

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 17, 1987

The forty-fourth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 17, 1987, by the Chairman, Joe Mazurek, in Room 325 of the state Capitol.

ROLL CALL: All committee members were present. Senator Halligan was excused, and appeared later in the meeting.

CONSIDERATION OF HOUSE BILL 141: Representative Francis Bardanouve, House District 16, introduced HB 141, which amends the statutes relating to district court filing fees and establishes a new fee of \$100 for filing a motion for substitution of a judge. He explained when a judge is disqualified in a case it causes a lot of travel time for another judge to come and fill in. He felt this bill will help the expense of traveling in Montana for judges.

PROPOSERS: Henry Loble, District Judge, testified in support of the bill. (Exhibit 1)

Tom Honzel, District Judge, supported the bill. He explained the history of the proposed amended statute, which had to do with Marcus Daily, the Copper King, not liking the district judges in Silver Bow County because they were on the payroll of his rival.

Karl Englund, Montana Trial Lawyers Assn., pointed out the combination of this bill and Rep. Pistoria's bill will cost a person \$275 instead of \$25 for filing a petition for a court trial.

OPPOSERS: There were none.

DISCUSSION ON HOUSE BILL 141: There was none.

Representative Bardanouve closed the hearing on HB 141.

ACTION ON HOUSE BILL 141: Senator Crippen moved HB 141 BE CONCURRED IN. The motion CARRIED.

CONSIDERATION OF HOUSE BILL 277: Representative Mary Ellen Connelly, House District 8, said HB 277 authorizes counties to establish drinking and driving prevention programs and establishes a \$50 driver's license reinstatement fee to fund the programs. She gave the committee some amendments to the bill because the House General Fund Committee put all the money for this program in the General Fund. She wanted to see it back in the Program Fund because she thought the money would get lost in the General Fund after two years, and the program might fall apart. (Exhibit 2) She also distributed a copy of a gray bill. (Exhibit 3) Representative Connelly presented the committee with two editorials on the DUI program (Exhibit 4 and 4A), and a fiscal note for HB 277. (Exhibit 5)

Al Goke, Highway Traffic Safety Department, supported the bill because it makes local people work on local projects. He said from 1984, alcohol related accidents has dropped 33%. He said there were 800 fewer injuries last year and 50 less deaths with alcohol related accidents in the state.

Jeannette S. Buchanan-Tawney, Missoula DUI Prevention, explained the letters she presented to the committee, which were from Missoula area people. (Exhibit 6)

Mickey Nelson, Lewis and Clark DUI Task Force, said he supported the bill because it brings all kinds of people together to fight a deadly issue. He said a DUI death is approximately a \$200,000 impact to a community. He felt there would be no General Fund money used. He supported the Connelly amendments.

Rayleen Beaton, Stop DUI Task Force, said the task force was asked to come up with funds after the federal funds were gone. She said the funding is needed now because of the grandfathering clause for 19 year olds. She gave the committee a STOP Task Force Program pamphlet, together with testimony from William Ware, Chief of Police, Helena. (Exhibits 7 and 8)

Jess Adams, Great Falls Students Against Drunk Drivers, said the Cascade County SADD won a \$20,000 scholarship from Readers Digest for having the best SADD campaign against drunk driving. He explained the Task Force gave the student group \$900 for expenses for the campaign.

Jess Seaman, Great Falls, SADD, supported the bill and said the SADD program will hopefully grow because the funding helps the program develop new ideas for prevention.

Joyce Fisher, Gallatin County DUI Task Force said Gallatin County, with 10,000 college students, did not have one alcohol related death last year. She said the program needs to stay alive just because of that reason.

Gallatin County Commissioners gave testimony to the committee. (Exhibit 9)

DISCUSSION ON HOUSE BILL 277: Senator Pinsoneault asked how the \$50 fee was arrived at. Rep. Connelly said it was based on arrests and suspensions. Senator Pinsoneault inquired if the bill will fund the court school. Rep. Connelly said no, it doesn't fund that. She said 40% of the fund goes to DUI training for officers.

Senator Mazurek questioned if the amendments put it back in its original place. Rep. Connelly said yes, and the vote on putting these amendments back in was a party-line vote.

Senator Beck asked why the countys can't handle the fund because each county gets the amount of money put in by people living in that county. Rep. Connelly said the reason the state handles the fund is the \$50 fee is given when the license is reinstated, which is run by the Dept. of Justice. Senator Beck asked if each county could afford to run this program with the money each county is given. Rep. Connelly said it is a voluntary program. Senator Beck asked if a county gets \$50 because it only had one DUI, and doesn't have a task force, can the county spend that \$50 someplace else. Rep. Connelly said it has to be spent on education or enforcement for DUI's.

Representative Connelly closed by saying the bill should be left on the county level.

CONSIDERATION OF HOUSE BILL 430: Representative Ray Brandewie, House District 49, introduced HB 430, which clarifies the penalties that may be imposed for deliberate homicide. He said the bill will change statute on life imprisonment and make the statute more clear.

PROPOSERS and OPPOSERS: There were no proponents or opponents.

DISCUSSION ON HOUSE BILL 430: Senator Blaylock asked Rep. Brandewie to explain the bill further. Rep. Brandewie said there is a test in the law books for the death penalty, which decides whether a person should have a death penalty or life in prison. He said this bill clears up section 46-18-301 through 46-18-310.

Senator Beck asked why 200 years in jail isn't as good as life in prison. Rep. Brandewie said the life in prison statute needs more definite clarification so one can distinguish which sentencing is worse, 200 years, or life.

Rep. Brandewie closed the hearing on HB 430.

CONSIDERATION OF HOUSE BILL 805: Representative Randy Roth, Billings, Montana, introduced HB 805. (Exhibit 10)

PROPOSERS or OPPOSERS: There were neither.

DISCUSSION ON HOUSE BILL 805: Senator Halligan questioned how a registration can be taken when it is owned by several people. Larry Majerus, Dept. of Justice, said it doesn't matter, the person who was co-owner of the vehicle, who didn't do anything, would have to get complete ownership before he could get the registration back.

Senator Crippen asked if a co-ownership is a partnership, what happens. Mr. Majerus said there has to be an identifiable interest in the vehicle for a second person to be able to receive the suspended registration.

Representative Roth closed the hearing on HB 805.

EXECUTIVE ACTION

ACTION ON HOUSE BILL 430: Senator Blaylock moved House Bill 430 BE CONCURRED IN. The motion CARRIED.

ACTION ON HOUSE BILL 504: House Bill 504 was presented by Representative Mike Kadas, House District 55, for Executive Action. The bill deals with the process of getting an initiative on the ballot fairly. He said if the law would allow a "window" for challenge for 20 or 30 days it would address the problem of getting the court out of the way so the election can go undisturbed. He said the way one should deal with an initiative is not in the courtroom, but on the ballot.

Larry Akey, Secretary of State's Office, presented amendments to HB 504. (Exhibit 11)

Senator Mazurek thought 20 days was a little late. Mr. Akey said there is a period of 20 days before the ballot is voted on. Rep. Kadas felt the amendments put a time limit on the procedural initiatives which he didn't like. The committee WAITED ON ACTION.

ACTION ON HOUSE BILL 805: Senator Halligan said people are going to drive, no matter what you tell them. Senator Blaylock moved to TABLE the bill. The motion CARRIED with Senator Bishop voting no.

ACTION ON HOUSE BILL 277: Senator Halligan moved the Connelly amendments. Senator Mazurek stated it might be hard to get this through with a conference committee. The motion CARRIED. Senator Blaylock mentioned on page 3, lines 2-3, the word "seized pursuant" doesn't really need to be in there. Larry Majerus said that was fine because seized is not used very often. Senator Halligan moved the amendment to strike "seized pursuant" from page 3, lines 2-3. The motion carried.

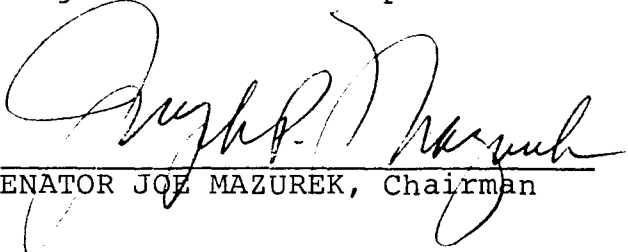
Senator Halligan moved the bill BE CONCURRED IN AS AMENDED. The motion CARRIED with Senator Beck voting no.

ACTION ON HOUSE JOINT RESOLUTION 21: Senator Mazurek did not like the idea that the first judge pick the second judge, because if the first one is a bad judge, then he might pick a second judge who is not very good. He did say this probably wouldn't be used that often.

Senator Pinsoneault moved the resolution BE CONCURRED IN. The motion CARRIED. (See roll call sheet)

ACTION ON HOUSE BILL 566: Senator Halligan moved an amendment to HB 566. (See Standing Committee Report) The motion carried. Senator Brown moved HB 566 BE CONCURRED IN AS AMENDED. The motion CARRIED.

ADJOURNMENT: The committee adjourned at 12:10 p.m.


SENATOR JOE MAZUREK, Chairman

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 17

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>	X		
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

3-17-87

Indecorum

VISITORS' REGISTER

[illegible]

(Please leave prepared statement blank)

STATEMENT OF DISTRICT JUDGE HENRY LOBLE IN SUPPORT OF
BILL 141 (BARDANOUVE) WHICH WOULD REQUIRE A \$100 FEE FOR
FILING A MOTION FOR SUBSTITUTION OF A DISTRICT JUDGE.

My name is Henry Loble. I am a District Judge of Montana's First District. My office is in the County Courthouse in Helena. I am appearing in support of House Bill 141 which would require a \$100 fee for filing a motion for substitution of a district judge.

House Bill 141 passed third reading in the House by a vote of 88 to 9. It is supported by the Montana Judge's Association which is composed of all the district judges in the state and the justices of the Montana Supreme Court. The bill is also supported by the Montana Supreme Court. In his State of the Judiciary Message to the Legislature, Chief Justice Turnage stated:

"Another piece of legislation that deserves your attention is one that imposes a \$100 fee whenever an attorney calls for the substitution of a judge. This bill aims at recovering some of the costs involved when substitutions occur. The fee also would discourage frivolous substitutions which in many rural areas in our state may result in thousands of extra miles driven by judges and lost time behind the wheel of a car -- not to mention the inevitable delay in the litigation calendars of all judges involved."

The justices of the Supreme Court and the district judges of the state recommend this bill to you as one which will save money for the state. It is estimated that \$20,000, or 20% of the total judicial travel budget, is spent on actual expenses caused by motions for substitution of judges. And this \$20,000 does not include "windshield time" for traveling district judges. It is predicted that House Bill 141 may

raise \$17,000 to offset the estimated \$20,000. In addition, motions for substitution which are filed for purposes of delay or for frivolous reasons probably would not be filed at all if a \$100 fee were imposed. This alone would achieve a substantial savings in judicial expense.

Section 3-1-802, MCA (a copy of which is attached) allows any party to a district court civil case to substitute two district judges, and in a criminal case, one district judge. The bill would require every party filing a motion for substitution to pay a fee of \$100. However, there would be no charge for filing a motion for disqualification of a district judge for cause. The bill would only affect peremptory substitution of district judges without cause.

As an illustration of the cost of motions for substitution, I cite an instance where I drove to Libby to try a case for a judge who had been substituted. My mileage alone was about \$120. There was, of course, the additional cost of a motel at \$24 a night and meals at \$14.50 a day. The cost of my lost time as a Judge, while driving one day to Libby and one returning to Helena, is not reimbursed or included as an actual expense. However, assuming the cost to the state for a district judge's time is \$25.00 per hour and the round-trip mileage to Libby from Helena is 600 miles, there would be an additional cost of \$300 out of the taxpayer's pocket. Thus, the cost of substituting the Libby district judge for a two-day trial was almost \$500. It is only fair that the party who substituted that Libby judge should pay part of the cost of bringing in a judge from another district.

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District judges, who are called in when the presiding judge is substituted, are traveling all over the state. This bill will help defray the cost and expense of that travel and will discourage the filing of such motions for delay and frivolous reasons. For these reasons, I support House Bill 141.

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- (2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide such information to the legislature upon request;
 - (3) recommend to the supreme court improvements in the judiciary;
 - (4) perform such other duties as the supreme court may assign.
- History: En. 82-512 by Sec. 3, Ch. 396, L. 1977; R.C.M. 1947, 82-512.

3-1-703. Cooperation of court officers. All court officers, including clerks of district courts, shall comply with requests made by the court administrator for information and statistical and financial data bearing on the business transacted by the courts.

History: En. 82-513 by Sec. 4, Ch. 396, L. 1977; R.C.M. 1947, 82-513.

Part 8

Disqualification and Substitution of Judges Supreme Court Rule

3-1-801. Superseded. Sup. Ct. Order dated June 29, 1981.

History: En. Sup. Ct. Ord. dated Dec. 29, 1976; 34 St. Rep. 26; superseded, Sup. Ct. Ord. dated June 29, 1981.

Compiler's Comments

Superseded Sections — Effective Date: Subsection 9 of the Supreme Court's order dated Dec. 29, 1976, provided in part: "This rule supersedes and is to be used to the exclusion of

sections 93-901, 93-2906(4), 93-2907, 93-6602(2), 95-1709, and 95-2010, R.C.M. 1947.

This rule shall be effective on March 1, 1977 it to apply to all actions filed on or after the date."

3-1-802. Disqualification and substitution of judges — all courts.

DISQUALIFICATION OF JUDGES

Any justice, judge, or justice of the peace must not sit or act in any action or proceeding:

1. To which he is a party, or in which he is interested;
2. When he is related to either party by consanguinity or affinity within the sixth degree, computed according to the rules of law;
3. When he has been attorney or counsel in the action or proceeding for any party or when he rendered or made the judgment, order or decision appealed from.

SUBSTITUTION OF JUDGES — PEREMPTORY CHALLENGES

Peremptory challenges shall apply only to District Court proceedings.

A motion for a substitution of a judge may be made by any party to a District Court proceeding. In a civil case, each adverse party is entitled to two substitutions of a judge. In a criminal case, the state and each defendant entitled to one substitution of a judge.

A motion for substitution of a judge shall be made by filing a written motion for substitution reading as follows:

"The undersigned hereby moves for substitution of another judge for Judge _____ in this cause." The clerk of court shall immediately give notice thereof to all parties and to the judge named in the motion. Upon filing the notice, the judge named in the motion shall have no further power to act in

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the cause other than to call in another judge, which he shall do forthwith, and to set the calendar.

The first district judge disqualified shall have the duty of calling in all subsequent district judges.

When a case is filed in a multi-judge district, it shall be the duty of the clerk of court to stamp the name of the judge to which the case is assigned on the face of the summons, order to show cause, or information and all copies thereof.

Whenever a judge is assigned a case for ten consecutive days and the attorneys of record on both sides have knowledge of the assignment for that period of time, and if during this time no motion for substitution of a judge is filed against him, all rights to move for substitution of a judge shall be deemed waived by all parties, unless the presiding judge disqualifies himself thereafter in which case the right to move for substitution of a judge is reinstated and the ten-day period starts running anew.

Whenever an acceptance of jurisdiction is filed by a new judge, it shall be the duty of the clerk of court to mail a copy of the acceptance of jurisdiction to the original judge who first had jurisdiction of the case, and a copy by certified mail with return receipt requested to each attorney of record. Service to an attorney may be made by delivery of a copy personally to the attorney, or by obtaining a written receipt from the attorney. Proof of service shall be stapled to the acceptance of jurisdiction in the file. The clerk of court shall contact the new judge accepting jurisdiction and request that judge to communicate with the judge having jurisdiction in the first instance, so that calendaring can be expeditiously handled.

When a new trial is ordered in any case, whether by order of the District Court or the Supreme Court, each adverse party shall be entitled to file one motion for substitution of a judge in the manner provided herein, whether or not that party has previously filed motions for substitution of a judge. Such motions must be filed:

- a. If the new trial has been ordered by the District Court, within ten days after the time for appealing the order has elapsed.
- b. If the new trial has been ordered by the Supreme Court, within ten days after notice of receipt of the remittitur has been received by the respective parties from the clerk of the District Court.

DISQUALIFICATION FOR CAUSE

This section shall apply to all District Court judges, justices of the peace, municipal court judges and to all judges acting as a Small Claims Court. All references to judge are meant to include a District Court judge, a justice of the peace, a municipal judge and a judge presiding under the Small Claims Act.

Whenever a party to any proceeding in any court makes and files a timely and sufficient affidavit that a judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein.

In the case of a district judge, another district judge shall be assigned by the chief justice of the Supreme Court to hear such disqualification proceedings. If an affidavit is against a justice of the peace, municipal judge or a judge presiding under the Small Claims Act, any district judge may appoint

another justice of the peace or municipal judge. The affidavit shall state the facts and the reasons why a disqualification exists, and shall be filed not less than ten days before the date of trial, or good cause shall be shown to the contrary. It shall be accompanied by a certificate of the clerk of court that it has been made in good faith.

DIRECT CONTEMPT OF COURT:

None of the provisions of this rule shall apply to a direct contempt of court.

INDIRECT CONTEMPT OF COURT:

When a person is charged in a District Court with indirect contempt, he shall be entitled to file one motion for substitution of a judge in the manner provided herein, whether or not that party has previously filed motions for substitution of a judge. Such motions must be filed: (a) ten days of the charge of indirect contempt of the court against which the contempt is alleged; (b) ten days after the date the chief justice of the Supreme Court notifies the chief justice of the Supreme Court of the charge. The District Court judge to hear and decide the charge.

History: En. Sup. Ct. Ord. dated June 29, 1981.

Compiler's Comments

Former Rule Superseded — Effective Date: Supreme Court Order dated June 29, 1981, provided, in part, as follows:

"By the authority of Article VII, Section 2, of the 1972 Montana Constitution, this rule supersedes and is to be used to the exclusion of the rule on disqualification and substitution of judges adopted by Supreme Court Order dated December 29, 1976, and published as section 3-1-801, MCA.

This rule shall take effect on July 1, 1981."

Effect of Publication: Section 2, Ch. 1, L. 1979, which adopted the MCA, provided that publication of a Supreme Court Rule is done for the benefit of code users. The publication of this

Part 9 rese

Part 10

Judicial Nomination

3-1-1001. Creation, composition, and powers of a judicial nomination commission for the purpose of providing the governor with a list of candidates for any vacancy on the supreme court or any district court. The commission shall be composed of seven members as follows:

- (a) four lay members who are neither judges nor retired, who reside in different geographic areas, one of whom is representative of a different political party, whether actively so engaged or retired, who are appointed by the governor;

another justice of the peace or municipal judge to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than twenty days before the original date of trial, or good cause shall be shown for failure to file it within such time. It shall be accompanied by a certificate of counsel of record stating that it has been made in good faith.

DIRECT CONTEMPT OF COURT:

None of the provisions of this rule shall apply to any person in any cause involving a direct contempt of court.

INDIRECT CONTEMPT OF COURT:

When a person is charged in a District Court with indirect contempt of court, he shall be entitled to file one motion for substitution of a judge in the manner provided herein, whether or not that party has previously filed motions for substitution of a judge. Such a motion must be filed within ten days of the charge of indirect contempt of court. In that event, the judge of the court against which the contempt is alleged to have been committed shall notify the chief justice of the Supreme Court who shall appoint another district judge to hear and decide the charge.

History: En. Sup. Ct. Ord. dated June 29, 1981.

Compiler's Comments

Former Rule Superseded — Effective Date: Supreme Court Order dated June 29, 1981, provided, in part, as follows:

"By the authority of Article VII, Section 2, of the 1972 Montana Constitution, this rule supersedes and is to be used to the exclusion of the rule on disqualification and substitution of judges adopted by Supreme Court Order dated December 29, 1976, and published as section 3-1-801, MCA.

This rule shall take effect on July 1, 1981."

Effect of Publication: Section 2, Ch. 1, L. 1979, which adopted the MCA, provided that publication of a Supreme Court Rule is done for the benefit of code users. The publication of this

section should not be construed as a legislative attempt to readopt or promulgate the rule.

Cross-References

District Court presided over by Judge of other district, 3-5-111.

Multijudge districts, 3-5-403.

Municipal Court Judge pro tem, 3-6-204.

Disqualification of Water Judge or master, 3-7-402.

When Acting Justice called in, 3-10-231.

Expenses of Acting Justice, 3-10-234.

When substitute for City Judge called in, 3-11-203.

Procedure, Rule 12(b), M.R.Civ.P. (see Title 25, ch. 20).

Part 9 reserved

Part 10

Judicial Nomination Commission

3-1-1001. Creation, composition, and function of commission. (1) A judicial nomination commission for the state is created. Its function is to provide the governor with a list of candidates for appointment to fill any vacancy on the supreme court or any district court. The commission shall be composed of seven members as follows:

(a) four lay members who are neither judges nor attorneys, active or retired, who reside in different geographical areas of the state, and each of whom is representative of a different industry, business, or profession, whether actively so engaged or retired, who shall be appointed by the governor;

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Senate Judiciary Committee

AMENDMENTS TO HOUSE BILL 277 (blue)
(requested by sponsor)

1. Title, lines 9 and 10.
Following: "APPROPRIATION"
Strike: remainder of line 9 through "THE" on line 10
Following: "PROGRAM;"
Insert: "AMENDING SECTION 17-7-502, MCA;"
2. Page 3, lines 1 and 2.
Strike: line 1 in its entirety through "DRUG" on line 2
Following: "61-5-2067"
Insert: "or 61-5-206"
3. Page 3, line 11.
Following: "treasury"
Strike: "THE GENERAL FUND"
Insert: "a drinking and driving prevention account in the
special revenue fund category in the state treasury"
4. Page 3, lines 21 and 22.
Following: "TREASURER"
Strike: remainder of line 21 through "APPROPRIATION" on
line 22
Insert: "at the end of each quarter"
5. Page 4, lines 22 and 23.
Following: "TREASURER"
Strike: remainder of line 22 through "APPROPRIATION" on
line 23
Insert: "at the end of each quarter"
6. Page 5, following line 2.
Insert: "Section 4. Appropriation. All money deposited in
the special revenue account established in [section 2]
is statutorily appropriated, as provided in 17-7-502,
to the department of justice for distribution as
provided in [section 3]."

Section 5. Section 17-7-502, MCA, is amended to
read:

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

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

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

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

(3) The following laws are the only laws containing statutory appropriations:

- (a) 2-9-202;
- (b) 2-17-105;
- (c) 2-18-812;
- (d) 10-3-203;
- (e) 10-3-312;
- (f) 10-3-314;
- (g) 10-4-301;
- (h) 13-37-304;
- (i) 15-31-702;
- (j) 15-36-112;
- (k) 15-70-101;
- (l) 16-1-404;
- (m) 16-1-410;
- (n) 16-1-411;
- (o) 17-3-212;
- (p) 17-5-404;
- (q) 17-5-424;
- (r) 17-5-804;
- (s) 19-8-504;
- (t) 19-9-702;
- (u) 19-9-1007;
- (v) 19-10-205;
- (w) 19-10-305;
- (x) 19-10-506;
- (y) 19-11-512;
- (z) 19-11-513;
- (aa) 19-11-606;
- (bb) 19-12-301;
- (cc) 19-13-604;
- (dd) 20-6-406;
- (ee) 20-8-111;
- (ff) 23-5-612;
- (gg) 37-51-501;
- (hh) 53-24-206;
- (ii) 75-1-1101;
- (jj) 75-7-305;
- (kk) 80-2-103;
- (ll) 80-2-228;
- (mm) 90-3-301;
- (nn) 90-3-302;

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(oo) 90-15-103; and
(pp) Sec. 13, HB 861, L. 1985; and
(qq) [section 4].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments.""

Renumber: subsequent sections

6. Page 5, line 9.
Following: "THROUGH"
Strike: "3"
Insert: "4"

7. Page 5, line 11.
Following: "THROUGH"
Strike: "3"
Insert: "4"

8. Statement of intent.
Strike: statement of intent in its entirety

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EXHIBIT NO. 2

DATE 3-17-87

BILL NO. 110

SENATE JUDICIARY

EXHIBIT NO. 3

DATE March 17, 1998

BILL NO. HB 277

HOUSE BILL NO. 277

INTRODUCED BY CONNELLY, HALLIGAN, PETERSON, LORY,
REAM, BRANDEWIE, HARP, KADAS, HANSEN, MOORE,
VINCENT, FRITZ, SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTIES TO
ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND
PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT
FEE; AND PROVIDING AN APPROPRIATION ALLOCATION-PROCEDURE-FOR
THE APPROPRIATION TO THIS PROGRAM; AMENDING SECTION
17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. County drinking and driving
prevention program. (1) The governing body of a county may
appoint a task force to study the problem of alcohol-related
traffic accidents and recommend a program designed to:

(a) prevent driving while under the influence of
alcohol;

(b) reduce alcohol-related traffic accidents; and

(c) educate the public on the dangers of driving after
consuming alcoholic beverages or other chemical substances
that impair judgment or motor functions.

(2) A task force appointed under subsection (1) shall
conduct its study and submit its recommendations within 6

1 months from the date it was appointed.

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

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

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

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

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

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

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

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

20 (5) A copy of the annual report must be submitted to
21 the department.

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

SENATE JUDICIARY

-2- EXHIBIT NO. 3 HB 277

DATE 3-17-87

BILL NO. H.B. 277

1 ~~FOR--DRIVING--A-MOTOR-VEHICLE-UNDER-THE-INFLUENCE-OF-ALCOHOL~~
 2 ~~OR-A-NARCOTIC-DRUG~~ under 61-5-205, ~~61-5-206,~~ OR 61-5-206 or
 3 SEIZED PURSUANT TO 61-8-402 may not be restored until the
 4 driver has paid to the department a fee of \$50 in addition
 5 to any other fines, forfeitures, and penalties assessed as a
 6 result of conviction for a violation of the traffic laws of
 7 the state.

8 (2) The department shall deposit the fees collected
 9 under subsection (1) in ~~a-drinking-and-driving-prevention~~
 10 ~~account-in-the-proprietary~~ SPECIAL-REVENUE fund-category--in
 11 ~~the--state--treasury~~ THE-GENERAL-FUND A DRINKING AND DRIVING
 12 PREVENTION ACCOUNT IN THE SPECIAL REVENUE FUND CATEGORY IN
 13 THE STATE TREASURY.

14 ~~(3)~~ NEW SECTION. Section 3. Funding allocation for
 15 programs to prevent or reduce drinking and driving. (1) If
 16 the county in which the violation or violations occurred has
 17 initiated and maintained a drinking and driving prevention
 18 program as provided in [section 1], the department shall
 19 transmit the ~~proceeds--of--the--license-reinstatement-fees~~
 20 ~~collected-in-that-county-to-the-county-treasurer-at-the--end~~
 21 ~~of--each--quarter,--and-the~~ PROPORTION OF THE PROCEEDS OF THE
 22 LICENSE REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE
 23 TOTAL COLLECTED FOR THE STATE TO THE COUNTY TREASURER BY
 24 SEPTEMBER-30-OF-EACH-FISCAL--YEAR--FOR--WHICH--THERE--IS--AN
 25 APPROPRIATION AT THE END OF EACH QUARTER. THE treasurer

1 shall deposit the ~~license--reinstatement--fee~~ MONEY in an
2 account earmarked for the program.

3 ~~(4)(2)~~ If the county in which the violation or
4 violations occurred has not initiated a drinking and driving
5 prevention program as provided in [section 1] ~~or--if--the~~
6 ~~county--has--initiated-and-terminated-a-drinking-and-driving~~
7 ~~prevention-program,--the-department-shall-allocate-the-fee-to~~
8 ~~counties-with-current-programs-at-the-end-of--each--quarter,--~~
9 ~~in-inverse-proportion-to-the-amount-of-license-reinstatement~~
10 ~~fees--transmitted--to--each--county--during--the--previous-3~~
11 ~~months.~~

12 ~~(5)--If-the-license--was--suspended--or--revoked--as--a~~
13 ~~result--of-violations-that-occurred-in-more-than-one-county,--~~
14 ~~the-department-shall-transmit-the-fee-to--the--treasurer--of~~
15 ~~the--county--in--which--the-licensee-resides-at-the-time-the~~
16 ~~license-is-restored,--if-that-county-has-a--current--drinking~~
17 ~~and--driving-prevention-program.--If-the-licensee's-county-of~~
18 ~~residence-does-not-have-a-drinking--and--driving--prevention~~
19 ~~program,--the--department-shall-allocate-the-fee-as-provided~~
20 ~~in--subsection--(3),~~ THE DEPARTMENT SHALL TRANSMIT THE
21 PROCEEDS-OF-THE-LICENSE-REINSTATEMENT-FEES-COLLECTED-IN-THAT
22 COUNTY--TO--THE-COUNTY-TREASURER-AT-THE-END-OF-EACH-QUARTER,
23 AND--THE PROPORTION OF THE PROCEEDS OF THE LICENSE
24 REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE TOTAL
25 COLLECTED FOR THE STATE TO THE COUNTY TREASURER BY-SEPTEMBER

30-OF-EACH-FISCAL-YEAR-FOR-WHICH-THERE-IS--AN--APPROPRIATION
AT THE END OF EACH QUARTER. THE TREASURER SHALL DEPOSIT THE
LICENSE-REINSTATEMENT-FEE MONEY IN AN ACCOUNT EARMARKED
SOLELY FOR FUNDING EDUCATION OR LAW ENFORCEMENT AIMED AT
REDUCING DRIVING UNDER THE INFLUENCE OF ALCOHOL OR NARCOTIC
DRUGS.

NEW SECTION. SECTION 4. APPROPRIATION. ALL MONEY
DEPOSITED IN THE SPECIAL REVENUE ACCOUNT ESTABLISHED IN
[SECTION 2] IS STATUTORILY APPROPRIATED, AS PROVIDED IN
17-7-502, TO THE DEPARTMENT OF JUSTICE FOR DISTRIBUTION AS
PROVIDED IN [SECTION 3].

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

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

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

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

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

1 (3) The following laws are the only laws containing
2 statutory appropriations:

- 3 (a) 2-9-202;
4 (b) 2-17-105;
5 (c) 2-18-812;
6 (d) 10-3-203;
7 (e) 10-3-312;
8 (f) 10-3-314;
9 (g) 10-4-301;
10 (h) 13-37-304;
11 (i) 15-31-702;
12 (j) 15-36-112;
13 (k) 15-70-101;
14 (l) 16-1-404;
15 (m) 16-1-410;
16 (n) 16-1-411;
17 (o) 17-3-212;
18 (p) 17-5-404;
19 (q) 17-5-424;
20 (r) 17-5-804;
21 (s) 19-8-504;
22 (t) 19-9-702;
23 (u) 19-9-1007;
24 (v) 19-10-205;
25 (w) 19-10-305;

1 (x) 19-10-506;
2 (y) 19-11-512;
3 (z) 19-11-513;
4 (aa) 19-11-606;
5 (bb) 19-12-301;
6 (cc) 19-13-604;
7 (dd) 20-6-406;
8 (ee) 20-8-111;
9 (ff) 23-5-612;
10 (gg) 37-51-501;
11 (hh) 53-24-206;
12 (ii) 75-1-1101;
13 (jj) 75-7-305;
14 (kk) 80-2-103;
15 (ll) 80-2-228;
16 (mm) 90-3-301;
17 (nn) 90-3-302;
18 (oo) 90-15-103; and
19 (pp) Sec. 13, HB 861, L. 1985; and
20 (qq) [section 4].

21 (4) There is a statutory appropriation to pay the
22 principal, interest, premiums, and costs of issuing, paying,
23 and securing all bonds, notes, or other obligations, as due,
24 that have been authorized and issued pursuant to the laws of
25 Montana. Agencies that have entered into agreements

1 authorized by the laws of Montana to pay the state
 2 treasurer, for deposit in accordance with 17-2-101 through
 3 17-2-107, as determined by the state treasurer, an amount
 4 sufficient to pay the principal and interest as due on the
 5 bonds or notes have statutory appropriation authority for
 6 such payments."

7 SECTION 4.---APPROPRIATION.---ALL MONEY DEPOSITED IN THE
 8 SPECIAL---REVENUE---ACCOUNT---ESTABLISHED---IN---{SECTION---2}---IS
 9 APPROPRIATED TO THE DEPARTMENT OF JUSTICE FOR THE BIENNIAL
 10 ENDING JUNE 30, 1989, FOR DISTRIBUTION AS PROVIDED IN THIS
 11 ACT.

12 NEW SECTION. Section 6. Codification instruction.
 13 Sections 1 and 2 THROUGH 3 4 are intended to be codified as
 14 an integral part of Title 61, chapter 2, and the provisions
 15 of Title 61, chapter 2, apply to sections 1 and 2 THROUGH 3
 16 4.

17 NEW SECTION. SECTION 7. EFFECTIVE DATE. THIS ACT IS
 18 EFFECTIVE JULY 1, 1987.

-End-

STATEMENT OF INTENT

HOUSE BILL 277

House Appropriations Committee

It-is-the-intent-of-the-legislature--that--the--license
reinstatement--fee--collected--be--deposited--in-the-general
fund.

It-is-the-intent-of-the-legislature-that-the-records-be
kept-to-identify-the-amount-of-money-collected-by-the-county
each-year.

It-is-further-the-intent-of-the--legislature--that--the
1989----legislature---consider---making---a---general---fund
appropriation-for-this-program-in-fiscal-1990-and-1991-which
is-equal-to-the-revenue-collected-in-fiscal-1988--and--1989,
respectively.

SENATE JUDICIARY

EXHIBIT NO. 3DATE 3-17-87BILL NO. H.B. 277

DUI Task Forces worth funding

Drunk driving is a problem many Montana counties are fighting with the help of DUI Task Forces, groups of citizens and officials organized in 1983 with the help of a three-year federal grant. Their success has been measurable.

Since 1983, the number of alcohol-related accidents has declined 33 percent in Montana, with 87 percent of the decline coming in the 23 counties that have DUI Task Forces, according to Albert Goke of the state Department of Justice's Highway Traffic Safety Division.

Along with the decline in numbers, alcohol-related accidents have fallen as a percentage of total traffic accidents. In 1983, more than 22 percent of all accidents in the state were alcohol-related; by 1986, the percentage had dropped to 17 percent.

The task forces have produced their impressive results through public education about driving under the influence of alcohol, assisting in better cooperation among law enforcement agencies, and providing police and sheriffs' departments the money to finance stepped-up enforcement of drunken driving laws.

The federal money that's supported the task forces and their efforts is gone, but the groups are worth keeping. They've proved their worth.

Rep. Mary Ellen Connelly, D-Whitefish, has proposed an innovative way to produce the \$300,000 a year it will take to keep the DUI task forces in business.

Her idea is to charge a \$50 fee for reinstating a driver's license that's been suspended or revoked following an alcohol-related traffic conviction. Her proposal, contained in House Bill 277, wouldn't cost law-abiding drivers a single dime. As HB277 was originally worded, people who get caught drinking and driving would pay for the ongoing effort to keep drunks off the highways.

The \$50 license-reinstatement fee would be added to other fines imposed on anyone convicted of DUI, refusal to undergo a test for blood alcohol content, and driving with a blood-alcohol content of 0.1 or greater."

The state Office of Budget and Program Planning estimates that about 9,600 motorists will lose their licenses and be subject to the fee, and nearly two-thirds will pay it. The fee will produce \$226,800, after expenses, in 1988 and about \$302,000 in 1989, the agency projects.

Connelly's bill, which is progressing through the House with the help of several Missoula-area lawmakers, would require DUI task forces to recommend to county commissioners a plan for reducing drunken driving. The DUI-control program would have to be approved by both the local commissioners and the governor, and each task force would have to report annually on the effectiveness of its efforts.

Connelly's bill stipulated that money raised with the special license fee should be spent for task forces in the counties where the DUI convictions originated. It was amended to accommodate counties that don't have task forces, allowing them to receive the money earmarked for DUI enforcement.

This is a good, sensible approach to maintaining the effective DUI task forces. Unfortunately, a House committee on Wednesday voted to channel the money into the state General Fund instead of earmarking it for DUI prevention. That's unacceptable. The bill is intended to combat drunken driving, not subsidize general government operations.

The DUI task forces have accomplished much in three years. Our highways are safer because of the task forces' work. We can keep them that way by turning HB277 into law under the condition that the money be earmarked for DUI prevention.

3/10/87

DUI 'user's fee'

House Bill 277, the measure intended to help local groups fighting drunken driving continue doing their good work was rendered meaningless by House action. Let's hope the Senate puts the bill back on track.

The bill calls for a \$50 driver's license reinstatement fee for anyone who loses his license for an alcohol-related traffic offense. As HB 277 was originally worded, the money would be earmarked for DUI task forces — local groups whose work has helped cut the number of alcohol-related accidents in Montana by one-third.

The bill passed the House, but not before it was amended and its intent twisted. Instead of providing money to support better enforcement of drunken driving laws and public education about drinking and driving, the license-reinstatement fees would now disappear into the fiscal black hole of the state general fund.

The amount of money at stake is not great — the potential revenue is estimated to be \$302,000 or less. It's enough to replace the expired federal grants that

makes sense

have funded DUI task forces in 26 Montana counties since 1983, however. As a contribution toward the state's general-fund deficit of more than \$100 million, HB 277 is insignificant.

Many legislators are reluctant to earmark revenue for specific purposes. They prefer to funnel money into the general fund and appropriate various sums as they see fit. That's the best way to handle money from general taxes, but it's not appropriate for handling "user's fees," including the license-reinstatement fee proposed in HB 277. The diversion of the money to the general fund is especially objectionable because it would leave the DUI task forces without funding.

The idea behind HB 277 is that those who choose to drink and drive ought to be the ones who pay the increased costs of protecting law-abiding motorists from drunks. As a fund-raiser for DUI enforcement, the license reinstatement fee makes considerable sense.

The Senate's challenge is to restore the bill's intent. The public must then persuade the House to recant.

SENATE JUDICIARY

EXHIBIT NO. 4A

DATE March 17, 1987

BILL NO. HB 277

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB277, Grey Reading Copy.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing counties to establish drinking prevention programs; providing for funding with a driver's license reinstatement fee; providing an appropriation to this program; amending Section 17-7-502, MCA; and providing an effective date.

SENATE JUDICIARY

ASSUMPTIONS:

1. 9,600 suspensions and revocations exist under current law.
2. 63% will pay reinstatement fee (22% out-of-state no pays and 15% in-state no pays).
3. Workload would require 2 FTE (clerk-typist, Grade 7, Step 2; plus operational costs and equipment) in Motor Vehicle Division, Department of Justice.
4. All revenue would be disbursed to qualifying counties by the Highway Traffic Safety Division, Department of Justice.
5. Spending authority will be appropriated to the Department of Justice.
6. Federal grant funds would support the administration costs of the Motor Vehicle Division. Federal funds would be available for three years only. State funds would be required thereafter.

FISCAL IMPACT:Expenditures:

	FY88		FY89	
	Current Law	Proposed Law	Current Law	Proposed Law
Personal Services	\$ 0	\$ 31,130	\$ 0	\$ 31,130
Operating Expenses	0	2,400	0	400
Equipment	0	900	0	0
	\$ 0	\$ 34,430	\$ 0	\$ 31,530
				\$ 31,530

Funding:

Federal	\$ 0	\$ 34,430	\$ 0	\$ 34,430
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Revenues:

Fees	\$ 0	\$ 302,400	\$ 0	\$ 302,400
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Local Government

Pass Through:	\$ 0	\$ 302,400	\$ 0	\$ 302,400
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LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

After three years State Special Revenue monies will be used to provide the personal services cost of this program.

David L. Hunter DATE 3/16/87

DAVID L. HUNTER, BUDGET DIRECTOR

Office of Budget and Program Planning

M. E. Connelley

MARY ELLEN CONNELLEY, PRIMARY SPONSOR

DATE

Fiscal Note for HB277, Grey Reading Copy.

EXHIBIT NO. 5

DATE March 17, 1987HB 277in Motor



CITY-COUNTY HEALTH DEPARTMENT

March 13, 1987

SENATE JUDICIARY

EXHIBIT NO. 6

DATE March 17, 1987

BILL NO. HB 277

Senator Joseph P. Mazurek, Chairman
Judiciary Committee
Montana State Senate
State Capital
Helena, MT 59620

AGAINST HB277 AS AMENDED

FOR ORIGINAL HB277

Dear Senator Mazurek:

I am Jeannette S. Buchanan-Tawney, Chairman of the Missoula Task Force for the Prevention of Driving Under the Influence. I speak in opposition to the statement of intent and HB277 as amended. I speak for the original intent of HB277.

1. I support a special fund for the deposit of revenue raised by the driver's license reinstatement fee. I oppose the amendment which places this revenue in the General Fund (p.3, lines 9-11).
2. The offender of safe driving practices needs to meet all of the conditions imposed by law before having the privilege of driving reinstated including the A.C.T. program (p.3, line 5).
3. Also, I would like to clarify that these revenues would be collected by the Department of Justice, which is the department responsible for the restitution of suspended or revoked driver's licenses.

Thank you for your consideration. If the original intent cannot be restored, I speak in opposition to HB277 amended.

Sincerely,

Jeannette S. Buchanan-Tawney
Missoula DUI Task Force

JBT:mjp

cc: Judiciary Committee

MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

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

BCC-87-136

March 13, 1987

SENATE JUDICIARY

EXHIBIT NO. 6

DATE March 17, 1987

BILL NO. HB 277

Senator Joseph P. Mazurek, Chairman
Judiciary Committee
Montana State Senate
State Capital
Helena, MT 59620

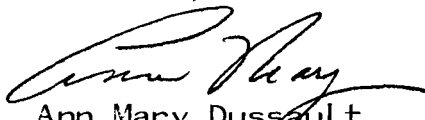
Dear Senator Mazurek:

I am writing in support of HB277 in its original form without the House amendments. My support of funding local DUI (driving under the influence) prevention activities through a driver's license reinstatement fee is based on the following reasons:

1. As evidenced by the 21% reduction in alcohol-related traffic accidents during the term of Missoula County's DUI Task Force, local drinking and driving prevention programs are effective.
2. The funding mechanism, as originally proposed in HB277, would generate revenue from convicted DUI offenders. This "user's fee" would be appropriated directly back to counties for program support, thereby, relieving the taxpayer from direct program costs and further reducing the public's indirect costs associated with alcohol-related traffic accidents. The House amendment to divert said revenues to the general fund is contrary to the bill's original intent.

I strongly urge the members of the Senate Judiciary Committee to restore the original intent of HB277. Thank you for your consideration of this testimony.

Sincerely,



Ann Mary Dussault
Commissioner, Missoula County



CITY-COUNTY HEALTH DEPARTMENT

March 16, 1987

SENATE JUDICIARY

EXHIBIT NO. 6

DATE March 17, 1987

BILL NO. HB 277

Senator Joseph P. Mazurek, Chairman
Judiciary Committee
Montana State Senate
State Capital
Helena, MT 59620

Dear Senator Mazurek:

I am writing in support of HB277 in its original form without the House amendment.

The funding mechanism of HB277, as originally proposed, would generate revenue from convicted DUI offenders through a driver's license reinstatement fee. This "user's fee" would be directed back to counties for support of local drinking and driving prevention activities. Diverting this revenue to the general fund, as proposed by the House amendment, defeats the bill's intent.

I urge the members of the Senate Judiciary Committee to restore the original intent of, then pass, HB277. Thank you for consideration of this testimony.

Sincerely,


Ellen Leahy, Chairperson
Missoula Traffic Safety Task Force

EL:mjp

cc: Senate Judiciary Committee Members

SENATE JUDICIARY

EXHIBIT NO. 6

DATE March 17, 1987

BILL NO. HB 277

March 15, 1987

Judiciary Committee
Montana State Senate
State Capitol
Helena, MT 59620

Dear Committee Members:

I am writing in regards to HB 277. I do support the bill but not as it has been amended. I realize that you are in a very tough position with regards to balancing the budget. However, balancing the budget is not the only problem we face in the State.

The best use of this money must be considered when making your decisions. The monies derived from these reinstatement fees will do much more good back in the counties aiding DUI prevention programs than in the General Fund. The success of the Missoula DUI Task Force is too significant to be ignored. It is widely recognized that the misuse of alcohol has exacted a high price from all Montana citizens.

HB 277, before it was amended, was a logical attempt to address a problem that everyone recognizes. I fully supported this bill and what it was trying to accomplish. I encourage your consideration and support of this bill in its original form.

Thank you for your time and service to the citizens of this State.

Sincerely yours,



Douglas R. Harrison
City Council Representative
Ward 4
Missoula, MT



"TO PROTECT AND TO SERVE"

CITY POLICE DEPARTMENT

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



TO: Honorable Montana State Senate

RE: HB 277

DATE: March 10, 1987

I would like to offer my statement of support of House Bill 277 in its original form without the amendments.

I would like to further state that I would prefer to see HB 277 killed rather than passed as amended.

The original intent of the Bill was to provide funding for local law enforcement agencies to proactively enforce DUI statutes. In its amended form, the revenue will not be returned to local agencies and budget constraints will preclude strong proactive enforcement. If the amended bill is passed, it will most certainly eliminate any possibilities for successful revenue generating legislation in the near future.

Thank you for allowing me this input.

M. D. Hamilton, Chief of Police

SENATE JUDICIARY

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

March 11, 1987

Senate Judicial Committee
Capitol Building
Helena, MT 59601

Re: Bill 277

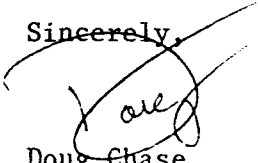
Gentlemen:

As this bill is being debated, it is hoped its passage will be free of currently attached amendments.

Much progress has been made in combating D.U.I. problems in this state. Now there is the possibility of funding various communities' safety projects through this bill, however with the current amendments, this purpose is being defeated.

As a former chief of police who believed it was indeed time to address the intoxicated driver, it is my feeling that this bill addresses a noteworthy cause, however its original intent is greatly clouded by these present amendments.

Sincerely,



Doug Chase
Chief of Police, Retired
1421 Jackson
Missoula, MT 59802

DC/ss

SENATE JUDICIARY

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277



NINE • ONE • ONE CENTER
MISSOULA COUNTY COURTHOUSE
MISSOULA, MONTANA 59802
PHONE 721-5700 Ext. 450

March 10, 1987

Senator Joseph P. Mazurek
Chairman Montana Senate Judiciary Committee

Dear Senator Mazurek:

As Center Supervisor for the Missoula County 9-1-1 Center, and as a member of the Missoula County Traffic Safety Task Force, I have been tracking the progress of H.B. 277.

I support H.B. 277 in its original intent. I do not support the amendment to the bill which would send the reinstatement fees to the State general fund, instead of back to the counties to fund DUI enforcement activities. Statistical evidence shows Missoula County's DUI Task Force activities were effective in the past. Both alcohol-related accidents and alcohol-related injury accidents were decreased 21% in 1986 in our county.

The bill proposes the fees be paid only by the offenders, in other words, a "user's fee". It only makes sense to earmark these same funds for the specific purpose of reducing the number of offenders.

I urge you to support H.B. 277, but to pass it in its original form, without the House's amendment.

Cordially,

KIMBERLY BRANDER
9-1-1 Center Supervisor

SENATE JOURNAL

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

HB's restaurants, inc.

March 13, 1987

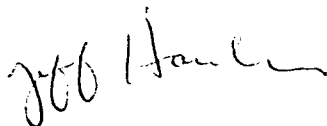
To: Budget Committee

Dear Committee Members:

Please consider HB227 as it was in its original form. Specifically I would rather see the funds earmarked for D.U.I. Task Force expenditures as opposed to going into the general fund. It seems fair and logical to me that offenders would help foot the cost of the task forces. I believe the task forces have had a positive impact on traffic safety, public awareness and enforcement.

Thank you for your consideration.

Sincerely,



Jeff Hainline
Member-Missoula County D.U.I. Task Force
President, Missoula County Tavern Owners Association

JH:lk

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. HB 277



Health Incentives

Containing Costs and Promoting Health

March 13, 1987

The Honorable Joe Mazurek
Chairman,
Senate Judiciary Committee
Capitol Station
Helena, Montana 59601

Dear Senator Mazurek:


I am writing to urge you and the other Senate Judiciary Committee members to pass H.B. 277 as originally drafted to distribute the proceeds of a DUI license restoration fee back to county DUI task forces.

Designating the revenue from this fee for the general fund defeats the whole purpose of the bill: to give an ongoing source of operational funds for DUI task forces and their important-- and effective -- work.

I urge you to remove the amendment sending the revenues to the general fund. Should this not be done, I would urge you to kill the bill altogether. The bill in its current form would be an inappropriate (and insignificant) means of addressing the overall revenue problems facing our State.

Thank you for your consideration.

Sincerely,


MICHAEL W. WOOD
General Partner

MWW/mds

SENATE JUDICIARY

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

BRITT FINLEY R.N.C., M.Ed., C.A.C.

Certified Psychiatric-Mental Health Nurse

412 W. Alder • Missoula, MT 59802-4194

406-721-1774

March 13, 1987

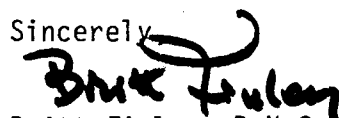
Joe Mazurek, Chairman
Senate Judiciary Committee
State Capitol Building
Helena, MT 59620

Dear Senator Mazurek:

I am writing in support of HB277 in its original form. My experience with Missoula County's DUI (Driving Under the Influence) Task Force has convinced me of the need for and effectiveness of drinking and driving prevention activities at a local level. The funding mechanism, as originally proposed in HB277, places the cost of program support on program users rather than taxpayers. The House Amendment diverting these revenues from program support to the general fund is not consistent with the original intent of the Bill.

I urge the members of the Senate Judiciary Committee to pass HB277 in its original form. Thank you for your consideration of this testimony.

Sincerely,



Britt Finley, R.N.C., M.Ed., C.A.C.

BF:pab

SENATE JUDICIARY

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

616 Woodford St.
Missoula, MT 59801
March 12, 1987

The Honorable Joe Mazurek, Chairman
Senate Judiciary Committee
State Capitol Building
Helena, MT 59620

Dear Senator Mazurek,

I have reviewed HB277 in its amended form from the House Appropriations Committee and find that the original intent of the bill has been dramatically altered. Originally, HB277, requiring a reinstatement fee for driver's licenses suspended or revoked for driving a motor vehicle under the influence of alcohol or a narcotic drug, was a creative way to fund community based DUI prevention education without further burdening an already money-strapped state. Further, those of us volunteering our time and energy in working with DUI prevention programs know that our efforts result in communities which are not only safer, but, in the long run, will also expend less money on DUI related problems.

While it is attractive to increase our state's general fund in every way possible during these economically difficult times, I hope you and your esteemed colleagues will recognize the importance of and cost savings potential of DUI prevention education. My fear is that postponing consideration of the appropriation of reinstatement fees until the 1989 legislative session will send a message to communities that the efforts of taskforce volunteers are not worthy of funding. In good faith, I supported this original measure because it provided an additional consequence for DUI offenders, while at the same time providing for funding to continue prevention education and community awareness.

In closing, I would respectfully request that you consider reinstating sufficient original language to match the intent of HB277 as it was first introduced, or failing that, I would request that you kill Hb277 in its amended form. As it now stands, I believe it severely weakens what our community has attempted to do in DUI prevention.

Recognizing the agonizing and thankless nature of the task before you, I do wish you well during the remainder of this session.

Sincerest regards,

Mary Lou Gilman

Mary Lou Gilman
DUI Taskforce Member, Missoula
Past President, Missoula PTA Council, Inc.

SENATE JUDICIARY

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

March 11, 1987

Budget Committee;

I support House Bill 277 as it was originally worded; The \$50 drivers license reinstatement fee for anyone who loses thier license for an alcohol related offense would be ear marked for DUI Task Forces. If this bill cannot be passed in it's original form then I would prefere it to be killed.

As the School Nurse for Sentinel High School and as a DUI Task Force Member, I have been involved with several Community Drug and Alcohol Prevention and Treatment Programs in Missoula; I not only see a daily need for these programs but also see a visable change in awareness, behavior and attitudes of the individuals these programs have already touched.

I oppose putting DUI Task Force money into the general fund. I oppose any drug related treatment or prevention ear marked money going into general fund.

Thank You For Listening,



Diana Biehl (Missoula Sentinel High School Nurse)

SENATE JUDICIARY

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

March 12, 1987

RE: HB 277

FROM: Montanans Against Drinking and Driving, Missoula County

We strongly support HB 277 requiring a \$50 driver's license reinstatement fee for all people who have had their license suspended because of a DUI conviction.

However, we feel that the bill only makes sense if it is passed as it was originally written, and that the fee is specifically used for the prevention of further DUI's. The fee should not merely go into the general fund. Federal tax dollars were spent to fund a 3-year DUI Prevention Task Force whose efforts have resulted in a significant reduction of drinking related accidents. However, the general taxpayer shouldn't be required to fund the programs established by the task forces. We strongly agree with a statement in the March 10th Missoulian which says that "...those who choose to drink and drive ought to be the ones who pay the increased cost of protecting law-abiding motorists from drinking drivers."

Respectfully submitted,

Lorena Hillis

Lorena Hillis

Secretary, Missoula County MADD

SENATE JOURNAL

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

SENATE JUDICIARY COMMITTEE

House Bill 277 - license reinstatement fee, is the subject of my concern. The intent of this bill was to create funds for DUI/safe driving activities in counties that have approved programs; which would benefit all Montanas.

The amendments that have been placed on the bill will not allow the funds to be used properly. FIRST: Placing the revenue generated from a relicensing fee into the general fund, rather than earmarking it for DUI/safe driving activities for the counties that generated the revenue, would make it impractical and difficult to retrieve. SECOND: Using only licenses suspended or revoked for DUI; exempting all other loss of licenses for unsafe driving practices including those using the "per se" DUI clause; is not only a great loss of revenue to the state, but, is tacitly approving of all hazardous drivers, including "per se" drivers. THIRD: Returning funds to counties without a DUI/safe driving task force would not allow the monies to be used to the maximum potential.

I request that you pass H.B. 277 in its original form.

Due to the fact that the amendments would not allow the revenue generated from a license reinstatement fee to be used toward the improvement of DUI/safe driving practices; H.B. 277 with its amendments should be killed.

Thank you.

Sue Ibsen

Sue L. Ibsen
2235 Pattee Canyon Road
Missoula, Mt 59803

SENATE JUDICIARY

EXHIBIT NO. 6

DATE 3-17-87

BILL NO. H.B. 277

Pamela A. Motta
1645 Sunflower
Missoula, MT 59802
March 11, 1987

Senate Judicial Committee
Helena, MT.

Ladies and Gentlemen,

I wish to go on record as being in favor of House Bill #277 in it's original form. The ammendment giving the money generated to the general fund must be removed.

As you know, the task forces around the state have done a wonderful job in reducing the number of incapacitated drivers on our roads and increased the public's awareness of this problem. However the programs need continued funding if the results are to continue. And it just makes sense to let the offenders be the ones to support the task force's work. Its really a small amount of money when you consider the pain and suffering, not to mention the expense, of just one alcohol related death that may be prevented.

I am enclosing a copy of an editorial that was in The Missoulian on March 10th.

If the ammendment is not removed then I would like the bill killed.

Thank you.

Sincerely,



Pamela A. Motta

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

■ Phil Blake, Publisher
■ Bradley Hurd, Editor
■ Steve Woodruff, Editorial Page Editor

Missoulian editorials

DUI 'user's fee' makes sense

House Bill 277, the measure intended to help local groups fighting drunken driving continue doing their good work was rendered meaningless by House action. Let's hope the Senate puts the bill back on track.

The bill calls for a \$50 driver's license reinstatement fee for anyone who loses his license for an alcohol-related traffic offense. As HB 277 was originally worded, the money would be earmarked for DUI task forces — local groups whose work has helped cut the number of alcohol-related accidents in Montana by one-third.

The bill passed the House, but not before it was amended and its intent twisted. Instead of providing money to support better enforcement of drunken driving laws and public education about drinking and driving, the license-reinstatement fees would now disappear into the fiscal black hole of the state general fund.

The amount of money at stake is not great — the potential revenue is estimated to be \$302,000 or less. It's enough to replace the expired federal grants that

have funded DUI task forces in 26 Montana counties since 1983, however. As a contribution toward the state's general-fund deficit of more than \$100 million, HB 277 is insignificant.

Many legislators are reluctant to earmark revenue for specific purposes. They prefer to funnel money into the general fund and appropriate various sums as they see fit. That's the best way to handle money from general taxes, but it's not appropriate for handling "user's fees," including the license-reinstatement fee proposed in HB 277. The diversion of the money to the general fund is especially objectionable because it would leave the DUI task forces without funding.

The idea behind HB 277 is that those who choose to drink and drive ought to be the ones who pay the increased costs of protecting law-abiding motorists from drunks. As a fund-raiser for DUI enforcement, the license reinstatement fee makes considerable sense.

The Senate's challenge is to restore the bill's intent. The public must then persuade the House to recant.

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

*before you
lose your job
lose your license
lose a friend*

STOP

STOP

It's against the law:

- SELLING** (or giving) alcohol to —
- PROVIDING** alcohol to —
- POSSESSING** alcohol by —
- PURCHASING** alcohol for —
- GIVING PERMISSION** to drink alcohol to —
- SERVING** alcohol to —

Anyone under the current legal drinking age.

COMPLIMENTS OF YOUR HELENA POLICE DEPARTMENT.

William J. Ware, Chief of Police

WITH THE COOPERATION AND ASSISTANCE FROM:

- The Montana Department of Revenue
- The Montana Tavern Owners Association
- The Montana Highway Traffic Safety Division

STOP

STOP

You may be affected

- supermarket store owners, managers, clerks
- grocery store owners, managers, clerks
- convenience store owners, managers, clerks
- tavern owners, managers, bartenders, waiters, waitresses
- restaurant owners, managers, bartenders, waiters, waitresses

or

- anyone who purchases alcohol for (gives alcohol to) anyone under the legal drinking age
- anyone who allows someone under the legal age to serve alcohol as a bartender, waiter, waitress

The Helena Police Department

in cooperation with

The Lewis & Clark County Stop DUI Task Force
has set up a **Special Police Operations Team** (SPOT Team)

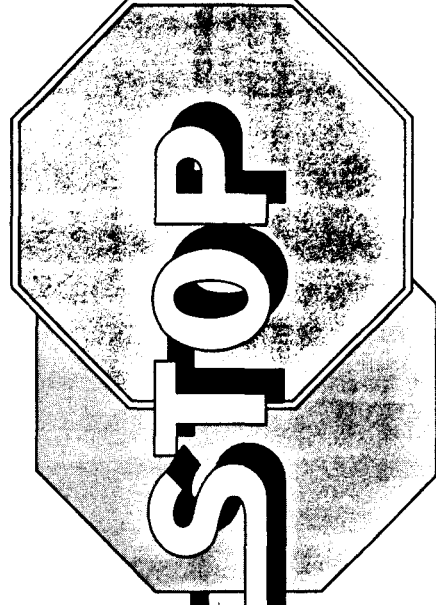
TO STOP

the sale, purchase and consumption of
alcohol by those under the legal drinking age.

Helena Police Officers will provide special enforcement action
in their efforts to eliminate illegal purchasing, giving
or possessing alcohol by
under age youth.

The Helena Police Department is committed to
reducing illegal activity involving alcohol by those under
the legal drinking age,
because . . .

Helena's youth . . . are worth it!



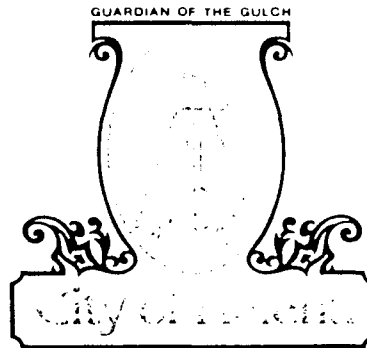
To obtain additional information about training and education contact:

The Helena Police Department, 221 Breckenridge, Helena, MT 59601

(406) 442-9920 Ext. 476

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

William J. Verwolf
City Manager



SENATE JUDICIARY

EXHIBIT NO. 8

DATE March 17, 1987

BILL NO. HB 277

Chief of Police
William J. War

March 12, 1987

Senator Joe Mazurek
Senate Judiciary Committee
State Capitol Building
Helena, MT

Dear Senator Mazurek:

Please accept this letter as support for House Bill 277, as originally submitted by statewide STOP-DUI Task Forces. This bill would authorize counties to establish drinking and driving prevention programs and would provide funding via a driver's license reinstatement fee. 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

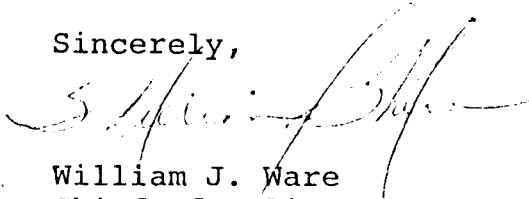
Senator Joe Mazurek
March 12, 1987
Page Two

not suffer any serious injuries or deaths in traffic accidents and/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 at House Bill 277 and urge you to restore it to it's original form, as submitted by Statewide STOP-DUI Task Forces. 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

WJW/cp

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

SENATE JUDICIARY
EXHIBIT NO. 8
DATE 3-17-87
BILL NO. H.B. 277

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

UIC

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
H.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.....

SENATE JUDICIARY

EXHIBIT NO. 8

DATE 3-17-87

BILL NO. H.B. 277

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>

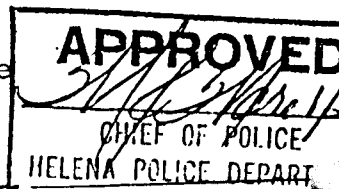
GENERAL INFORMATION

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

SENATE JUDICIARY

EXHIBIT NO. 8

DATE 3-17-87

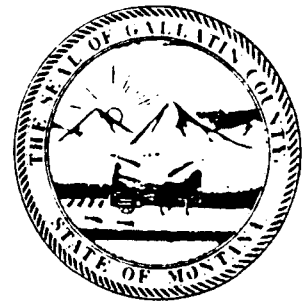
FILE NO. 4.R.277

State of Montana

County of Gallatin

Bozeman

January 23, 1987



SENATE JUDICIARY

EXHIBIT NO. 9

DATE March 17, 1987

BILL NO. HB 277

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 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
Wilbur Visser, Chairman

Jane Jelinski
Jane Jelinski, Member

Ramon S. White
Ramon S. White, Member

WV:lm

SUMMARY OF HB805 (ROTH)

(Prepared by Senate Judiciary Committee staff)

HB805 amends the laws relating to suspension and surrender of a driver's license for nonpayment of a motor vehicle liability judgment. The bill adds suspension and surrender of vehicle registration and vehicle license number plates to the suspension and surrender statute. As originally drafted, the provisions on suspension and surrender apparently applied to all vehicles. As amended by the House, the provisions on suspension apply to all vehicles owned by a judgment debtor [Section 2, page 2, line 10 and Section 4, page 4, line 11] but the provisions on surrender apply only to uninsured vehicles [Section 1, page 1, line 23]. (A driver's license of course applies to all vehicles so surrender of a license applies to all vehicles.)

COMMENTS: The Committee may want to consider making suspension apply only to uninsured vehicles, like surrender does.

C:\LANE\WP\SUMHB805.

AMENDMENTS TO HB504
(Reference Copy)

1. Page 2, line 8.

Following: "brought"

Strike: remainder of subsection (3).

Insert: "for any of the following causes:

(a) serious and material violation of any provision of the law relating to qualifications for inclusion on the ballot;

(b) constitutional defects in the substance of a proposed ballot issue; or

(c) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

No ballot issue contest may be entertained by the courts of the state before the election unless the contest was filed in the appropriate district court within 20 days after the issue was certified to the governor as provided in 13-27-308. Nothing in this section limits the right to challenge the substance of a measure enacted by a vote of the people except that the courts of the state may not entertain such an action, commenced more than 20 days after the issue was certified to the governor, until after the election thereon."

2. Page 4, line 6.

Following: "brought"

Strike: remainder of subsection (6).

Insert: "for any of the following causes:

(a) serious and material violation of any provision of the law relating to qualifications for inclusion on the ballot;

(b) constitutional defects in the substance of a proposed ballot issue; or

(c) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

No ballot issue contest may be entertained by the courts of the state before the election unless the contest was filed in the appropriate district court within 20 days after the issue was certified to the governor as provided in 13-27-308. Nothing in this section limits the right to challenge the substance of a measure enacted by a vote of the people except that the courts of the state may not entertain such an action, commenced more than 20 days after the issue was certified to the governor, until after the election thereon."

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date March 17 1987 Bill No. HJR 21 Time 11:45 am

NAME	YES	NO
Senator Joe Mazurek, Chairman		X
Senator Bruce Crippen, Vice Chairman		X
*Senator Tom Beck	X	
Senator Al Bishop		X
Senator Chet Blaylock	X	
Senator Bob Brown	X	
Senator Jack Galt	X	
Senator Mike Halligan	X	
Senator Dick Pinsoneault	X	
Senator Bill Yellowtail		X

Secretary _____

Chairman _____

Motion: _____

STANDING COMMITTEE REPORT

March 17 1937

MR. PRESIDENT

We, your committee on.....SENATE JUDICIARY.....

having had under consideration.....HOUSE JOINT RESOLUTION..... No. 21.....

Third reading copy (blue color)

Urge court to limit peremptory challenge for substitution of judge.
Mercer (Pinsonneault)

Respectfully report as follows: That.....HOUSE JOINT RESOLUTION No. 21.....

~~DO NOT PASS~~

~~DO NOT PASS~~

BE CONCURRED IN

Senator Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 17

87

19.....

MR. PRESIDENT

We, your committee on **SENATE JUDICIARY**

having had under consideration..... **HOUSE BILL** No. **141**

Third reading copy (blue)
color

Create fee for filing motion for judge substitution in civil cases.
Bardanouve (Mazurek)

HOUSE BILL **141**

Respectfully report as follows: That..... No.....

~~DO NOT PASS~~

BE CONCURRED IN

~~DO NOT PASS~~

.....
Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 17

97

19.....

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on.....

having had under consideration..... HOUSE BILL No. ~~SIX~~ 277

_____ Third _____ reading copy (blue)
color

Imposing a driver's license reinstatement fee to fund county DUI programs.
* Connelly (Halligan)

Respectfully report as follows: That..... HOUSE BILL No. 277

1. Title, lines 9 and 10.
Following: "APPROPRIATION"
Strike: remainder of line 9 through "THE" on line 10
Following: "PROGRAM;"
Insert: "AMENDING SECTION 17-7-502, MCA;"
2. Page 3, lines 1 and 2.
Strike: line 1 in its entirety through "DRUG" on line 2
Following: "61-5-206;"
Insert: ", 61-5-206,"
3. Page 3, lines 2 and 3.
Following: "or" on line 2
Strike: the remainder of line 2 through "TO" on line 3
4. Page 3, line 11.
Following: "treasury"
Strike: "THE GENERAL FUND"
Insert: "a drinking and driving prevention account in the
special revenue fund category in the state treasury"
5. Page 3, lines 21 and 22.
Following: "TREASURER"
Strike: remainder of line 21 through "APPROPRIATION" on
line 22
Insert: "at the end of each quarter"

~~XXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ AND AS AMENDED

BE CONCURRED IN

SENATOR Mazurek

Chairman.

6. Page 4, lines 22 and 23.

Following: "TREASURER"

Strike: remainder of line 22 through "APPROPRIATION" on line 23

Insert: "at the end of each quarter"

7. Page 5, following line 2.

Insert: NEW SECTION. Section 4. Appropriation. All money deposited in the special revenue account established in [section 2] is statutorily appropriated, as provided in 17-7-502, to the department of justice for distribution as provided in [section 3].

Section 5. Section 17-7-502, MCA, is amended to read:

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

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

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

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

(3) The following laws are the only laws containing statutory appropriations:

- (a) 2-9-202;
- (b) 2-17-105;
- (c) 2-18-812;
- (d) 10-3-203;
- (e) 10-3-312;
- (f) 10-3-314;
- (g) 10-4-301;
- (h) 13-37-304;
- (i) 15-31-702;
- (j) 15-36-112;
- (k) 15-70-101;
- (l) 15-1-404;
- (m) 16-1-410;

(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-424;
(r) 17-5-804;
(s) 19-8-504;
(t) 19-9-702;
(u) 19-9-1007;
(v) 19-10-205;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
(aa) 19-11-606;
(bb) 19-12-301;
(cc) 19-13-604;
(dd) 20-6-406;
(ee) 20-8-111;
(ff) 23-5-612;
(gg) 37-51-501;
(hh) 53-24-206;
(ii) 75-1-1101;
(jj) 75-7-305;
(kk) 80-2-103;
(ll) 80-2-228;
(mm) 90-3-301;
(nn) 90-3-302;
(oo) 90-15-103; and
(pp) Sec. 13, HB 861, L. 1985; and
(qq) [section 4].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments."

Renumber: subsequent sections

8. Page 5, line 9.
Following: "THROUGH"
Strike: "3"
Insert: "4"

9. Page 5, line 11.
Following: "THROUGH"
Strike: "3"
Insert: "4"

10. Statement of intent.
Strike: statement of intent in its entirety

11. Insert: "NEW SECTION." preceding "Section" in the following locations:

- Page 1, line 14.
- Page 2, line 22.
- Page 3, line 12.
- Page 5, lines 8 and 12.

STANDING COMMITTEE REPORT

March 17 1937

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. 430

Third reading copy (blue.) color

Clarify deliberate homicide sentences.
Brandewie (Brown)

Respectfully report as follows: That HOUSE BILL No. 430

~~DO NOT PASS~~

~~DO NOT PASS~~ BE CONCURRED IN

Maxx Senator Mazurek, Chairman.

STANDING COMMITTEE REPORT

March 17 19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL HN No. 566

Third reading copy (blue)
color

Child or spouse abuse to preclude joint custody.
Keenan (Brown)

Respectfully report as follows: That HOUSE BILL 566 No. 566

be amended as follows:

1. Page 1, line 20.
Following: "including"
Insert: ", but not limited to"

~~DO PASS~~

~~DO NOT PASS~~

AND AS AMENDED

BE CONCURRED IN

Senator Mazurek

Chairman.