ballard	5120 Larch, Missoula, MT
Jayce Cooke Evans	5120 Patterson, R. Miss

ARGUMENTS IN OPPOSITION TO HB253:

1. Loss of revenue will impact on service to other areas.

Rebuttal: When an area petitions into the district, it logically does not do so to benefit those already receiving service, but to benefit its own residents who are willing to pay for services rendered. If MUTD Directors voted to include the Klapwyk Additions into the district in order to benefit other areas, they were certainly not acting in good faith toward the petitioners.

2. Bus service is just that - a service to the community - and the community should be willing to pay for it whether or not individual taxpayers receive the service.

Rebuttal: If paying for bus service is a responsibility of all taxpayers, why hasn't the Legislature nor locally elected officials so decreed? Why did the Legislature set up a mechanism for petitioning into an urban transportation district rather than make inclusion mandatory, and everyone within the community liable for tax (and district indebtedness)?

3. Other areas, even those receiving service, would be able to petition out of the district, thereby weakening the district's ability to serve those whose only transportation is by bus.

Rebuttal: If the urban transportation district is fulfilling a need, which also raises the value of property whether or not a particular taxpayer uses public transportation, taxpayers have no incentive to petition out.

Also, since only property that was added to the district within five years of the date of petition (for removal) is free of district indebtedness, it is unlikely there will be any wholesale petitioning out of transportation districts.

If the problem is poor custodianship or bad management on the part of directors and managers, why should taxpayers be obliged to pay taxes and accept poor (or no) service?

CONCLUSION: HB253 both corrects an oversight in existing law and restores the democratic process: Montana residents, with faith in the basic fairness of publicly-supported service districts, should either be granted service or be allowed to seek relief from tax and debt thrust upon them.

DEPARTMENT OF JUSTICE
HIGHWAY TRAFFIC SAFETY

24#4 DATE 1-23-87
HB 277



TED SCHWINDEN, GOVERNOR

303 N. ROBERT

STATE OF MONTANA

(406) 444-3412

HELENA, MONTANA 596

MONTANA ACCIDENT DATA INVOLVING ALCOHOL

ACTUAL ALCOHOL RELATED ACCIDENTS HAVE DECREASED 33% IN THE THREE YEARS WE HAVE HAD ACTIVE DUI TASK FORCES. (GRAPH 1)

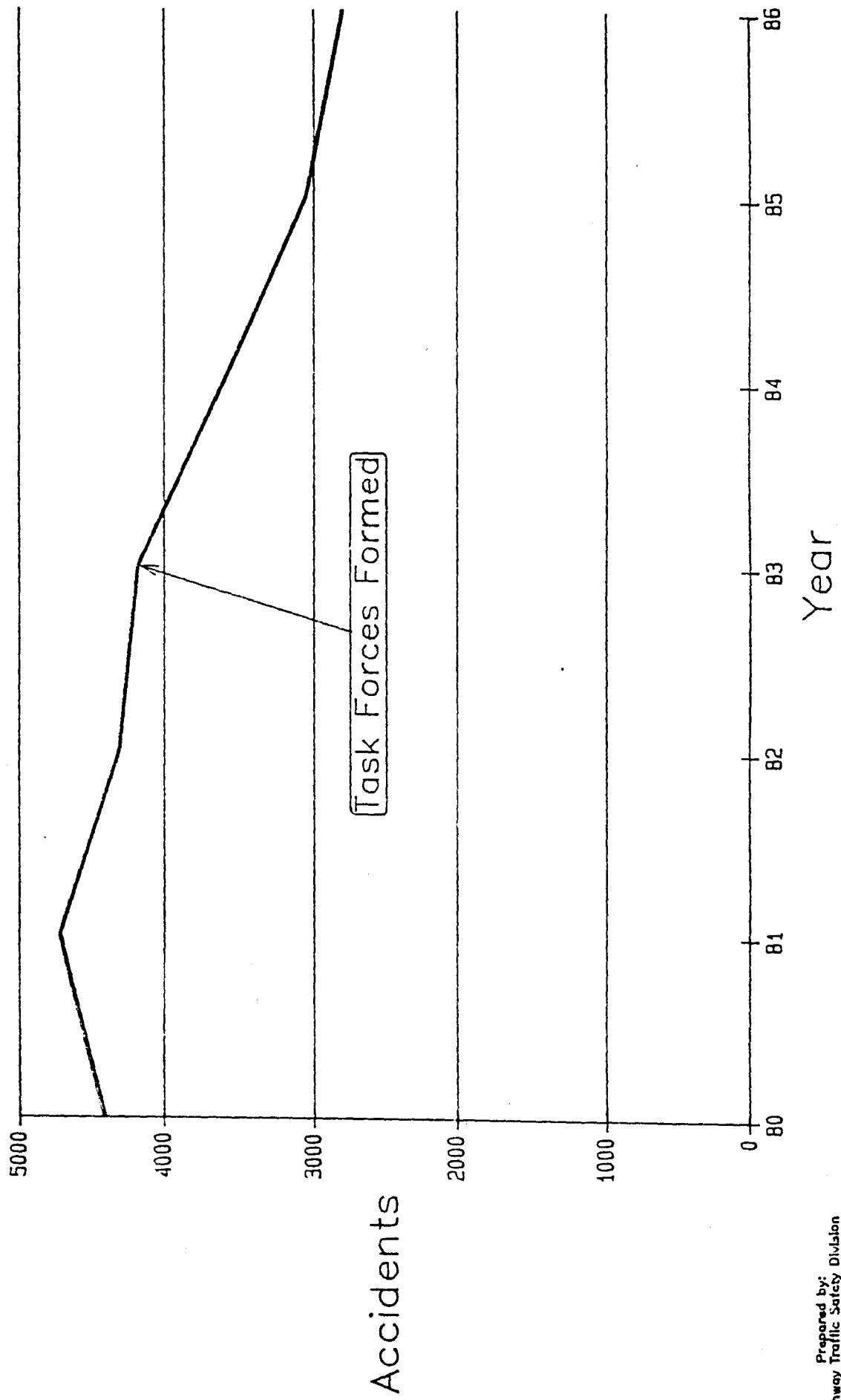
THE PERCENTAGE OF ALCOHOL RELATED ACCIDENTS TO TOTAL ACCIDENTS HAS DROPPED FROM 22.3% IN 1983 TO 17% IN 1986. (GRAPH 2)

THIS DATA EQUATES TO 1300 FEWER ALCOHOL RELATED ACCIDENTS, 800 FEWER INJURIES AND 50 FEWER FATALITIES IN 1986 THAN WE HAD ANTICIPATED IN 1983.

THOSE COUNTIES WITH DUI TASK FORCES GENERATED 87% OF THE DECREASE IN ALCOHOL INVOLVED ACCIDENTS.

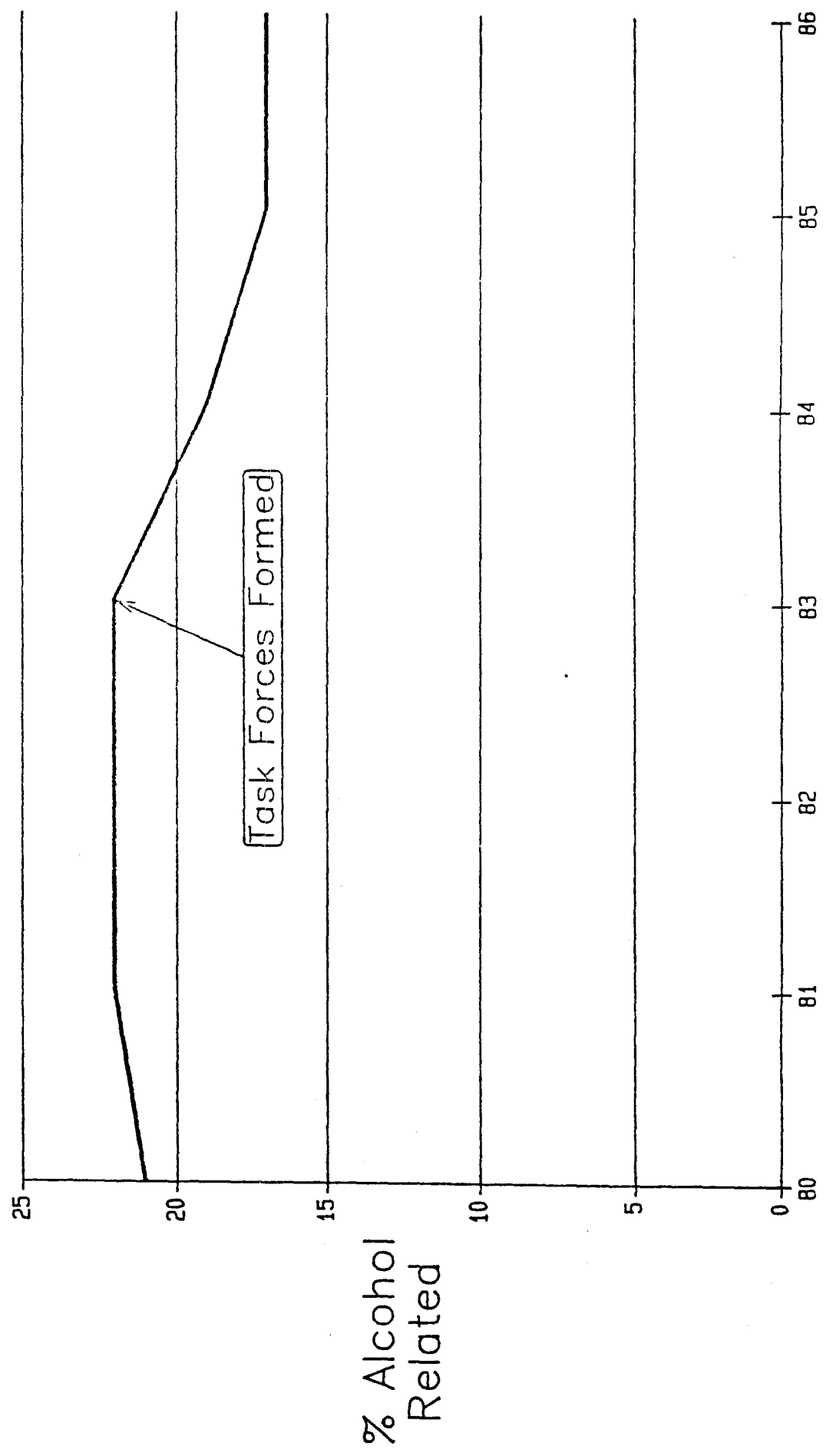
GRAPH 1

Alcohol Related Accidents



GRAPH 2

Alcohol Related Accidents



GALLATIN COUNTY
DUI TASK FORCE
AWARENESS • EDUCATION • ENFORCEMENT
615 SOUTH SIXTEENTH
BOZEMAN, MONTANA 59715
TELEPHONE (406) 585-1444

DORIS FISHER
COORDINATOR

1/23/87

LOCAL GOVERNMENT COMMITTEE
Re: HB 277

The problems of alcohol abuse are solved best at the local level. Behavior is seldom altered by TV Specials. They provide awareness which is needed.

The grass roots effect of peer pressure in local social organizations is working. The money has been well spent on educational programs for teens, programs in the schools, education of local law enforcement and hand out materials.

The awareness of drunk driving has spread across the state like a massive forest fire but instead of devastation---we see only GOOD. People are talking to each other about alcohol abuse and help is available for the abuser and his family. In my town of Bozeman, college kids are confronting their peers with positive conversation such as: "Let's go out to have fun not to get smashed." Also, "Don't be dumb--take HOME FREE if you get blitzed."

The abuser is paying his own way with the DUI programs. When there are no more DUI offenders and they are getting fewer in my town--there will be no need for the DUI Task Force. But, until then, the Task Forces will be using the money according to very strict standards set down by the Department of Highway Traffic Safety.

In Bozeman, we had 2 FATAL ACCIDENTS in 1986 with a life loss of 4. There has not been such a low life loss since 1967. At that time the population was lower and the MSU enrollment was approximately 5,000. There are approximately 8 people walking around my town, paying taxes and making a contribution to Bozeman who would not be there if there was not: AWARENESS, EDUCATION AND ENFORCEMENT of this problem.

This problem has been so tough that the fix has not been quick but the life loss and injuries are down all over the state. The injuries caused by alcohol-related crashes is down by 500 in 1986 and there is an 86% drop in counties with Task Forces.

Why shouldn't the offender pay for the education that prevents pain and death? This is another way to help him understand that having a driver's license in Montana is a PRIVILEGE and carries with it an expensive responsibility.

This is a wonderful opportunity for the offender to do public service to his own community.

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

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

BCC-87-044

January 22, 1987

Representative Norm Wallin, Chairman
Local Government Committee
House of Representatives
State Capital
Helena, MT 59620

Dear Representative Wallin:

I am writing in support of HB277 "AN ACT AUTHORIZING COUNTIES TO ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT FEE." My support of HB277 is based on the following reasons:

1. As evidenced by the 21% reduction in alcohol-related accidents during the term of Missoula's Drinking and Driving Prevention Program, such activities at a local level are not only necessary but effective.
2. The funding mechanism proposed by HB277 generates revenue from the convicted Driving Under the Influence (DUI) offender, not the taxpayer. Nor does it attempt to earmark state liquor revenues, general fund or local revenues.
3. HB277 provides for a local option to initiate or continue drinking and driving prevention programs. As Federal funding for this purpose is greatly diminishing, many Montana communities may choose to benefit from HB277.

I strongly urge the members of the Local Government Committee to support HB277. Thank you for your consideration of this testimony.

Sincerely,

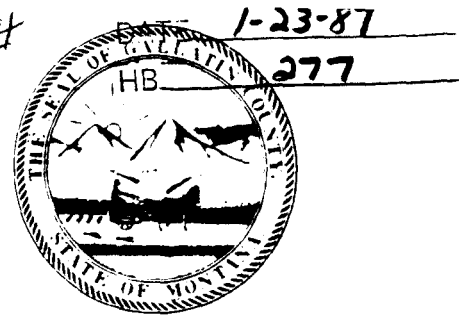


Ann Mary Dussault
Commissioner, Missoula County

State of Montana

County of Gallatin

Bozeman



January 23, 1987

Honorable Committee Members

Re: House Bill 277

Gallatin County wishes to go on record endorsing this bill. This D.U.I. program has been in operation in Gallatin County for ~~two~~^{three} years and has been very successful as a deterrent to keep drinking drivers off of the roads.

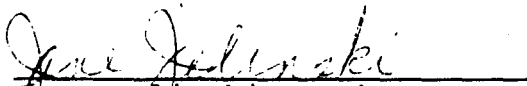
Drinking and driving do not mix and it is always the innocent that get hurt by the drinking driver.

This program is still in its infancy and must be continued. This method of funding as the above bill is proposing will certainly be an enhancement and will adequately fund it. To stop this D.U.I. Program now will mean two years of wasted effort on the part of a lot of people and will certainly defeat the public awareness that has been created by all this work. We urge you to pass this bill as presented.

Sincerely,

GALLATIN COUNTY COMMISSION


Wilbur Visser, Chairman


Jane Jelinski, Member


Ramon S. White, Member

WV:lm

WITNESS STATEMENT

ex. #8

EXHIBIT 0
DATE 1-23-87
HB 277

NAME ELLEN LEAHY BILL NO. HB 2

ADDRESS 1003 SHERWOOD ST MISSOULA MT DATE 1-23-87
59802

WHOM DO YOU REPRESENT? MISSOULA HEALTH DEPT.

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- HB 277 provides a funding mechanism for DUI prevention that generates revenue from the offender, not the taxpayer or general fund.
- HB 277 preserves local option
- Local DUI Task Forces are effective — 21% reduction of alcohol related accidents in Missoula County.

Testimony of other proponents attached.

Mr. Norm Wallin, Chairman
LOCAL GOVERNMENT COMMITTEE

FOR HB 277

Dear Mr. Wallin,

I am Jeannette S Buchanan-Tawney, chairman of the Missoula Task Force for the prevention of Driving Under the Influence.

I speak FOR HOUSE BILL #277.

I speak for the intent of having:

1. all programs established under this authorization approved according to the method and standards currently being used by the Governor's Department of Highway Safety.

2. all funds derived by this authorization distributed by the Department under 61-2-105 to the program where the funds originate, if the local has an approved program. All funds should be distributed as granted under the Department to established programs.

3. drivers of unsafe driving practices be responsible for helping to support programs to promote safe driving practices.

4. drivers of unsafe driving practices complete all of the imposed conditions before having the privilege of driving granted to them.

Thank you for your consideration.

Sincerely,

Jeannette S Buchanan-Tawney

Jeannette S Buchanan-Tawney
Missoula DUI Task Force
301 West Alder
Missoula, MT 59802
tele. 721-5700, ext. 397

#10

January 22, 1987

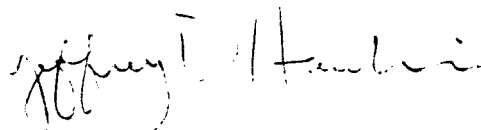
To: Norm Wallin, Chairman
Local Government Committee

Dear Mr. Chairman,

I am writing to you to indicate my endorsement of H.B. 277. As a member of the Missoula County D.U.I. Task Force, I firmly believe that the Task Force(s) can make a significant impact on traffic safety. It seems to me that it is very appropriate to have offenders pay a license renewal fee to fund the task force activities. H.B. 277 is a great opportunity to make people responsible for their actions as well as sending the message that Montana means business in dealing with D.U.I. offenders.

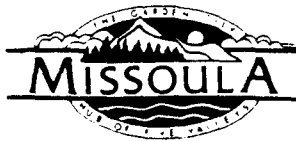
Thank you for your consideration.

Sincerely,



Jeff Hainline
Member: Missoula D.U.I. Task Force

JH:lk



OFFICE OF THE MAYOR

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

#11 DATE 1-23-87
HB 277

January 22, 1987

Representative Norm Wallin, Chairman
Local Government Committee
House of Representatives
State Capital
Helena, MT 59620

Dear Representative Wallin:

I am writing in support of HB277 "AN ACT AUTHORIZING COUNTIES TO ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT FEE."

I am strongly convinced of the necessity and effectiveness of drinking and driving prevention activities at a local level; and I am in favor of the funding mechanism as provided by HB277.

During the three year term of Missoula's Drinking and Driving Prevention Program, we experienced a 21% reduction in alcohol-related traffic accidents. Passage of HB277 would allow these prevention efforts to continue in spite of the expected loss of Federal funds. Furthermore, it would generate and rely upon revenue from the convicted Driving Under the Influence (DUI) offender, rather than from the taxpayer.

In view of these reasons plus the fact that HB277 would provide for a local option, I strongly urge the members of the Local Government Committee to support this bill. Thank you for consideration of this testimony.

Sincerely,

Bob Lovegrove
Mayor, City of Missoula

January 22, 1987

EXHIBIT 12
#12 DATE 1-23-87
HB 277

TO: House Committee on Local Government
Chairman Norm Wallin

FROM: Missoula County MADD
Treasurer Lorena Hillis

RE: HB 277

Missoula County MADD supports HB 277 which would require that all DUI offenders and other unsafe driving offenders pay a fee to regain their driver's license after it's period of suspension, and using this money to establish a DUI prevention support fund.

1. This could be a tool that would enable alcohol counselors to insure that DUI offenders had completed their A.C.T. (Alcohol Course and Treatment) requirements, thereby reducing their chances of being repeat offenders.

2. It would take the financial burden of changing the attitudes and behavior of drinking drivers off the taxpayer and place it directly upon the offenders.

3. DUI task forces have created many programs which give the drinking driver opportunities to change his/her behavior, among them the Designated Driver program, Home Free, public service advertisements, and other educational programs. The funding to continue the development of more programs should be paid for by the people who need them, the DUI offenders.

4. It takes extra money to support the special DUI enforcement teams which are required to reduce the number of drinking drivers on our roads and get them into education and treatment programs. The DUI offenders should have to pay for these special efforts we have felt compelled to take.

Respectfully submitted,

Lorena Hillis
Lorena Hillis

Health Incentives

Containing Costs and Promoting Health

January 22, 1987

Local Government Committee
Montana House of Representatives
Capitol Building
Helena, Montana 59601

Dear Honorable Committee Members:

I am writing in support of HB277.

Local education efforts to prevent drunk driving in Montana have paid off handsomely. In Missoula County, arrests for DUI have increased dramatically and related accidents and fatalities have dropped as well as a result of the DUI Task Force established in 1983.

Though I know that government spending and efficiency are under heavy attack -- and in some cases rightfully so -- this "user-pays" funding of local education efforts to further combat DUI is a notably deserving, effective and appropriate expenditure.

As one of the founders of the State's first DUI Task Force, as a private businessman, taxpayer and father I strongly encourage your giving HB277 a unanimous "do pass". It will save lives, money and heartache for all.

Thank you for the opportunity to express my views.

Sincerely,



MICHAEL W. WOOD
General Partner

MWW:ljgk

#14
DATE 1-23-87
HB 277
TOOLE & EASTER, INC.

INSURANCE / BONDS

139 West Front Street • P.O. Box 3327
Missoula, Montana 59806 • (406) 728-2910

January 22, 1987

Norm Wallin
State House of Representatives
State Capital
Helena, MT

RE: HB 277

Dear Mr. Wallin:

The purpose of this letter is to urge your support for House Bill #277.

I think it is apparent to all, and backed up by statistics that the efforts of the D.U.I. Task Force have been effective in reducing the number of drinking drivers and the corresponding losses from injury and property damage resulting from accidents involving drinking drivers.

We would certainly like to see these efforts continued, and passage of this bill would be a step forward to effect that purpose.

Again, I would urge your support of this bill.

Very truly yours,


Glen R. Henkel

GRH/plm

cc: House Member Bud Gould
House Member Stella Jean Hanson
House Member Carolyn Squires

WESTERN MONTANA EMERGENCY PHYSICIANS

500 WEST BROADWAY — ST. PATRICK HOSPITAL — MISSOULA, MONTANA 59802 — 406 / 543-7271

DAVID BROOK, M.D.
MICHAEL GIRARD, M.D.
WARREN GUFFIN, M.D.
GEORGE SINELNIK, M.D.
DOUGLAS WEBBER, M.D.
JOSEPH WEYDT, M.D.

January 22, 1987

Local Government Committee
C/O Norman Wallin
Montana State Legislature
Capitol Building
Helena, MT 59601

Dear Mr. Wallin:

I am writing this letter as a representative of emergency physicians across Montana. It is in reference to House Bill 277, which the Local Government Committee is due to consider on 1/23/87.

As you know, this bill would set a \$50 reinstatement fee for renewal of license for individuals convicted of DUI. It also provides for the use of the revenue of such monies to be used in the locality in which they are generated to help prevent DUI. My feeling as an emergency physician at St. Patrick Hospital in Missoula is that this would be an additional deterrent to driving under the influence in our state. Because of that and because of the importance that this holds for all of us in Montana, I feel that you and your committee should report this bill favorably and push for its passage in the general legislative session.

I would be happy to further elucidate the rationale for my opinion if you so desire. Please feel free to call or write if you desire.

Thank you for considering my request.

Sincerely,

Warren Guffin MD

W.H. Guffin, M.D., F.A.C.E.P.
President, Montana Chapter of American College
of Emergency Physicians
Chairman, Department of Emergency Medicine
Medical Director, Life Flight

WHG/mb

cc DUI Task Force - Missoula County

WITNESS STATEMENT

NAME ROBERT M. MCCARTHY BILL NO. HB 277
ADDRESS COUNTY ATTORNEY'S OFFICE, COURTHOUSE BLDG, BUTTE DATE 1/23/87
WHOM DO YOU REPRESENT? BUTTE-SILVER BOW DAI TASK FORCE
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

THE BUTTE-SILVER BOW DAI TASK FORCE
SUPPORTS THE PASSAGE OF HB 277, BOTH
TO CONTINUE A MOST SUCCESSFUL EDUCATIONAL
AND PREVENTIVE PROGRAM WHICH HAS BEEN
DEVELOPED OVER THE PAST 3 YEARS, AND
TO PROVIDE A FUNDING SOURCE FOR
FUTURE YEARS - IN ORDER TO ASSURE
THAT ALL OF THE COMMUNITY INTEREST
WILL NOT FALL BY THE WAYSIDE.

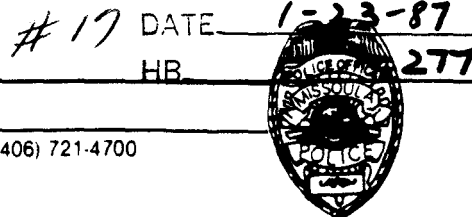
OUR PROGRAM HAS FUNDED EDUCATIONAL
PROGRAMS IN BUTTE, BUTTE CO., AND SEVERAL
HIGH SCHOOLS COMMUNITY EDUCATIONAL PROGRAMS
AND IMPROVED THE SCHOOLS.



"TO PROTECT AND TO SERVE"

CITY POLICE DEPARTMENT

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700



January 23, 1987

Honorable Norm Wallin
Montana State Representative
Chairman, Local Government Committee
Capitol Station
Helena, Montana 59620

Dear Representative Wallin:

House Bill #277, an act authorizing Counties to establish drinking and driving prevention programs and providing funding with a driver's license reinstatement fee is worth support from all public service sectors.

Our Department has co-operated and worked with the Montana Highway Traffic Safety Division and the Missoula City-County Health Department on a grant funded DUI Task Force which operated prior to January 1, 1987. The Task Force was responsible for a 21% reduction in alcohol related accidents in Missoula County. With out the Montana Highway Traffic Safety Grant, local governments would be hard pressed to allocate funding and manpower to duplicate the efforts of the DUI Task Force in public education and enforcement.

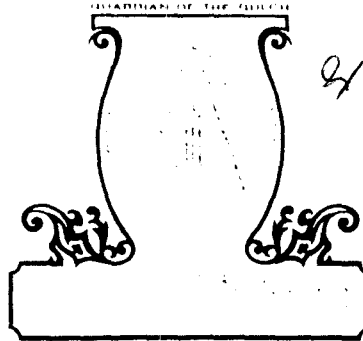
Providing funding for continuing the DUI Task Forces in the state is a positive statement in reducing the death and destruction created by the drinking driver. The reinstatement fee proposed would shift the burden for the cost of education and enforcement from the taxpayer to the drinking violator, while fostering co-operation between the many agencies and citizen groups involved in the DUI task forces.

Sincerely,

M. D. Hamilton
Chief of Police

Commissioners
Russell J. Ritter, Mayor
Rayleen Benton
Michael J. DaSilva
Rose Leavitt
Blake J. Wordal

William J. Verwolf
City Manager



DATE 1-23-87
HB 277
Police Department
221 Breckenridge
Helena MT 59601
Phone 406/442-9920

Chief of Police
William J. Ware

January 22, 1987

Representative Norm Wallin, Chairman
Local Government Standing Committee
State Capital Building
Helena, MT

Dear Representative Wallin:

Please accept this letter as support for House Bill 277, sponsored by Representative Mary Ellen Connelly. This bill would authorize counties to establish drinking and driving prevention programs and would provide funding via a driver's license reinstatement fee. Due to another meeting, I am unable to attend your committee hearing. Please consider the following as my testimony.

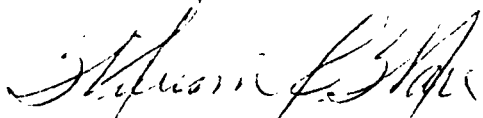
DUI prevention, awareness, and much needed enforcement has been and will be a high priority throughout the City of Helena. In 1984 the Helena Police Department implemented a STOP-DUI Intervention Team which intensely enforced the drunk driving laws. This team was funded by the Montana Highway Traffic Safety Division through our local STOP-DUI Task Force. Unfortunately this funding has stopped as of December 31, 1986 and House Bill 277 could be an alternative to the funding of this most important project. (See attached STOP-DUI Intervention Team two year statistical report.)

On August 22, 1986 we implemented a Special Police Operations Team (SPOT) at the Helena Police Department. This program was the first of its kind in the state of Montana. The primary purpose of this program was to prevent the availability of liquor to our youth and to prosecute those furnishing liquor to underage persons. It was also the intent of this program to prevent drinking and driving by our young people as this is a major cause of serious accidents. (See attached SPOT statistical report 8/22-12/13/86.) Again, funding for this program was provided by our local STOP-DUI Task Force and funding is no longer being provided. SPOT's success cannot be measured in dollars and cents. I am proud to report that our youth did not suffer any serious injuries or deaths in traffic accidents an/or suicides during the life of the SPOT Program.

My professional opinion is that both of these programs have had a tremendous impact on traffic accidents in the City of Helena. Statistical information on this is available from my department upon request.

In closing, I would encourage this Committee to look favorably upon House Bill 277 and urge you to vote DO PASS. Thank you for your consideration in this matter, it is a pleasure to work with you in our common goal of reducing unnecessary injury and deaths caused by people who drink irresponsibly and then drive.

Sincerely,



William J. Ware
Chief of Police
Helena Police Department

LEGIS.LET/na

cc: All members of Local Government Standing Committee
William J. Verwolf - City Manager
M.E. Nelson, Chairman - STOP-DUI Task Force
Al Goke - Highway Traffic Safety Division

STOP-DUI INTERVENTION TEAM ANNUAL REPORT

YEAR 1986

TO: WILLIAM J. WARE - CHIEF OF POLICE

FROM: BUD CARBIS - CAPTAIN OF OPERATIONS *BC*

DATE: JANUARY 22, 1987

Calls, Contacts and Stops	<u>1598</u>
Warnings Issued	<u>959</u>
Non-traffic Stops	<u>77</u>
Total Citations (including DUIs)	<u>847</u>

DUI ARREST INFORMATION

Intervention Team Arrests	<u>117</u>
Total DUI Arrests by HPD	<u>341</u>
Total DUI Arrests previous year	<u>329</u>
% of DUI Arrests to Contacts	<u>7.33</u>
RADD Calls with Arrests	<u>11</u>

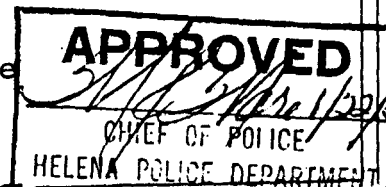
GENERAL INFORMATION

Total Hours Worked	<u>1242.55</u>
Total Number of Shifts*	<u>297</u>
Average Shift Length*	<u>4.19</u>
Total Time Spent - DUI Arrests	<u>195.97</u>
Average Time Spent - DUI Arrests	<u>1.68</u>
Average Miles Per Shift*	<u>37.72</u>
Total Miles Traveled	<u>11202</u>

In addition to the above hours, a Processor worked 423.55 hours for a total of 103 shifts. He/She processed 110 DUI's over a period of 146.20 hours - an average of 1.33 hours per DUI arrest.

*The term SHIFT refers to one man working one night.

cc: Al Goke - Highway Traffic Safety
M.E. Nelson, Chairman - STOP-DUI Task Force
William J. Verwolf - City Manager
STOP-DUI Intervention Team File



City of Helena, Montana

SPECIAL POLICE OPERATIONS TEAM MONTHLY REPORT
(SPOT) Implemented August 22, 1986

MONTH OF August 22,86 to December 13,86

TO: William J. Ware, Chief of Police

FROM: Bud Carbis, Captain of Operations *BC*
George Olson, Sgt. Training

DATE: December 26,1986

Calls, Contacts, & Stops

86

Juvenile Arrests

46

Adult Arrests

35

Total Arrests

81

Open Container

23

Juvenile Possession

42

UTWC

10

PODD

2

Other

18

Total Charges

95

GENERAL INFORMATION

Total man hours worked

345.25

Total man shifts worked

78

Total days worked

26

Average length of shift

4.43

Average miles traveled per shift

51.39

Total miles traveled

1336*

City vehicle miles 590*

Rental vehicle miles 746*

cc: Al Goke, Highway Traffic Safety
M.E. Nelson, Chairman Stop DUI Task Force
William J. Verwolf, City Manager
Su DeBree, Health Department
SPOT file



NOTE: December 13th 1986 was the last day
SPOT was worked due to grant monies
running out.....

John Albrecht

Attorney at Law

AX # 19 DATE 1-23-87
HB 277

216 First Avenue Northwest
P.O. Box 193
Choteau, Montana 59422
Telephone: (406) 466-2621

January 22, 1987

Mr. Norm Wallin, Chairman
Local Government Committee
Capitol Station
Helena, Montana 59620

RE: House Bill 277
Fee for Driver License Re-instatement to Pay for
DUI Prevention Programs

Dear Mr. Wallin:

I am writing in support of the above bill. I believe that it will contribute to reducing injuries and property damage caused by drunk drivers.

I am a justice of the peace and city judge. Since 1983, I have worked with citizens in Choteau and Teton County to reduce drunk driving. These programs were education of drivers. Further, they involved educating the community about alcoholism and drug dependency. This was so that people knew and understood the problems of alcoholism and chemical dependency. Then, those citizens could recognize when close friends and family members possibly needed help. Their friends and family members could be referred to evaluation and, in some cases, treatment.

This program of education was funded through some public agencies and some private donations. I believe The public agencies included county government, city government and school districts. Private contributions were primarily from service clubs.

Since 1983, Teton County has had a 70% decrease in alcohol related traffic accidents. There have been no alcohol related traffic deaths for the three years of 1984, 1985, and 1986. That record is one of the best of any counties since records were started being kept, Highway Traffic Safety Division, Montana Department of Justice.

The above bill would finance similar local programs, I urge you to pass it.

Yours truly,


John Albrecht

cc: Rex Manuel
Gary Aklestad

Statement in Support of HB-312, which would provide for staggered terms for members of the County Board of Adjustment.

1. What is a County Board of Adjustment and what does it do?

The County Zoning Board of Adjustment is a five-member board appointed by the Board of County Commissioners pursuant to MCA 76-2-221 and 222 to 1) hear appeals from an administrative zoning decision or order; and 2) hear and decide special exceptions and variances from zoning ordinances (MCA 76-2-223).

2. What is the problem?

Under current law, all terms of the Board of Adjustment expire at the same time, so in cases where most of the members do not want to be reappointed, or, in the rare cases where changes are needed, counties may be left with only one or two hold-overs, and, of course, the theoretical possibility of no returning members. In those cases, there is a great loss of institutional memory, and a great lack of consistency from year to year. It is also harder for new members to learn their duties when they outnumber the old members.

3. How will HB-312 help?

Staggering terms, starting in 1988, will ensure continuity in the actions of the Board of Adjustment by making it much more likely that there will always be at least two or three hold-overs when new members are appointed.

4. Is this a major change?

This should not be considered to be a major change since almost all other County boards have staggered terms. The City Boards of Adjustment (MCA-76-2-322) also consist of five members to be appointed for a term specified by the City or Town Council. Most cities, like the City of Missoula, have chosen to stagger their terms. What HB-312 would do would be to mandate for County Boards of Adjustment what is a common practice on City Boards of Adjustment and on other County Boards. If the Legislature feels that such a mandate is inappropriate, then this bill could be amended merely to give Boards of County Commissioners the same authority that City Councils have to set the terms as they deem appropriate


Prepared by:



Howard Schwartz, Executive Officer
Missoula County
1/22/87

STANDING COMMITTEE REPORT

January 23, 19 87

Mr. Speaker: We,  Committee on LOCAL GOVERNMENT

report _____

<input checked="" type="checkbox"/> do pass	<input type="checkbox"/> be concurred in	<input type="checkbox"/> as amended
<input type="checkbox"/> do not pass	<input type="checkbox"/> be not concurred in	<input type="checkbox"/> statement of intent attached

Rep. Norm Wallin

Chairman

FIRST

reading copy (**WHITE**)
color

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 253DATE Jan. 23, 1987SPONSOR Rep. Ream

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Carolyn Hathaway	Klepwyk additions 2+3	X	
JAMES HATHAWAY	" " " "	X	
Friedrich Weber	" " " "	X	
MARK DONAGHY	MOUNTAIN LINE		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 277

DATE Jan. 23, 1987

SPONSOR Rep. Connelly

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
ELLEN LEVING	MISSOURI - HEALTH DEPT	X	
Clay Gregory	Missouri City Police	X	
DeBeauvoir	St. Louis City Health	X	
Guyleen Beaton	St. Louis City Commission	X	
Al Gabe	Stop Out Task Force	X	
Jim Mannon	High Safety Justice	X	
Tom Mannon	MT AAA	X	
Tom Mannon	Motor Co.	X	
Bill M. Donald	Missouri City Health Dept	X	
Tom Fisher	Missouri City Health Dept	X	
Sarah Miller	Three Forks, Mont.	X	
William Visser	Ballwin County	X	
Brookes Morin	City of Helena	X	
JUDITH CARLSON	LAKE CO. HEALTH	X	
Larry Minchus	Motor Vehicle Inspection	X	
ROBERT M. MCARTHY	Missouri City Health Dept	X	
GARY R Keeler	Missouri City Health Dept	X	
Jim Johnson	Butte - Silver Spring	X	
MOE "Mickey" Nelson, owner	LAC Co. D.U.I. Task Force	X	
Will I Selser	LAKE CO. HEALTH	X	

Roger Tippy
 IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR
 Dick Johnson
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

LOCAL GOVERNMENT

COMMITTEE

BILL NO. HB 312

DATE Jan. 23, 1987

SPONSOR Rep. Stella Jean Hansen

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Stella Jean Hansen</i>	<i>Stella Jean Hansen</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.