

HOUSE BILL NO. 128

INTRODUCED BY D. BROWN, STRIZICH

IN THE HOUSE

JANUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 26, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 27, 1993	PRINTING REPORT.
JANUARY 28, 1993	SECOND READING, DO PASS.
JANUARY 29, 1993	ENGROSSING REPORT.
JANUARY 30, 1993	THIRD READING, PASSED. AYES, 88; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 27, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 30, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 31, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 2.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 2, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 5, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 128
2 INTRODUCED BY Dave Brown B. M.
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR NOTICE,
5 PUBLIC MEETINGS, AND A PUBLIC HEARING AS PART OF THE
6 DEVELOPMENT OF A COUNTY DRINKING AND DRIVING PREVENTION
7 PROGRAM; AND AMENDING SECTION 61-2-106, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 61-2-106, MCA, is amended to read:

11 "61-2-106. County drinking and driving prevention
12 program. (1) The governing body of a county may appoint a
13 task force to study the problem of alcohol-related traffic
14 accidents and recommend a program designed to:

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

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

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

21 (2) A task force appointed under subsection (1) shall
22 conduct its study and submit its recommendations within 6
23 months from the date it was appointed. Task force meetings
24 are open to the public. The task force shall give at least 7
25 days' notice of each meeting by publication in a newspaper

1 of general circulation in the county.

2 (3) The county governing body shall hold a public
3 hearing on the program. At least 7 days' notice of the
4 hearing must be given by publication in a newspaper of
5 general circulation in the county. After the hearing, the
6 county governing body may by resolution adopt the
7 recommendations of the task force appointed under subsection
8 (1). The proposed program must be approved by the governor
9 as provided in 61-2-105.

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

12 (a) a budget and a financial report for each fiscal
13 year; and

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

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

16 (ii) the number of arrests and convictions in the county
17 for driving under the influence of alcohol and the sentences
18 imposed for these convictions;

19 (iii) the number of alcohol-related traffic accidents in
20 the county; and

21 (iv) any other information requested by the county
22 governing body or considered appropriate by the task force.

23 (5) A copy of the annual report may be submitted to the
24 department."

-End-

-2-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0128, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Provides for notice, public meetings, and a public hearing as part of the development of a county drinking and driving prevention program.

ASSUMPTIONS:

1. There are currently eighteen (18) county Driving Under the Influence (DUI) task forces in the state.
2. All current DUI task forces meet monthly so there will be no increased costs other than required publication of hearing notices in local newspapers.
3. All county governing bodies meet currently to approve DUI task force plans. There will be no increased costs other than required publication of hearing notices in local newspapers.
4. The average cost of newspaper publication of meetings and hearings notices is estimated at \$15 per notice.
5. It is estimated that there will be one task force meeting per month for each current task force ($18 \times 12 = 216$) and one county commission meeting per year for each affected county (18) that will require published notices. The total estimated costs of the notice publication are about \$3,500 per year $[(216 + 18) \times \$15]$.
6. There will be no fiscal impact on the Highway Traffic Safety Division or other state agencies.

FISCAL IMPACT:

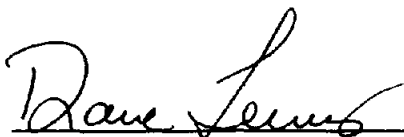
No fiscal impact on state agencies.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The estimated statewide impact is an increase of \$3,500 per year in operating expenses for county governments.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The increase in administrative costs at the county level will continue in future biennia.



DAVE LEWIS, BUDGET DIRECTOR
Office of Budget and Program Planning

1-14-93

DATE

DAVE BROWN, PRIMARY SPONSOR

DATE

Fiscal Note for HB0128, as introduced

HB 128

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 128

INTRODUCED BY D. BROWN, STRIZICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR NOTICE, PUBLIC MEETINGS, AND A PUBLIC HEARING AS PART OF THE DEVELOPMENT OF A COUNTY DRINKING AND DRIVING PREVENTION PROGRAM; PROVIDING FOR NOTICE AND A PUBLIC MEETING BEFORE A LOCAL GOVERNMENT ENTITY DISTRIBUTES DRIVER'S LICENSE REINSTATEMENT FEE MONEY TO GOVERNMENT AND PRIVATE ENTITIES TO BE USED FOR PROGRAMS RELATING TO SUBSTANCE ABUSE, MINORS' PROBLEMS, AND LAW ENFORCEMENT TRAINING AND EQUIPMENT; AND AMENDING ~~SECTION~~ SECTIONS 61-2-106 AND 61-2-107, MCA."

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

Section 1. Section 61-2-106, MCA, is amended to read:

"61-2-106. 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. Task force meetings are open to the public. The task force shall give at least 7 days' notice of each meeting by publication in a newspaper of general circulation in the county.

(3) The county governing body shall hold a public hearing on the program. At least 7 days' notice of the hearing must be given by publication in THE PUBLIC SERVICE ANNOUNCEMENTS SECTION OF a newspaper of general circulation in the county. After the hearing, 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 considered appropriate by the task force.

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

SECTION 2. SECTION 61-2-107, MCA, IS AMENDED TO READ:

"61-2-107. (Temporary) License reinstatement fee to fund county drinking and driving prevention programs -- balance transferred. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in the general fund. On or before June 30, 1993, the department shall transfer to the general fund the balance of money in the state special revenue account collected as license reinstatement fees. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-2-107. (Effective July 1, 1993) License reinstatement fee to fund county--drinking--and--driving prevention programs relating to substance abuse, minors' problems, and law enforcement training and equipment. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in an account in the state special revenue fund to be distributed to county treasurers. The department shall distribute to each county treasurer money in the account collected as license reinstatement fees in that county. The county treasurer shall distribute the money to each incorporated city or town in the county in the ratio that the population of the incorporated city or town bears to the total population of incorporated cities or towns in the

1 county, based on figures provided by the most recent
2 official census. An incorporated city or town shall
3 distribute the money to state and local government entities,
4 and private entities working with state and local government
5 entities, that operate programs within the county that
6 address the problems and concerns of minors, including but
7 not limited to substance abuse and delinquency and
8 chemical-free youth facilities and programs. Up to one-half
9 of the money distributed under this subsection (b) may be
10 used for adult chemical dependency programs and law
11 enforcement training programs and for equipment for local
12 government law enforcement agencies within the respective
13 jurisdiction. Before a local government entity distributes
14 money to a state or local government or private entity for
15 the operation of programs referred to in this subsection
16 (b), the distributing government entity shall, after at
17 least 7 days' notice of the meeting by publication in the
18 public service announcements section of a newspaper of
19 general circulation in the county, hold a public meeting on
20 the entities to and purposes for which the money should be
21 distributed."

-End-

1 HOUSE BILL NO. 128

2 INTRODUCED BY D. BROWN, STRIZICH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR NOTICE,
5 PUBLIC MEETINGS, AND A PUBLIC HEARING AS PART OF THE
6 DEVELOPMENT OF A COUNTY DRINKING AND DRIVING PREVENTION
7 PROGRAM; PROVIDING FOR NOTICE AND A PUBLIC MEETING BEFORE A
8 LOCAL GOVERNMENT ENTITY DISTRIBUTES DRIVER'S LICENSE
9 REINSTATEMENT FEE MONEY TO GOVERNMENT AND PRIVATE ENTITIES
10 TO BE USED FOR PROGRAMS RELATING TO SUBSTANCE ABUSE, MINORS'
11 PROBLEMS, AND LAW ENFORCEMENT TRAINING AND EQUIPMENT; AND
12 AMENDING SECTION SECTIONS 61-2-106 AND 61-2-107, MCA."

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

15 Section 1. Section 61-2-106, MCA, is amended to read:

16 "61-2-106. County drinking and driving prevention
17 program. (1) The governing body of a county may appoint a
18 task force to study the problem of alcohol-related traffic
19 accidents and recommend a program designed to:

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

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

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

1 (2) A task force appointed under subsection (1) shall
2 conduct its study and submit its recommendations within 6
3 months from the date it was appointed. Task force meetings
4 are open to the public. The task force shall give at least 7
5 days' notice of each meeting by publication in a newspaper
6 of general circulation in the county.

7 (3) The county governing body shall hold a public
8 hearing on the program. At least 7 days' notice of the
9 hearing must be given by publication in THE PUBLIC SERVICE
10 ANNOUNCEMENTS SECTION OF a newspaper of general circulation
11 in the county. After the hearing, the county governing body
12 may by resolution adopt the recommendations of the task
13 force appointed under subsection (1). The proposed program
14 must be approved by the governor as provided in 61-2-105.

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

17 (a) a budget and a financial report for each fiscal
18 year; and

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

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

21 (ii) the number of arrests and convictions in the county
22 for driving under the influence of alcohol and the sentences
23 imposed for these convictions;

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

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

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

SECTION 2. SECTION 61-2-107, MCA, IS AMENDED TO READ:

"61-2-107. (Temporary) License reinstatement fee to fund county drinking and driving prevention programs -- balance transferred. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in the general fund. On or before June 30, 1993, the department shall transfer to the general fund the balance of money in the state special revenue account collected as license reinstatement fees. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-2-107. (Effective July 1, 1993) License reinstatement fee to fund county--drinking--and--driving prevention programs relating to substance abuse, minors' problems, and law enforcement training and equipment. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

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3 distribute the money to state and local government entities,
4 and private entities working with state and local government
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6 address the problems and concerns of minors, including but
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8 chemical-free youth facilities and programs. Up to one-half
9 of the money distributed under this subsection (b) may be
10 used for adult chemical dependency programs and law
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12 government law enforcement agencies within the respective
13 jurisdiction. Before a local government entity distributes
14 money to a state or local government or private entity for
15 the operation of programs referred to in this subsection
16 (b), the distributing government entity shall, after at
17 least 7 days' notice of the meeting by publication in the
18 public service announcements section of a newspaper of
19 general circulation in the county, hold a public meeting on
20 the entities to and purposes for which the money should be
21 distributed."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 128 (third reading copy -- blue), respectfully report that House Bill No. 128 be amended as follows and as so amended be concurred in.

Signed: 
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Title, line 4.

Following: "NOTICE"

Strike: ", "

Insert: "AND"

2. Title, line 5.

Following: "MEETINGS"

Strike: ", AND A PUBLIC HEARING"

3. Title, lines 7 through 11.

Strike: "PROVIDING" on line 7 through "EQUIPMENT;" on line 11

4. Title, line 12.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 61-2-107"

5. Page 2, lines 4 through 6.

Strike: "at" on line 4 through "county" on line 6

Insert: "notice of each meeting in accordance with the provisions of 7-1-2121"

6. Page 2, lines 7 through 11.


Strike: "county" on line 7 through the third "the" on line 11

7. Page 3, line 5 through page 5, line 21.

Strike: section 2 in its entirety

-END-

SENATE


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

HB 128
681604SC.San

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 29, 1993 12:43 pm

Mr. Chairman: I move to amend House Bill No. 128 (third reading copy -- blue).

ADOPT

REJECT

Signed: Sue Bartlett

Senator Sue Bartlett

That such amendments read:

Amend Senate Committee on Local Government amendment dated March 26, 1993, as follows:

Strike: Amendment No. 5 in its entirety

Insert: new Amendment No. 5 as follows:

5. Page 2, lines 4 through 6.

Strike: "at" on line 4 through "county" on line 6.

Following: "county"

Insert: "notice by publication in the community meeting
announcement section of a newspaper of general circulation
in the county"

-END-

HB 128

SENATE

r701243CW.Sma

M- Amd. Coord.

HOUSE BILL NO. 128

INTRODUCED BY D. BROWN, STRIZICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR NOTICE, AND PUBLIC MEETINGS, AND A PUBLIC HEARING AS PART OF THE DEVELOPMENT OF A COUNTY DRINKING AND DRIVING PREVENTION PROGRAM; PROVIDING FOR NOTICE AND A PUBLIC MEETING BEFORE A LOCAL GOVERNMENT ENTITY DISTRIBUTES DRIVER'S LICENSE REINSTATEMENT FEE TO GOVERNMENT AND PRIVATE ENTITIES TO BE USED FOR PROGRAMS RELATING TO SUBSTANCE ABUSE, MINORS' PROBLEMS, AND LAW ENFORCEMENT TRAINING AND EQUIPMENT; AND AMENDING SECTION SECTIONS SECTION 61-2-106 AND 61-2-107, MCA."

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"61-2-106. 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. Task force meetings are open to the public. The task force shall give at least 7 days' notice of each meeting by publication in a newspaper of general circulation in the county NOTICE OF EACH MEETING IN ACCORDANCE WITH THE PROVISIONS OF 7-1-212 AT LEAST 7 DAYS' NOTICE OF EACH MEETING BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NOTICE BY PUBLICATION IN THE COMMUNITY MEETING ANNOUNCEMENT SECTION OF A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(3) The county governing body shall hold a public hearing on the program. At least 7 days' notice of the hearing must be given by publication in THE PUBLIC SERVICE ANNOUNCEMENTS SECTION OF a newspaper of general circulation in the county. After the hearing, 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

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

SECTION 2. SECTION 61-2-107, MCA, IS AMENDED TO READ:

"61-2-107. (Temporary) license reinstatement fee to fund county drinking and driving prevention programs-- balance transferred. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2)(a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1)

that are not allocated under subsection (2)(a) must be deposited in the general fund. On or before June 30, 1993, the department shall transfer to the general fund the balance of money in the state special revenue account collected as license reinstatement fees. (Terminates July 1, 1993--sec. 7(1), Ch. 57 Sp. B, January 1992.)

61-2-107. (Effective July 1, 1993) license reinstatement fee to fund county drinking and driving prevention programs relating to substance abuse, minors' problems, and law enforcement training and equipment. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

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(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in an account in the state special revenue fund to be distributed to county treasurers. The department shall

1 distribute-to-each-county-treasurer--money--in--the--account
 2 collected--as-license-reinstatement-fees-in-that-county--The
 3 county--treasurer--shall--distribute--the--money---to---each
 4 incorporated--city--or--town-in-the-county-in-the-ratio-that
 5 the-population-of-the-incorporated-city-or-town-bears-to-the
 6 total-population-of-incorporated--cities--or--towns--in--the
 7 county--based--on--figures--provided--by--the--most--recent
 8 official---census---An--incorporated--city--or--town--shall
 9 distribute-the-money-to-state-and-local-government-entities,
 10 and-private-entities-working-with-state-and-local-government
 11 entities--that--operate--programs--within--the--county--that
 12 address--the--problems-and-concerns-of-minors--including-but
 13 not--limited--to--substance--abuse---and---delinquency---and
 14 chemical-free-youth-facilities-and-programs--Up-to-one-half
 15 of--the--money--distributed-under-this-subsection-(b)--may-be
 16 used--for--adult--chemical--dependency--programs---and---law
 17 enforcement--training--programs--and-for-equipment-for-local
 18 government-law-enforcement-agencies--within--the--respective
 19 jurisdiction: Before--a-local-government-entity-distributes
 20 money-to-a-state-or-local-government-or-private-entity--for
 21 the--operation--of--programs--referred-to-in-this-subsection
 22 (b),--the-distributing--government--entity--shall--after--at
 23 least--7--days--notice-of-the-meeting-by-publication-in-the
 24 public-service-announcements--section--of--a--newspaper--of
 25 general--circulation-in-the-county--hold-a-public-meeting-on

1 the-entities-to-and-purposes-for-which-the-money--should--be
 2 distributed."

-End-