

HOUSE BILL NO. 277

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

IN THE HOUSE

JANUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 30, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 31, 1987	PRINTING REPORT.
FEBRUARY 2, 1987	SECOND READING, DO PASS. ON MOTION, TAKEN FROM ENGROSSING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS.
FEBRUARY 18, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. STATEMENT OF INTENT ADOPTED.
FEBRUARY 19, 1987	PRINTING REPORT.
FEBRUARY 20, 1987	SECOND READING, DO PASS.
FEBRUARY 21, 1987	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 68; NOES, 23. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 23, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 18, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 21, 1987 SECOND READING, CONCURRED IN.

MARCH 24, 1987 THIRD READING, CONCURRED IN.
AYES, 43; NOES, 6.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 26, 1987 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 27, 1987 ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 9, 1987 CONFERENCE COMMITTEE REPORTED.

APRIL 11, 1987 SECOND READING, CONFERENCE COMMITTEE
REPORT REJECTED.

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1987 ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 17, 1987 FREE CONFERENCE COMMITTEE REPORTED.
APRIL 20, 1987 SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.
APRIL 21, 1987 THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1987 FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

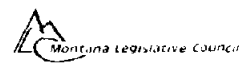
IN THE HOUSE

APRIL 21, 1987 SENT TO ENROLLING.

1 House BILL NO. 277
 2 INTRODUCED BY Pomnelly Halpern Peterson Long
 3 Beam B. ... HARP Kulas ... Moore
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTIES TO
 5 ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND
 6 PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT
 7 FEE."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. County drinking and driving prevention
 11 program. (1) The governing body of a county may appoint a
 12 task force to study the problem of alcohol-related traffic
 13 accidents and recommend a program designed to:
 14 (a) prevent driving while under the influence of
 15 alcohol;
 16 (b) reduce alcohol-related traffic accidents; and
 17 (c) educate the public on the dangers of driving after
 18 consuming alcoholic beverages or other chemical substances
 19 that impair judgment or motor functions.
 20 (2) A task force appointed under subsection (1) shall
 21 conduct its study and submit its recommendations within 6
 22 months from the date it was appointed.
 23 (3) The county governing body may by resolution adopt
 24 the recommendations of the task force appointed under
 25 subsection (1). The proposed program must be approved by the

1 governor as provided in 61-2-105.
 2 (4) The chairman of the task force shall submit to the
 3 county governing body:
 4 (a) a budget and a financial report for each fiscal
 5 year; and
 6 (b) an annual report containing but not limited to:
 7 (i) an evaluation of the effectiveness of the program;
 8 (ii) the number of arrests and convictions in the
 9 county for driving under the influence of alcohol and the
 10 sentences imposed for these convictions;
 11 (iii) the number of alcohol-related traffic accidents
 12 in the county; and
 13 (iv) any other information requested by the county
 14 governing body or the department or considered appropriate
 15 by the task force.
 16 (5) A copy of the annual report must be submitted to
 17 the department.
 18 Section 2. License reinstatement fee to fund county
 19 drinking and driving prevention programs. (1)
 20 Notwithstanding the provisions of any other law of the
 21 state, a driver's license that has been suspended or revoked
 22 under 61-5-205, 61-5-206, or 61-8-402 may not be restored
 23 until the driver has paid to the department a fee of \$50 in
 24 addition to any other fines, forfeitures, and penalties
 25 assessed as a result of conviction for a violation of the



1 traffic laws of the state.

2 (2) The department shall deposit the fees collected
3 under subsection (1) in a drinking and driving prevention
4 account in the proprietary fund category in the state
5 treasury.

6 (3) If the county in which the violation or violations
7 occurred has initiated and maintained a drinking and driving
8 prevention program as provided in [section 1], the
9 department shall transmit the proceeds of the license
10 reinstatement fees collected in that county to the county
11 treasurer at the end of each quarter, and the treasurer
12 shall deposit the license reinstatement fee in an account
13 earmarked for the program.

14 (4) If the county in which the violation or violations
15 occurred has not initiated a drinking and driving prevention
16 program as provided in [section 1] or if the county has
17 initiated and terminated a drinking and driving prevention
18 program, the department shall allocate the fee to counties
19 with current programs at the end of each quarter, in inverse
20 proportion to the amount of license reinstatement fees
21 transmitted to each county during the previous 3 months.

22 (5) If the license was suspended or revoked as a
23 result of violations that occurred in more than one county,
24 the department shall transmit the fee to the treasurer of
25 the county in which the licensee resides at the time the

1 license is restored, if that county has a current drinking
2 and driving prevention program. If the licensee's county of
3 residence does not have a drinking and driving prevention
4 program, the department shall allocate the fee as provided
5 in subsection (3).

6 Section 3. Codification instruction. Sections 1 and 2
7 are intended to be codified as an integral part of Title 61,
8 chapter 2, and the provisions of Title 61, chapter 2, apply
9 to sections 1 and 2.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB277, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing counties to establish drinking and driving prevention programs, and providing for funding with a driver's license reinstatement fee.

ASSUMPTIONS:

1. Assume 9,600 suspension and revocations exist under current law.
2. Assume 63% will pay reinstatement fee (22% out-of-state no pays and 15% in-state no pays).
3. Workload would require two FTE (clerk-typist, Gr 6, St 2; Accounting Tech, Gr 9, St 2; plus 18% employee benefits and operating expense, plus equipment).
4. Assume all revenue to be disbursed to qualifying counties.
5. Assume spending authority will be appropriated to the Department of Justice.

FISCAL IMPACT:

	<u>FY88</u>			<u>FY89</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u> (12 months FY88-FY89)						
Personal Services	\$ 0	\$ 31,130	\$ 31,130	\$ 0	\$ 31,130	\$ 31,130
Operating Expenses	0	2,400	2,400	0	400	400
Equipment		900	900		0	0
TOTAL	\$ 0	\$ 34,430	\$ 34,430	\$ 0	\$ 31,530	\$ 31,530
<u>Funding:</u>						
General Fund		\$ 34,430	\$ 34,430		\$ 31,530	\$ 31,530
<u>Local Government Pass Through</u>	\$ 0	\$ 226,800	\$ 226,800	\$ 0	\$ 302,400	\$ 302,400
<u>Revenue:</u> (9 months FY88)						
Fees (12 months FY89)	\$ 0	\$ 226,800	\$ 226,800	\$ 0	\$ 302,400	\$ 302,400

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

Section 2, part (2). The fund should read the Special Revenue Fund category, not the proprietary fund.

David L. Hunter DATE 1/24/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

M. E. Connelly DATE 1/26/87
 MARY ELLEN CONNELLY, PRIMARY SPONSOR
 Fiscal Note for HB277, as introduced.

HB-277

50th Legislature

HB 0277/si

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS

AS AMENDED

1 STATEMENT OF INTENT

2 HOUSE BILL 277

3 House Appropriations Committee

4

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

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

11 It is further the intent of the legislature that the
12 1989 legislature consider making a general fund
13 appropriation for this program in fiscal 1990 and 1991 which
14 is equal to the revenue collected in fiscal 1988 and 1989,
15 respectively.

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; AND PROVIDING AN
EFFECTIVE DATE."

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

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

months from the date it was appointed.

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

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

- (a) a budget and a financial report for each fiscal year; and
- (b) an annual report containing but not limited to:
 - (i) an evaluation of the effectiveness of the program;
 - (ii) the number of arrests and convictions in the county for driving under the influence of alcohol and the sentences imposed for these convictions;
 - (iii) the number of alcohol-related traffic accidents in the county; and
 - (iv) any other information requested by the county governing body or the department or considered appropriate by the task force.

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

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



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

12 ~~{3}~~SECTION 3. FUNDING ALLOCATION FOR PROGRAMS TO
 13 PREVENT OR REDUCE DRINKING AND DRIVING. (1) If the county
 14 in which the violation or violations occurred has initiated
 15 and maintained a drinking and driving prevention program as
 16 provided in [section 1], the department shall transmit the
 17 ~~proceeds-of-the-license-reinstatement-fees-collected-in-that~~
 18 ~~county--to--the-county-treasurer-at-the-end-of-each-quarter,~~
 19 ~~and--the~~ PROPORTION OF THE PROCEEDS OF THE LICENSE
 20 REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE TOTAL
 21 COLLECTED FOR THE STATE TO THE COUNTY TREASURER BY SEPTEMBER
 22 30 OF EACH FISCAL YEAR FOR WHICH THERE IS AN APPROPRIATION.
 23 THE treasurer shall deposit the ~~license-reinstatement-fee~~
 24 MONEY in an account earmarked for the program.

25 ~~{4}~~(2) If the county in which the violation or

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

9 ~~{5}~~--If--the--license--was--suspended--or--revoked-as-a
 10 result-of-violations-that-occurred-in-more-than-one--county,
 11 the--department--shall--transmit-the-fee-to-the-treasurer-of
 12 the-county-in-which-the-licensee-resides--at--the--time--the
 13 license--is--restored, if-that-county-has-a-current-drinking
 14 and-driving-prevention-program, if-the-licensee's-county--of
 15 residence--does--not--have-a-drinking-and-driving-prevention
 16 program, the-department-shall-allocate-the-fee--as--provided
 17 in--subsection--{3}, THE DEPARTMENT SHALL TRANSMIT THE
 18 PROCEEDS-OF-THE-LICENSE-REINSTATEMENT-FEES-COLLECTED-IN-THAT
 19 COUNTY-TO-THE-COUNTY-TREASURER-AT-THE-END-OF--EACH--QUARTER,
 20 AND--THE PROPORTION OF THE PROCEEDS OF THE LICENSE
 21 REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE TOTAL
 22 COLLECTED FOR THE STATE TO THE COUNTY TREASURER BY SEPTEMBER
 23 30 OF EACH FISCAL YEAR FOR WHICH THERE IS AN APPROPRIATION.
 24 THE TREASURER SHALL DEPOSIT THE LICENSE--REINSTATEMENT--FEE
 25 MONEY IN AN ACCOUNT EARMARKED SOLELY FOR FUNDING EDUCATION

1 OR LAW ENFORCEMENT AIMED AT REDUCING DRIVING UNDER THE
2 INFLUENCE OF ALCOHOL OR NARCOTIC DRUGS.

3 SECTION 4. APPROPRIATION. ALL MONEY DEPOSITED IN THE
4 SPECIAL REVENUE ACCOUNT ESTABLISHED IN (SECTION 2) IS
5 APPROPRIATED TO THE DEPARTMENT OF JUSTICE FOR THE BIENNIMUM
6 ENDING JUNE 30, 1989, FOR DISTRIBUTION AS PROVIDED IN THIS
7 ACT.

8 Section 4. Codification instruction. Sections 1 and 2
9 THROUGH 3 are intended to be codified as an integral part of
10 Title 61, chapter 2, and the provisions of Title 61, chapter
11 2, apply to sections 1 and 2 THROUGH 3.

12 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
13 1, 1987.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 277

3 House Appropriations Committee

4
5 It is the intent of the legislature that the license
6 reinstatement fee collected be deposited in the general
7 fund.

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

11 It is further the intent of the legislature that the
12 1989 legislature consider making a general fund
13 appropriation for this program in fiscal 1990 and 1991 which
14 is equal to the revenue collected in fiscal 1988 and 1989,
15 respectively.

THIRD READING

HB-277

1 HOUSE BILL NO. 277

2 INTRODUCED BY CONNELLY, HALLIGAN, PETERSON, LORY,
3 REAM, BRANDEWIE, HARP, KADAS, HANSEN, MOORE,
4 VINCENT, FRITZ, SQUIRES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTIES TO
7 ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND
8 PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT
9 FEE; AND PROVIDING AN APPROPRIATION ALLOCATION PROCEDURE FOR
10 THE APPROPRIATION TO THIS PROGRAM; AND PROVIDING AN
11 EFFECTIVE DATE."
12

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

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

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

20 (b) reduce alcohol-related traffic accidents; and

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

24 (2) A task force appointed under subsection (1) shall
25 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 Section 2. License reinstatement fee to fund county
23 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

1 FOR DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL
 2 OR A NARCOTIC DRUG under 61-5-205, ~~61-5-286~~, or SEIZED
 3 PURSUANT TO 61-8-402 may not be restored until the driver
 4 has paid to the department a fee of \$50 in addition to any
 5 other fines, forfeitures, and penalties assessed as a result
 6 of conviction for a violation of the traffic laws of the
 7 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.

12 ~~{3}~~ SECTION 3. FUNDING ALLOCATION FOR PROGRAMS TO
 13 PREVENT OR REDUCE DRINKING AND DRIVING. (1) If the county
 14 in which the violation or violations occurred has initiated
 15 and maintained a drinking and driving prevention program as
 16 provided in [section 1], the department shall transmit the
 17 ~~proceeds of the license reinstatement fees collected in that~~
 18 ~~county to the county treasurer at the end of each quarter,~~
 19 ~~and the~~ PROPORTION OF THE PROCEEDS OF THE LICENSE
 20 REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE TOTAL
 21 COLLECTED FOR THE STATE TO THE COUNTY TREASURER BY SEPTEMBER
 22 30 OF EACH FISCAL YEAR FOR WHICH THERE IS AN APPROPRIATION.
 23 THE treasurer shall deposit the ~~license reinstatement fee~~
 24 MONEY in an account earmarked for the program.

25 ~~{4}~~(2) If the county in which the violation or

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

9 ~~{5}~~ ~~if the license was suspended or revoked as a~~
 10 ~~result of violations that occurred in more than one county,~~
 11 ~~the department shall transmit the fee to the treasurer of~~
 12 ~~the county in which the licensee resides at the time the~~
 13 ~~license is restored, if that county has a current drinking~~
 14 ~~and driving prevention program. If the licensee's county of~~
 15 ~~residence does not have a drinking and driving prevention~~
 16 ~~program, the department shall allocate the fee as provided~~
 17 ~~in subsection {3},~~ THE DEPARTMENT SHALL TRANSMIT THE
 18 PROCEEDS OF THE LICENSE REINSTATEMENT FEES COLLECTED IN THAT
 19 COUNTY TO THE COUNTY TREASURER AT THE END OF EACH QUARTER,
 20 AND THE PROPORTION OF THE PROCEEDS OF THE LICENSE
 21 REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE TOTAL
 22 COLLECTED FOR THE STATE TO THE COUNTY TREASURER BY SEPTEMBER
 23 30 OF EACH FISCAL YEAR FOR WHICH THERE IS AN APPROPRIATION.
 24 THE TREASURER SHALL DEPOSIT THE LICENSE REINSTATEMENT FEE
 25 MONEY IN AN ACCOUNT EARMARKED SOLELY FOR FUNDING EDUCATION

1 OR LAW ENFORCEMENT AIMED AT REDUCING DRIVING UNDER THE
2 INFLUENCE OF ALCOHOL OR NARCOTIC DRUGS.

3 SECTION 4. APPROPRIATION. ALL MONEY DEPOSITED IN THE
4 SPECIAL REVENUE ACCOUNT ESTABLISHED IN {SECTION 2} IS
5 APPROPRIATED TO THE DEPARTMENT OF JUSTICE FOR THE BIENNIAL
6 ENDING JUNE 30, 1987, FOR DISTRIBUTION AS PROVIDED IN THIS
7 ACT.

8 Section 4. Codification instruction. Sections 1 and 2
9 THROUGH 3 are intended to be codified as an integral part of
10 Title 61, chapter 2, and the provisions of Title 61, chapter
11 2, apply to sections 1 and 2 THROUGH 3.

12 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
13 1, 1987.

-End-

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.

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

Funding:

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

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

Pass Through:	\$ 0	\$ 302,400	\$ 302,400	\$ 0	\$ 302,400	\$ 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. Connelly DATE _____
 MARY ELLEN CONNELLY, PRIMARY SPONSOR

Fiscal Note for HB277, Grey Reading Copy.

1 STATEMENT OF INTENT

2 HOUSE BILL 277

3 House Appropriations Committee

4
5 ~~it is the intent of the legislature that the license~~
6 ~~reinstatement fee collected be deposited in the general~~
7 ~~fund.~~

8 ~~it is the intent of the legislature that the records be~~
9 ~~kept to identify the amount of money collected by the county~~
10 ~~each year.~~

11 ~~it is further the intent of the legislature that the~~
12 ~~1989 legislature consider making a general fund~~
13 ~~appropriation for this program in fiscal 1990 and 1991 which~~
14 ~~is equal to the revenue collected in fiscal 1988 and 1989,~~
15 ~~respectively.~~

REFERENCE BILL
HB 277



1 HOUSE BILL NO. 277

2 INTRODUCED BY CONNELLY, HALLIGAN, PETERSON, LORY,

3 REAM, BRANDEWIE, HARP, KADAS, HANSEN, MOORE,

4 VINCENT, FRITZ, SQUIRES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTIES TO
7 ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND
8 PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT
9 FEE; AND PROVIDING AN APPROPRIATION ALLOCATION-PROCEDURE-FOR
10 THE APPROPRIATION TO THIS PROGRAM; AMENDING SECTION
11 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."
12

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

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

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

20 (b) reduce alcohol-related traffic accidents; and

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

24 (2) A task force appointed under subsection (1) shall
25 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

1 ~~FOR DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL~~
 2 ~~OR A NARCOTIC DRUG~~ under 61-5-205, ~~61-5-206~~, 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}~~ {3} ~~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

1 ~~30--OF--EACH--FISCAL--YEAR--FOR--WHICH--THERE--IS--AN--APPROPRIATION~~
 2 ~~AT THE END OF EACH QUARTER, THE TREASURER SHALL DEPOSIT THE~~
 3 ~~LICENSE--REINSTATEMENT--FEE MONEY IN AN ACCOUNT EARMARKED~~
 4 ~~SOLELY FOR FUNDING EDUCATION OR LAW ENFORCEMENT AIMED AT~~
 5 ~~REDUCING DRIVING UNDER THE INFLUENCE OF ALCOHOL OR NARCOTIC~~
 6 ~~DRUGS.~~

7 NEW SECTION. SECTION 4. APPROPRIATION. ALL MONEY
 8 DEPOSITED IN THE DRINKING AND DRIVING PREVENTION ACCOUNT
 9 ESTABLISHED IN [SECTION 2] IS STATUTORILY APPROPRIATED, AS
 10 PROVIDED IN 17-7-502, TO THE DEPARTMENT OF JUSTICE FOR
 11 DISTRIBUTION AS PROVIDED IN [SECTION 3].

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

13 "17-7-502. Statutory appropriations -- definition --
 14 requisites for validity. (1) A statutory appropriation is an
 15 appropriation made by permanent law that authorizes spending
 16 by a state agency without the need for a biennial
 17 legislative appropriation or budget amendment.

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

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

23 (b) The law or portion of the law making a statutory
 24 appropriation must specifically state that a statutory
 25 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-

STANDING COMMITTEE REPORT

SENATE

March 17 19 87

Senate Judiciary
HB 277
Page 2

March 17 x 19 87

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on.....

having had under consideration..... HOUSE BILL No. XXX 277

Third reading copy (blue color)

Imposing a driver's license reinstatement fee to fund county DUI programs.
x 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"

- 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) 16-1-404;
- (m) 16-1-410;

XXXXXX

XXXXXXXXXX

XXXXXXXXXX AND AS AMENDED

BE CONCURRED IN

PK

[Signature]
SENATOR Mazurek

Chairman

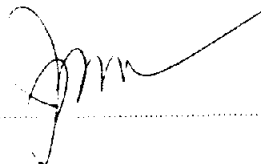
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[Signature]

- (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;
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- (bb) 19-12-301;
- (cc) 19-13-604;
- (dd) 20-6-406;
- (ee) 20-8-111;
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- (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



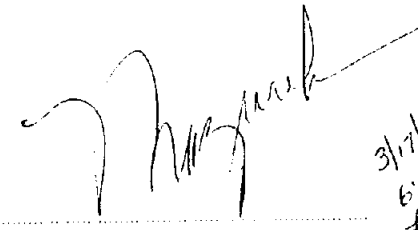
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8. Page 5, line 9.
Following: "THROUGH"
Strike: "3"
Insert: "4"

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.



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JJS

CONFERENCE COMMITTEE REPORT

Report No. One

April 9 1987

MR. SPEAKER

We, your _____ Conference Committee on
HB 277

_____ Senate Committee on Judiciary amendments to the third
met and considered _____
reading copy, dated March 17, 1987.

We recommend as follows:

That House Bill 277, reference copy, be amended as indicated in
the instructions.

- 1) Page 3, line 2.
- Strike: "61-5-206,"

And that this Conference Committee report be adopted.

FOR THE SENATE

Vict Pinsonneault

Senator Pinsonneault

Mike Halligan

Senator Beck

Gerr Beck

Senator Halligan

FOR THE HOUSE

Walter Jones

Rep. Sales, Chairman

Ralph S. Eudaily

Rep. Eudaily

M. E. Connelly

Rep. Connelly

ADOPT REJECT

CORRECTED
SECOND PRINTING

SW

CONFERENCE COMMITTEE REPORT

Report No.One.....

....April...7... 19..87....

MR. PRESIDENT

We, your _____ Conference Committee on
House Bill 277

met and considered _____ Senate Committee on Judiciary amendments to the third
reading copy, dated March 17, 1987.

We recommend as follows: That House Bill 277, reference copy, be amended
as indicated in the instructions.

INSTRUCTIONS:

1. Page 3, line 2.
Following: "~~DRUG~~"
Insert: "for driving a motor vehicle under the influence
of alcohol or a narcotic drug"
Following: "~~61-5-206,~~"
Strike: ", 61-5-206,"

And that this Conference Committee report be adopted.

FOR THE SENATE

Wick
Ben
Conrad
Pom
Beck
W. H. Sullivan

FOR THE HOUSE

Walter Jones
Ralph S. Ables
M. E. Connelly

ADOPT. REJECT

CONFERENCE COMMITTEE REPORT

.....April 16 1987...

MR. SPEAKER

We, your _____ Free _____ Conference Committee on

HB 277

met and considered _____ House Bill 277 in its entirety.

We recommend as follows:

THAT HOUSE BILL 277, reference copy (salmon), BE AMENDED AS FOLLOWS:

1) Statement of Intent, line 5.

Insert: "It is the intent of the legislature:

(1) that the proceeds of the license reinstatement fee be deposited in the general fund;

(2) that the amount of money collected in each county be recorded for each quarter; and

(3) that the legislature appropriate each quarter, from the general fund to the highway traffic safety division of the department of justice, an amount equal to the proceeds collected in fiscal 1988 and fiscal 1989 from the counties with a drinking and driving prevention program, for distribution to those counties."


2) Title, lines 10 and 11.

Strike: "AMENDING SECTION 17-7-502, MCA;"

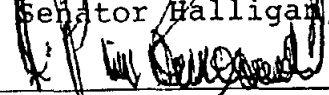
CONTINUED

And that this Conference Committee report be adopted.


FOR THE SENATE



 Senator Halligan, Chairman

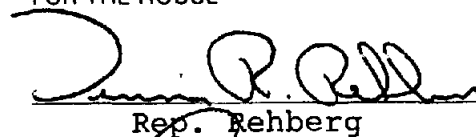


 Senator Pinsoneault




 Senator Beck

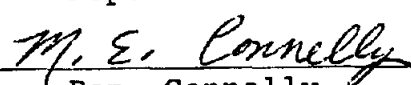
FOR THE HOUSE



 Rep. Rehberg



 Rep. Donaldson



 Rep. Connelly

3) Page 3, line 2.
Strike: ",61-5-206,"

4) Page 3, line 9.
Following: "in"
Insert: "the general fund"

5) Page 3, line 11.
Strike: "A DRINKING" on line 11 through "TREASURY" on line 13

6) Page 3, line 15.
Strike: "(1)"

7) Page 3, line 21.
Strike: "PROPORTION OF THE"

8) Page 3, line 23.
Strike: "TOTAL COLLECTED FOR THE STATE TO THE"

9) Page 3, line 25 through line 6 of page 5.
Following: "QUARTER."
Strike: "THE" on line 25 through "DRUGS." on page 5, line 6.

10) Page 5, line 7.
Strike: "ALL MONEY" through "payments" on page 8, line 6
Insert: "There is appropriated from the general fund to the highway traffic safety division of the department of justice for the biennium ending June 30, 1989, all money collected under section 2 from counties with a drinking and driving prevention program as provided in section 1, to be distributed as provided in section 3"

Renumber subsequent sections

11) Strike: "NEW SECTION." in the following locations:
Page 1, line 14.
Page 2, line 22.
Page 3, line 14.
Page 5, line 7.
Page 8, lines 12 and 17.

TR

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.

IT IS THE INTENT OF THE LEGISLATURE:

(1) THAT THE PROCEEDS OF THE LICENSE REINSTATEMENT FEE
BE DEPOSITED IN THE GENERAL FUND;

(2) THAT THE AMOUNT OF MONEY COLLECTED IN EACH COUNTY
BE RECORDED FOR EACH QUARTER; AND

(3) THAT THE LEGISLATURE APPROPRIATE EACH QUARTER,
FROM THE GENERAL FUND TO THE HIGHWAY TRAFFIC SAFETY DIVISION
OF THE DEPARTMENT OF JUSTICE, AN AMOUNT EQUAL TO THE
PROCEEDS COLLECTED IN FISCAL 1988 AND FISCAL 1989 FROM THE
COUNTIES WITH A DRINKING AND DRIVING PREVENTION PROGRAM, FOR

1 DISTRIBUTION TO THOSE COUNTIES.



1 HOUSE BILL NO. 277

2 INTRODUCED BY CONNELLY, HALLIGAN, PETERSON, LORY,
3 REAM, BRANDEWIE, HARP, KADAS, HANSEN, MOORE,
4 VINCENT, FRITZ, SQUIRES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTIES TO
7 ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND
8 PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT
9 FEE; ~~AND PROVIDING AN APPROPRIATION ALLOCATION-PROCEDURE-FOR~~
10 ~~THE APPROPRIATION TO THIS PROGRAM; AMENDING---SECTION~~
11 ~~17-7-502, -MEA; AND PROVIDING AN EFFECTIVE DATE."~~
12

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

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

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

20 (b) reduce alcohol-related traffic accidents; and

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

24 (2) A task force appointed under subsection (1) shall
25 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

1 ~~FOR DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL~~
 2 ~~OR A NARCOTIC DRUG~~ under 61-5-205~~7~~-61-5-206~~7~~ or
 3 ~~SECTION 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 THE GENERAL FUND a drinking and
 10 driving prevention account in the proprietary SPECIAL
 11 REVENUE fund category in the state treasury THE GENERAL FUND
 12 A DRINKING AND DRIVING PREVENTION ACCOUNT IN THE SPECIAL
 13 REVENUE FUND CATEGORY IN 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

1 ~~30--OF--EACH--FISCAL--YEAR--FOR--WHICH--THERE--IS--AN--APPROPRIATION~~
 2 ~~AT--THE--END--OF--EACH--QUARTER,--THE--TREASURER--SHALL--DEPOSIT--THE~~
 3 ~~LICENSE--REINSTATEMENT--FEE--MONEY--IN--AN--ACCOUNT--EARMARKED~~
 4 ~~SOLELY--FOR--FUNDING--EDUCATION--OR--LAW--ENFORCEMENT--AIMED--AT~~
 5 ~~REDUCING--DRIVING--UNDER--THE--INFLUENCE--OF--ALCOHOL--OR--NARCOTIC~~
 6 ~~DRUGS.~~

7 NEW-SECTION. SECTION 4. APPROPRIATION. ALL---MONEY
 8 DEPOSITED--IN--THE--DRINKING--AND--DRIVING--PREVENTION--ACCOUNT
 9 ESTABLISHED--IN--(SECTION-2) IS STATUTORILY--APPROPRIATED,--AS
 10 PROVIDED--IN--17-7-502,--TO--THE--DEPARTMENT--OF--JUSTICE--FOR
 11 DISTRIBUTION--AS--PROVIDED--IN--(SECTION--3); THERE IS
 12 APPROPRIATED FROM THE GENERAL FUND TO THE HIGHWAY TRAFFIC
 13 SAFETY DIVISION OF THE DEPARTMENT OF JUSTICE, FOR THE
 14 BIENNIUM ENDING JUNE 30, 1989, ALL MONEY COLLECTED UNDER
 15 SECTION 2 FROM COUNTIES WITH A DRINKING AND DRIVING
 16 PREVENTION PROGRAM AS PROVIDED IN SECTION 1, TO BE
 17 DISTRIBUTED AS PROVIDED IN SECTION 3.

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

19 "17-7-502--Statutory--appropriations--definition--
 20 requisites-for-validity;--(1)--A--statutory--appropriation--is
 21 an--appropriation--made--by--permanent--law--that--authorizes
 22 spending--by--a--state--agency--without--the--need--for--a--biennial
 23 legislative--appropriation--or--budget--amendment;

24 (2)--Except--as--provided--in--subsection--(4),--to--be
 25 effective,--a--statutory--appropriation--must--comply--with--both

1 of-the-following-provisions:

2 (a)--The-law-containing-the-statutory-authority-must-be
 3 listed-in-subsection-(3);

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

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

9 (a)--2-9-202;

10 (b)--2-17-105;

11 (c)--2-10-012;

12 (d)--10-3-203;

13 (e)--10-3-312;

14 (f)--10-3-314;

15 (g)--10-4-301;

16 (h)--13-37-304;

17 (i)--15-31-702;

18 (j)--15-36-112;

19 (k)--15-70-101;

20 (l)--16-1-404;

21 (m)--16-1-410;

22 (n)--16-1-411;

23 (o)--17-3-212;

24 (p)--17-5-404;

25 (q)--17-5-424;

1 {r}-17-5-804;
 2 {s}-19-8-504;
 3 {t}-19-9-702;
 4 {u}-19-9-1007;
 5 {v}-19-10-205;
 6 {w}-19-10-305;
 7 {x}-19-10-506;
 8 {y}-19-11-512;
 9 {z}-19-11-513;
 10 {aa}-19-11-606;
 11 {bb}-19-12-301;
 12 {cc}-19-13-604;
 13 {dd}-20-6-406;
 14 {ee}-20-8-111;
 15 {ff}-23-5-612;
 16 {gg}-37-51-501;
 17 {hh}-53-24-206;
 18 {ii}-75-1-1101;
 19 {jj}-75-7-305;
 20 {kk}-80-2-103;
 21 {ll}-80-2-220;
 22 {mm}-90-3-301;
 23 {nn}-90-3-302;
 24 {oo}-90-15-103;-and
 25 {pp}-Sec.-13;-HB-861;-b;-1985;-and

1 ~~{qq}-{section-4}-~~
 2 ~~{4}-There-is-a-statutory-appropriation-to-pay-the~~
 3 ~~principal;-interest;-premiums;-and-costs-of-issuing;-paying;~~
 4 ~~and-securing-all-bonds;-notes;-or-other-obligations;-as-due;~~
 5 ~~that-have-been-authorized-and-issued-pursuant-to-the-laws-of~~
 6 ~~Montana;-Agencies-that-have-entered-into-agreements~~
 7 ~~authorized-by-the-laws-of-Montana-to-pay-the-state~~
 8 ~~treasurer;-for-deposit-in-accordance-with-17-2-101-through~~
 9 ~~17-2-107;-as-determined-by-the-state-treasurer;-an-amount~~
 10 ~~sufficient-to-pay-the-principal-and-interest-as-due-on-the~~
 11 ~~bonds-or-notes-have-statutory-appropriation-authority-for~~
 12 ~~such-payments."~~
 13 SECTION 4. APPROPRIATION. ALL MONEY DEPOSITED IN THE
 14 SPECIAL REVENUE ACCOUNT ESTABLISHED IN {SECTION 2} IS
 15 APPROPRIATED TO THE DEPARTMENT OF JUSTICE FOR THE BIENNium
 16 ENDING JUNE 30, 1989, FOR DISTRIBUTION AS PROVIDED IN THIS
 17 ACT.
 18 NEW SECTION: Section 5. Codification instruction.
 19 Sections 1 and 2 THROUGH 3 4 3 are intended to be codified
 20 as an integral part of Title 61, chapter 2, and the
 21 provisions of Title 61, chapter 2, apply to sections 1 and 2
 22 THROUGH 3 4 3.
 23 NEW SECTION: SECTION 6. EFFECTIVE DATE. THIS ACT IS
 24 EFFECTIVE JULY 1, 1987.

-End-