

HOUSE BILL NO. 59

1/07 Introduced
1/07 Referred to Local Government
1/15 Hearing
1/18 Fiscal Note Requested
1/22 Committee Report-Bill Pass As Amended
1/22 Statement of Intent Attached
1/23 Fiscal Note Received
1/24 Fiscal Note Requested
1/26 Fiscal Note Received
1/28 2nd Reading Do Not Pass
1/28 Bill Killed

1 HOUSE BILL NO. 59
 2 INTRODUCED BY CONNELLY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING EACH COUNTY TO
 5 ESTABLISH A PROGRAM TO PREVENT DRINKING AND DRIVING AND
 6 ALCOHOL-RELATED TRAFFIC ACCIDENTS; FUNDING SUCH PROGRAMS
 7 WITH FINES IMPOSED FOR CONVICTIONS FOR DRIVING UNDER THE
 8 INFLUENCE; AMENDING SECTIONS 46-17-303, 46-17-402,
 9 61-12-701, AND 61-12-703, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. County drinking and driving
 13 prevention program -- task force -- program coordinator --
 14 state approval. (1) The governing body of a county may
 15 establish a program to reduce alcohol-related traffic
 16 accidents. A county that establishes a program shall also
 17 establish a task force to study the problem of
 18 alcohol-related traffic accidents and make program
 19 recommendations and shall appoint an administrator to
 20 operate the program.

21 (2) The program must be revised each year as
 22 necessary.

23 (3) The initial program and each revised program must
 24 be approved by the governor as provided in 61-2-105. The
 25 governor shall monitor the program to ensure that it

1 satisfactorily implements its goals.

2 NEW SECTION. Section 2. Program administrator --
 3 duties. (1) The program administrator serves at the pleasure
 4 of the governing body of the county, which shall determine
 5 his compensation.

6 (2) The program administrator shall:

7 (a) formulate and administer a program designed to
 8 prevent driving while under the influence of alcoholic
 9 beverages, to reduce alcohol-related traffic accidents, and
 10 to educate the public in the dangers of driving after
 11 drinking alcoholic beverages;

12 (b) solicit and consider program suggestions from the
 13 task force provided for by [section 1];

14 (c) annually submit to the governing body of the
 15 county an accounting of all funds received and expended by
 16 the program; and

17 (d) prepare and annually submit to the governing body
 18 of the county and to the governor a report that includes:

19 (i) the progress and effectiveness of the program;

20 (ii) program recommendations;

21 (iii) the number of arrests and convictions in the
 22 county for driving under the influence of alcoholic
 23 beverages and the sentences imposed for such convictions;

24 (iv) the number of alcohol-related traffic accidents in
 25 the county; and

1 (v) any other information required by the governing
2 board of the county or the governor or considered
3 appropriate by the program administrator.

4 NEW SECTION. Section 3. Program funding. A county
5 that has a program provided for in [section 1] must be given
6 one-half of all fines received by any court in the county in
7 satisfaction of a sentence imposed for a violation of
8 61-8-401, 61-8-406, or an ordinance enacted under
9 61-8-401(5). The money must be deposited in the general fund
10 of the county in an account earmarked for the county
11 drinking and driving prevention program. The program
12 administrator may draw upon the account to fund the program.
13 If the program is terminated, money remaining in the account
14 may be transferred by the governing body of the county to
15 any account chosen by the governing body.

16 Section 4. Section 46-17-303, MCA, is amended to read:

17 "46-17-303. Deposit of fines. ~~All~~ Except as provided
18 in [section 3], all fines imposed and collected by a
19 justice's or city court must be paid to the treasurer of the
20 county, city, or town, as the case may be, within 30 days
21 after the receipt of the same. The justice or city judge
22 must take duplicate receipts therefor, one of which he must
23 deposit with the county, city, or town clerk, as the case
24 may be."

25 Section 5. Section 46-17-402, MCA, is amended to read:

1 "46-17-402. Fees and fines. The fees and fines in
2 municipal court shall be the same as the fees and fines
3 provided by law or ordinance, and except as provided in
4 [section 3], all fees and fines collected by the court shall
5 be paid into the city treasury."

6 Section 6. Section 61-12-701, MCA, is amended to read:

7 "61-12-701. Highway patrol -- disposition of fines and
8 forfeitures. (1) All fines and forfeitures collected in any
9 court from persons apprehended or arrested by patrolmen for
10 violation of the laws and regulations relating to the use of
11 state highways and the operation of vehicles thereon must be
12 paid to the state treasurer and by him credited to the
13 general fund of the state, except as provided in [section 3]
14 and except for that portion of the fines otherwise allocated
15 by law which shall be paid into the appropriate accounts in
16 the state special revenue fund.

17 (2) At the time of payment of any such fine or
18 forfeiture, there shall be filed with the state treasurer a
19 complete statement showing the total of the fines or
20 forfeitures received or incurred, which statement shall give
21 the title of the court and cause and be subscribed to by the
22 person or officer making the payments."

23 Section 7. Section 61-12-703, MCA, is amended to read:

24 "61-12-703. Disposition of traffic fines collected
25 from juveniles. All fines collected by the district courts

1 from persons under 18 years of age as the result of traffic
2 summonses for unlawful operation of motor vehicles issued by
3 peace officers of cities or counties or by highway
4 patrolmen, together with the percentage of the fines
5 otherwise deductible by law, shall be retained by the county
6 treasurer of the county in which the offense occurred and,
7 except as provided in [section 3], at the end of each month
8 distributed as follows:

9 (1) Fines collected as the result of summonses issued
10 by city peace officers shall be distributed to the city in
11 which the peace officer is employed and credited to the city
12 general fund.

13 (2) Fines collected as the result of summonses issued
14 by county peace officers shall be retained by the county
15 treasurer and credited to the county road fund.

16 (3) Fines collected as the result of summonses issued
17 by state highway patrolmen shall be paid to the state
18 treasurer, who shall credit them to the general fund of the
19 state.

20 (4) That portion of the fines deductible by law shall
21 be paid to the state treasurer, who shall credit the money
22 to the appropriate accounts in the state special revenue
23 fund."

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 130-85

Form BD-15

In compliance with a written request received January 18, 19 85, there is hereby submitted a Fiscal Note for H.B. 59 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:

House Bill 59 is an act allowing each county to establish a program to prevent drinking and driving and alcohol-related traffic accidents and funding such programs with fines imposed for convictions for driving under the influence from apprehensions and arrests made by the Highway Patrol.

ASSUMPTIONS:

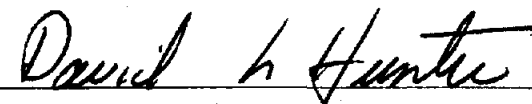
1. Two times the amount of revenue received by the courts for the first 6 months of 1984 is a fairly accurate projection of revenue for the entire year.
2. There will be a 10 percent increase in DUI convictions per year for FY 86 and 87.
3. No Highway Patrol DUI tickets are prosecuted in city courts.

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>
Revenue Impact		
State General Fund	\$ (254,563)	\$ (280,019)
Drinking & Driving Prevention Program		
Special Revenue Fund	254,563	280,019

NOTE:

The wide range of fines collected may indicate many counties would not have sufficient revenue from this source to fund the program.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 23, 1985

STATE OF MONTANA
FISCAL NOTE

Amended
REQUEST NO. FNN130-85
Form BD-15

In compliance with a written request received January 25, 19 85, there is hereby submitted a Fiscal Note for HB 59, as amended, 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.

H.B. 59, as amended in the first reading, allows for each county in cooperation with municipalities to establish a program to prevent drinking and driving and alcohol related traffic accidents, and funding such programs with twenty-seven percent (27%) of the fines imposed for convictions from Highway Patrol arrests for Driving Under the Influence per 61-8-401 or 61-8-406.

Assumptions:

- 1) We assumed an average penalty imposed would be \$250.00.
- 2) We assumed Driving Under the Influence arrests made by the Highway Patrol would increase by ten percent (10%).
- 3) We assumed calendar year data would be the same as fiscal year data.
- 4) We assumed the law would become effective October 1, 1985, resulting in one-quarter of lost revenue for fiscal year 1986.

Fiscal Impact:

	FY 86	FY 87
State General Fund	(\$110,970)	(\$162,742)
Drinking & Driving Prevention Program	\$110,970	\$162,742

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 25, 1985
AMENDED HB 59

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 STATEMENT OF INTENT

2 HOUSE BILL 59

3 House Local Government Committee

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

9 This bill does not grant rulemaking authority.

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

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2 INTRODUCED BY CONNELLY, COHEN, VINCENT, NELSON

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5 ESTABLISH A PROGRAM TO PREVENT DRINKING AND DRIVING AND
6 ALCOHOL-RELATED TRAFFIC ACCIDENTS; FUNDING SUCH PROGRAMS
7 WITH FINES FROM APPREHENSIONS AND ARRESTS MADE BY THE
8 HIGHWAY PATROL IMPOSED FOR CONVICTIONS FOR DRIVING UNDER THE
9 INFLUENCE; AMENDING SECTIONS 46-17-303, 46-17-402,
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16 establish a program to reduce alcohol-related traffic
17 accidents. A county that establishes a program shall also
18 establish a task force to study the problem of
19 alcohol-related traffic accidents and make program
20 recommendations and shall MAY appoint an administrator to
21 operate the program.

22 (2) A MUNICIPALITY MAY PARTICIPATE IN THE PROGRAM UPON
23 SUCH TERMS AS MAY BE AGREED TO BETWEEN THE GOVERNING BODIES
24 OF THE COUNTY AND MUNICIPALITY.

25 (2)(3) The program must be revised each year as

1 necessary.

2 (3)(4) The initial program and each revised program
3 must be approved by the governor as provided in 61-2-105.
4 The governor shall monitor the program to ensure that it
5 satisfactorily implements its goals.

6 NEW SECTION. Section 2. Program administrator --
7 duties. (1) The program administrator serves at the pleasure
8 of the governing body of the county, which shall determine
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13 beverages, to reduce alcohol-related traffic accidents, and
14 to educate the public in the dangers of driving after
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17 task force provided for by [section 1];

18 (c) annually submit to the governing body of the
19 county an accounting of all funds received and expended by
20 the program; and

21 (d) prepare and annually submit to the governing body
22 of the county and to the governor a report that includes:

23 (i) the progress and effectiveness of the program;

24 (ii) program recommendations;

25 (iii) the number of arrests and convictions in the

1 county for driving under the influence of alcoholic
2 beverages and the sentences imposed for such convictions;

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4 the county; and

5 (v) any other information required by the governing
6 board of the county or the governor or considered
7 appropriate by the program administrator.

8 NEW SECTION. Section 3. Program funding. A county
9 that has a program provided for in [section 1] must be given
10 one-half 27% of all fines FROM PERSONS APPREHENDED OR
11 ARRESTED BY HIGHWAY PATROLMEN AND received by any court in
12 the county in satisfaction of a sentence imposed for a
13 violation of 61-8-401, OR 61-8-406, ~~or an ordinance enacted~~
14 ~~under 61-8-401(5)~~. The money must be deposited in the
15 general fund of the county in an account earmarked for the
16 county drinking and driving prevention program. The program
17 administrator may draw upon the account to fund the program.
18 If the program is terminated, ANY money RECEIVED PURSUANT TO
19 THIS SECTION remaining in the account ~~may~~ SHALL be
20 transferred by the governing body of the county to any
21 ~~account chosen by the governing body~~ THE STATE GENERAL FUND.

22 Section 4. Section 46-17-303, MCA, is amended to read:

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16 violation of the laws and regulations relating to the use of
17 state highways and the operation of vehicles thereon must be
18 paid to the state treasurer and by him credited to the
19 general fund of the state, except as provided in [section 3]
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23 (2) At the time of payment of any such fine or
24 forfeiture, there shall be filed with the state treasurer a
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 24 treasurer, who shall credit them to the general fund of the
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-End-