

HOUSE BILL NO. 264

INTRODUCED BY PHILLIPS

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

IN THE HOUSE

January 15, 1981	Introduced and referred to Committee on State Administration.
January 26, 1981	Committee recommend bill do pass. Report adopted.
January 27, 1981	Bill printed and placed on members' desks.
January 28, 1981	Second reading, pass consideration until January 29.
January 29, 1981	Second reading, do pass as amended.
January 30, 1981	Correctly engrossed.
February 2, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 3, 1981	Introduced and referred to Committee on State Administration.
March 19, 1981	Committee recommend bill be concurred in. Report adopted.
March 21, 1981	Second reading, concurred in.
March 24, 1981	Third reading, concurred in. Ayes, 48; Noes, 1.

IN THE HOUSE

March 25, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
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STATE OF MONTANA

REQUEST NO. 185-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 22, 19 81, there is hereby submitted a Fiscal Note for House Bill 364 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to provide that a person with 0.10% alcohol in his blood is guilty of driving or being in control of a motor vehicle within this state while under the influence of alcohol; to increase the penalties and amend sections 61-8-101, 61-8-401, and 61-8-714, MCA.

Assumptions

1. Assume convictions remain the same as in 1980, 3,232 first offenses and 689 subsequent offenses.
2. Assume one-third of all convictions are made by state officers and two-thirds are made by local officers.
3. Assume cost per day to house prisoners in local facilities is \$10 per day.
4. Assume minimum sentences of 1 day and 3 days will be imposed.
5. Assume 20 percent of all subsequent convictions would have license suspended or revoked.
6. Assume the fines imposed increase 10%. (While the bill raises the maximum fine that may be imposed for each offense, it also deletes the language establishing a minimum fine.)
7. Fine collections in previous years:

FY 1978	\$1,384,630
FY 1979	1,514,094
FY 1980	1,623,602
8. Estimated fine collection under current law:

FY 1982	\$1,600,000
FY 1983	1,600,000
9. The fine revenue will continue to be distributed as under current practice:
 - 20% to traffic education fund
 - 74% to general fund
 - 6% to crime victim's compensation account

The revenue generated penalty assessment (imposed on the bill) will be deposited in a highway safety fund in the earmarked account.

Fiscal Impact

Revenue:	<u>FY 1982</u>	<u>FY 1983</u>
Collections under current law	\$1,600,000	\$1,600,000
Collections under proposed law	<u>2,200,000</u>	<u>2,200,000</u>
	+ 600,000	+ 600,000

The additional revenue will be distributed as follows:

Highway Safety Fund	\$440,000	\$440,000
Traffic Education Fund	32,000	32,000
General Fund	118,400	118,400
Crime Victims' Comp. Account	9,600	9,600

Syle Manley, for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-27-81

Expenditure:

The Montana Highway Patrol must pay the county a daily charge for any prisoner being detained that was arrested by the Patrol:

One day minimum sentence:	3,232 x 1/3 =	1,077 x \$10/day	= \$10,770
Three day minimum sentences:	689 x 1/3 =	230 x \$10/day	= \$ 2,300
Subsequent convictions with suspended or revoked license:	689 x 20% =	8 x 90 days	= <u>\$124,200</u>
	12,330 x \$10	12,330 x \$10/day	= \$137,540 x 2 =
		Biennium Total	\$274,540

Technical Note

Page 5, Line 22. The Department of Institutions rather than the Department of Social and Rehabilitation Services currently has responsibility for alcohol programs.

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW SERVICE
7 PERFORMED FOR THE UNITED STATES GOVERNMENT PURSUANT TO TITLE
8 IV, THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970, TO BE
9 CREDITED IN THE MONTANA PUBLIC EMPLOYEES' RETIREMENT
10 SYSTEM."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Service in the United States government.

14 (1) A member who is assigned to an agency of the United
15 States government under Title IV, The Intergovernmental
16 Personnel Act of 1970, may qualify such federal service as
17 creditable service in the public employees' retirement
18 system under subsection (2) of this section, provided that:

19 (a) the member has accrued 5 years or more of service
20 in the public employees' retirement system; and

21 (b) the member returns to full-time employment with
22 the prior state or local government employer for at least 1
23 year after completing service in the United States
24 government.

25 (2) A member of the public employees' retirement

1 system who is assigned to an agency of the United States
2 government has the option to:

3 (a) continue his payments into the account; or

4 (b) ~~allow the board to make his payments for him~~
5 ~~during his United States government service, in which event~~
6 ~~he must repay the account the full amount of the payments~~
7 QUALIFY THIS SERVICE UNDER 19-3-505 within 2 years after his
8 return to active status as a state or local government
9 employee.

10 (3) Salary earned while on assignment to an agency of
11 the United States government must be considered compensation
12 for the purposes of the public employees' retirement system
13 and may be included in the determination of final
14 compensation as defined in 19-3-104, provided that the final
15 compensation cannot exceed 100% of the member's highest
16 annual compensation earned as a state or local government
17 employee.

18 Section 2. Codification instruction. Section 1 is
19 intended to be an integral part of Title 19, chapter 3, part
20 5, and the provisions of Title 19, chapter 3, apply to
21 section 1.

-End-

THIRD READING

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