

HOUSE BILL NO. 529

INTRODUCED BY STRIZICH, D. BROWN, CLARK, VOGEL
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

FEBRUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1993	PRINTING REPORT.
MARCH 23, 1993	SECOND READING, DO PASS.
MARCH 24, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 87; NOES, 12.
MARCH 25, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 7, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 8, 1993	SECOND READING, CONCURRED IN.
APRIL 12, 1993	THIRD READING, CONCURRED IN. AYES, 41; NOES, 7.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 14, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 15, 1993	THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *529*
 2 INTRODUCED BY *Clark*
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE *Landry/Boyd*

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY
 6 APPROPRIATING DRIVER'S LICENSE REINSTATEMENT FEE MONEY TO
 7 THE DEPARTMENT OF JUSTICE FOR THE PURCHASE AND MAINTENANCE
 8 OF EQUIPMENT USED TO ANALYZE BREATH FOR THE PRESENCE OF
 9 ALCOHOL; AMENDING SECTIONS 17-7-502 AND 61-2-107, MCA; AND
 10 PROVIDING AN EFFECTIVE DATE."

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

13 **Section 1.** Section 61-2-107, MCA, is amended to read:

14 "61-2-107. (Temporary) License reinstatement fee to
 15 fund county drinking and driving prevention programs --
 16 balance transferred. (1) Notwithstanding the provisions of
 17 any other law of the state, a driver's license that has been
 18 suspended or revoked under 61-5-205 or 61-8-402 must remain
 19 suspended or revoked until the driver has paid to the
 20 department a fee of \$100 in addition to any other fines,
 21 forfeitures, and penalties assessed as a result of
 22 conviction for a violation of the traffic laws of the state.

23 (2) (a) The department shall deposit one-half of the
 24 fees collected under subsection (1) in the general fund to
 25 be used for funding county drinking and driving prevention

1 programs as provided in 61-2-108.

2 (b) The remaining fees collected under subsection (1)
 3 that are not allocated under subsection (2)(a) must be
 4 deposited in the general fund. On or before June 30, 1993,
 5 the department shall transfer to the general fund the
 6 balance of money in the state special revenue account
 7 collected as license reinstatement fees. (Terminates July 1,
 8 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

9 61-2-107. (Effective July 1, 1993) License
 10 reinstatement fee to fund county drinking and driving
 11 prevention programs. (1) Notwithstanding the provisions of
 12 any other law of the state, a driver's license that has been
 13 suspended or revoked under 61-5-205 or 61-8-402 must remain
 14 suspended or revoked until the driver has paid to the
 15 department a fee of \$100 in addition to any other fines,
 16 forfeitures, and penalties assessed as a result of
 17 conviction for a violation of the traffic laws of the state.

18 (2) (a) The department shall deposit one-half of the
 19 fees collected under subsection (1) in the general fund to
 20 be appropriated and used for funding county drinking and
 21 driving prevention programs as provided in 61-2-108. For
 22 each fiscal biennium, the money from the fees remaining in
 23 the general fund after appropriation for those programs is
 24 statutorily appropriated, as provided in 17-7-502, to the
 25 department to purchase and maintain equipment used to

1 analyze breath for the presence of alcohol.

2 (b) The remaining fees collected under subsection (1)
3 that are not allocated under subsection (2)(a) must be
4 deposited in an account in the state special revenue fund to
5 be distributed to county treasurers. The department shall
6 distribute to each county treasurer money in the account
7 collected as license reinstatement fees in that county. The
8 county treasurer shall distribute the money to each
9 incorporated city or town in the county in the ratio that
10 the population of the incorporated city or town bears to the
11 total population of incorporated cities or towns in the
12 county, based on figures provided by the most recent
13 official census. An incorporated city or town shall
14 distribute the money to state and local government entities,
15 and private entities working with state and local government
16 entities, that operate programs within the county that
17 address the problems and concerns of minors, including but
18 not limited to substance abuse and delinquency and
19 chemical-free youth facilities and programs. Up to one-half
20 of the money distributed under this subsection (b) may be
21 used for adult chemical dependency programs and law
22 enforcement training programs and for equipment for local
23 government law enforcement agencies within the respective
24 jurisdiction."

25 **Section 2.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

14 (3) The following laws are the only laws containing
15 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
16 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
17 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
18 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
19 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
20 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
21 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
22 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
23 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
24 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
25 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;

1 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
2 61-2-107; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
3 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
4 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
5 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

6 (4) There is a statutory appropriation to pay the
7 principal, interest, premiums, and costs of issuing, paying,
8 and securing all bonds, notes, or other obligations, as due,
9 that have been authorized and issued pursuant to the laws of
10 Montana. Agencies that have entered into agreements
11 authorized by the laws of Montana to pay the state
12 treasurer, for deposit in accordance with 17-2-101 through
13 17-2-107, as determined by the state treasurer, an amount
14 sufficient to pay the principal and interest as due on the
15 bonds or notes have statutory appropriation authority for
16 the payments. (In subsection (3): pursuant to sec. 7, Ch.
17 567, L. 1991, the inclusion of 19-6-709 terminates upon
18 death of last recipient eligible for supplemental benefit;
19 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
20 22-3-811 terminates June 30, 1993.)"

21 NEW SECTION. **Section 3.** Effective date. [This act] is
22 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0529, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act statutorily appropriating driver's license reinstatement fee money to the Department of Justice for the purchase and maintenance of equipment used to analyze breath for the presence of alcohol.

ASSUMPTIONS:

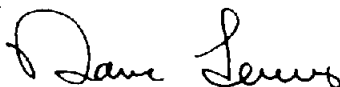
1. Currently, the Highway Traffic Safety Division distributes reinstatement fee funds to 18 county Driving Under the Influence (DUI) task forces. It is assumed that that number of DUI task forces will remain constant in the 1995 biennium.
2. It is assumed that the number of DUI convictions in the state and the collection rate for reinstatement of driver licenses suspended as a result of DUI convictions or forfeitures will remain at relatively the same level as experienced in fiscal years 1991 and 1992.
3. It is assumed that the difference between the general fund portion of reinstatement fees collected in FY93 and the amount distributed to counties for DUI task forces in FY93 will be approximately the amount available for statutory appropriation in FY94. The difference assumed in the executive budget for the 1995 biennium is \$90,000 per year (\$300,000 estimated total general fund revenue - \$210,000 recommended appropriation for local assistance in the Highway Traffic Safety Division).
4. It is assumed that all of the excess funds will be statutorily appropriated to the Department of Justice and expended on the purchase and maintenance of DUI breathalyzer equipment. No funds are recommended in the 1995 biennium executive budget for this purpose.

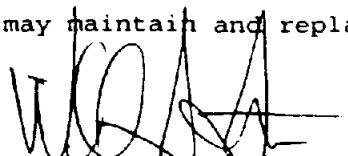
FISCAL IMPACT: Department of Justice - Forensic Science Division:

	FY94			FY95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	17.50	17.50	0.00	17.50	17.50	0.00
Personal Services	833,023	833,023	0	834,614	834,614	0
Operating Expenses	344,599	389,599	45,000	351,788	396,788	45,000
Equipment	30,298	75,298	45,000	21,122	66,122	45,000
Debt Service	4,500	4,500	0	4,500	4,500	0
Total	1,212,420	1,302,420	90,000	1,212,024	1,302,024	90,000
<u>Funding:</u>						
General Fund	942,420	1,032,420	90,000	942,024	1,032,024	90,000
State Special Revenue	270,000	270,000	0	270,000	270,000	0
Total	1,212,420	1,302,420	90,000	1,212,024	1,302,024	90,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

In the absence of these funds or other funding sources, counties may maintain and replace current breathalyzer equipment at county expense.

 2-12-93
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2/15/93
 WILLIAM "BILL" STRIZICH, PRIMARY SPONSOR DATE

Fiscal Note for HB0529, as introduced

HB 529

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 529

INTRODUCED BY STRIZICH, D. BROWN, CLARK, VOGEL

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY APPROPRIATING DRIVER'S LICENSE REINSTATEMENT FEE MONEY TO THE DEPARTMENT OF JUSTICE FOR THE PURCHASE AND MAINTENANCE OF EQUIPMENT USED TO ANALYZE BREATH FOR THE PRESENCE OF ALCOHOL; AMENDING SECTIONS 17-7-502 AND 61-2-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. 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. (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 appropriated and used for funding county drinking and driving prevention programs as provided in 61-2-108. For each fiscal biennium, AN AMOUNT UP TO \$25,000 EACH YEAR OF the money from the fees remaining in the general fund after appropriation for those programs is statutorily appropriated, as provided in 17-7-502, to the department to

1 purchase and maintain equipment used to analyze breath for
2 the presence of alcohol.

3 (b) The remaining fees collected under subsection (1)
4 that are not allocated under subsection (2)(a) must be
5 deposited in an account in the state special revenue fund to
6 be distributed to county treasurers. The department shall
7 distribute to each county treasurer money in the account
8 collected as license reinstatement fees in that county. The
9 county treasurer shall distribute the money to each
10 incorporated city or town in the county in the ratio that
11 the population of the incorporated city or town bears to the
12 total population of incorporated cities or towns in the
13 county, based on figures provided by the most recent
14 official census. An incorporated city or town shall
15 distribute the money to state and local government entities,
16 and private entities working with state and local government
17 entities, that operate programs within the county that
18 address the problems and concerns of minors, including but
19 not limited to substance abuse and delinquency and
20 chemical-free youth facilities and programs. Up to one-half
21 of the money distributed under this subsection (b) may be
22 used for adult chemical dependency programs and law
23 enforcement training programs and for equipment for local
24 government law enforcement agencies within the respective
25 jurisdiction."

1 **Section 2.** Section 17-7-502, MCA, is amended to read:

2 "17-7-502. Statutory appropriations -- definition --
3 requisites for validity. (1) A statutory appropriation is an
4 appropriation made by permanent law that authorizes spending
5 by a state agency without the need for a biennial
6 legislative appropriation or budget amendment.

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

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

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

15 (3) The following laws are the only laws containing
16 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
17 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
18 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
19 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
20 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
21 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
22 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
23 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
24 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
25 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;

1 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 2 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
 3 61-2-107; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
 4 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
 5 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
 6 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

7 (4) There is a statutory appropriation to pay the
 8 principal, interest, premiums, and costs of issuing, paying,
 9 and securing all bonds, notes, or other obligations, as due,
 10 that have been authorized and issued pursuant to the laws of
 11 Montana. Agencies that have entered into agreements
 12 authorized by the laws of Montana to pay the state
 13 treasurer, for deposit in accordance with 17-2-101 through
 14 17-2-107, as determined by the state treasurer, an amount
 15 sufficient to pay the principal and interest as due on the
 16 bonds or notes have statutory appropriation authority for
 17 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 18 567, L. 1991, the inclusion of 19-6-709 terminates upon
 19 death of last recipient eligible for supplemental benefit;
 20 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 21 22-3-811 terminates June 30, 1993.)"

22 NEW SECTION. **Section 3.** **Effective date.** [This act] is
 23 effective July 1, 1993.

-End-

1 HOUSE BILL NO. 529

2 INTRODUCED BY STRIZICH, D. BROWN, CLARK, VOGEL

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY
6 APPROPRIATING DRIVER'S LICENSE REINSTATEMENT FEE MONEY TO
7 THE DEPARTMENT OF JUSTICE FOR THE PURCHASE AND MAINTENANCE
8 OF EQUIPMENT USED TO ANALYZE BREATH FOR THE PRESENCE OF
9 ALCOHOL; AMENDING SECTIONS 17-7-502 AND 61-2-107, MCA; AND
10 PROVIDING AN EFFECTIVE DATE."
11

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

13 Section 1. Section 61-2-107, MCA, is amended to read:

14 "61-2-107. (Temporary) License reinstatement fee to
15 fund county drinking and driving prevention programs --
16 balance transferred. (1) Notwithstanding the provisions of
17 any other law of the state, a driver's license that has been
18 suspended or revoked under 61-5-205 or 61-8-402 must remain
19 suspended or revoked until the driver has paid to the
20 department a fee of \$100 in addition to any other fines,
21 forfeitures, and penalties assessed as a result of
22 conviction for a violation of the traffic laws of the state.

23 (2) (a) The department shall deposit one-half of the
24 fees collected under subsection (1) in the general fund to
25 be used for funding county drinking and driving prevention

1 programs as provided in 61-2-108.

2 (b) The remaining fees collected under subsection (1)
3 that are not allocated under subsection (2)(a) must be
4 deposited in the general fund. On or before June 30, 1993,
5 the department shall transfer to the general fund the
6 balance of money in the state special revenue account
7 collected as license reinstatement fees. (Terminates July 1,
8 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

9 61-2-107. (Effective July 1, 1993) License
10 reinstatement fee to fund county drinking and driving
11 prevention programs. (1) Notwithstanding the provisions of
12 any other law of the state, a driver's license that has been
13 suspended or revoked under 61-5-205 or 61-8-402 must remain
14 suspended or revoked until the driver has paid to the
15 department a fee of \$100 in addition to any other fines,
16 forfeitures, and penalties assessed as a result of
17 conviction for a violation of the traffic laws of the state.

18 (2) (a) The department shall deposit one-half of the
19 fees collected under subsection (1) in the general fund to
20 be appropriated and used for funding county drinking and
21 driving prevention programs as provided in 61-2-108. For
22 each fiscal biennium, AN AMOUNT UP TO \$25,000 EACH YEAR OF
23 the money from the fees remaining in the general fund after
24 appropriation for those programs is statutorily
25 appropriated, as provided in 17-7-502, to the department to

purchase and maintain equipment used to analyze breath for the presence of alcohol.

(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 county, based on figures provided by the most recent official census. An incorporated city or town shall distribute the money to state and local government entities, and private entities working with state and local government entities, that operate programs within the county that address the problems and concerns of minors, including but not limited to substance abuse and delinquency and chemical-free youth facilities and programs. Up to one-half of the money distributed under this subsection (b) may be used for adult chemical dependency programs and law enforcement training programs and for equipment for local government law enforcement agencies within the respective jurisdiction."

Section 2. 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: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;

1 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 2 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
 3 61-2-107; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
 4 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
 5 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
 6 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

7 (4) There is a statutory appropriation to pay the
 8 principal, interest, premiums, and costs of issuing, paying,
 9 and securing all bonds, notes, or other obligations, as due,
 10 that have been authorized and issued pursuant to the laws of
 11 Montana. Agencies that have entered into agreements
 12 authorized by the laws of Montana to pay the state
 13 treasurer, for deposit in accordance with 17-2-101 through
 14 17-2-107, as determined by the state treasurer, an amount
 15 sufficient to pay the principal and interest as due on the
 16 bonds or notes have statutory appropriation authority for
 17 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 18 567, L. 1991, the inclusion of 19-6-709 terminates upon
 19 death of last recipient eligible for supplemental benefit;
 20 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 21 22-3-811 terminates June 30, 1993.)"

22 NEW SECTION. Section 3. Effective date. [This act] is
 23 effective July 1, 1993.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 7, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 529 (third reading copy -- blue), respectfully report that House Bill No. 529 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Page 1, line 6.
Following: "APPROPRIATING"
Insert: "A PORTION OF THE"

2. Page 2, line 22.
Following: "fiscal"
Strike: "biennium"
Insert: "year"
Following: "\$25,000"
Strike: "EACH YEAR"

3. Page 2, line 22.
Strike: "\$25,000"
Insert: "\$50,000"

-END-

Amd. Coord.
Sec. of Senate

Christians
Senator Carrying Bill

SENATE
HB 529
781548SC.San

1 HOUSE BILL NO. 529

2 INTRODUCED BY STRIZICH, D. BROWN, CLARK, VOGEL

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY
6 APPROPRIATING A PORTION OF THE DRIVER'S LICENSE
7 REINSTATEMENT FEE MONEY TO THE DEPARTMENT OF JUSTICE FOR THE
8 PURCHASE AND MAINTENANCE OF EQUIPMENT USED TO ANALYZE BREATH
9 FOR THE PRESENCE OF ALCOHOL; AMENDING SECTIONS 17-7-502 AND
10 61-2-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 **Section 1.** Section 61-2-107, MCA, is amended to read:

14 "61-2-107. (Temporary) License reinstatement fee to
15 fund county drinking and driving prevention programs --
16 balance transferred. (1) Notwithstanding the provisions of
17 any other law of the state, a driver's license that has been
18 suspended or revoked under 61-5-205 or 61-8-402 must remain
19 suspended or revoked until the driver has paid to the
20 department a fee of \$100 in addition to any other fines,
21 forfeitures, and penalties assessed as a result of
22 conviction for a violation of the traffic laws of the state.

23 (2) (a) The department shall deposit one-half of the
24 fees collected under subsection (1) in the general fund to
25 be used for funding county drinking and driving prevention

1 programs as provided in 61-2-108.

2 (b) The remaining fees collected under subsection (1)
3 that are not allocated under subsection (2)(a) must be
4 deposited in the general fund. On or before June 30, 1993,
5 the department shall transfer to the general fund the
6 balance of money in the state special revenue account
7 collected as license reinstatement fees. (Terminates July 1,
8 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

9 61-2-107. (Effective July 1, 1993) License
10 reinstatement fee to fund county drinking and driving
11 prevention programs. (1) Notwithstanding the provisions of
12 any other law of the state, a driver's license that has been
13 suspended or revoked under 61-5-205 or 61-8-402 must remain
14 suspended or revoked until the driver has paid to the
15 department a fee of \$100 in addition to any other fines,
16 forfeitures, and penalties assessed as a result of
17 conviction for a violation of the traffic laws of the state.

18 (2) (a) The department shall deposit one-half of the
19 fees collected under subsection (1) in the general fund to
20 be appropriated and used for funding county drinking and
21 driving prevention programs as provided in 61-2-108. For
22 each fiscal biennium YEAR, AN AMOUNT UP TO \$25,000 \$50,000
23 EACH-YEAR OF the money from the fees remaining in the
24 general fund after appropriation for those programs is
25 statutorily appropriated, as provided in 17-7-502, to the

1 department to purchase and maintain equipment used to
 2 analyze breath for the presence of alcohol.

3 (b) The remaining fees collected under subsection (1)
 4 that are not allocated under subsection (2)(a) must be
 5 deposited in an account in the state special revenue fund to
 6 be distributed to county treasurers. The department shall
 7 distribute to each county treasurer money in the account
 8 collected as license reinstatement fees in that county. The
 9 county treasurer shall distribute the money to each
 10 incorporated city or town in the county in the ratio that
 11 the population of the incorporated city or town bears to the
 12 total population of incorporated cities or towns in the
 13 county, based on figures provided by the most recent
 14 official census. An incorporated city or town shall
 15 distribute the money to state and local government entities,
 16 and private entities working with state and local government
 17 entities, that operate programs within the county that
 18 address the problems and concerns of minors, including but
 19 not limited to substance abuse and delinquency and
 20 chemical-free youth facilities and programs. Up to one-half
 21 of the money distributed under this subsection (b) may be
 22 used for adult chemical dependency programs and law
 23 enforcement training programs and for equipment for local
 24 government law enforcement agencies within the respective
 25 jurisdiction."

1 **Section 2.** Section 17-7-502, MCA, is amended to read:

2 **"17-7-502. Statutory appropriations -- definition --**
 3 **requisites for validity.** (1) A statutory appropriation is an
 4 appropriation made by permanent law that authorizes spending
 5 by a state agency without the need for a biennial
 6 legislative appropriation or budget amendment.

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

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

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

15 (3) The following laws are the only laws containing
 16 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 17 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 18 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
 19 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
 20 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
 21 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
 22 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 23 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
 24 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
 25 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;

1 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 2 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
 3 61-2-107; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
 4 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
 5 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
 6 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

7 (4) There is a statutory appropriation to pay the
 8 principal, interest, premiums, and costs of issuing, paying,
 9 and securing all bonds, notes, or other obligations, as due,
 10 that have been authorized and issued pursuant to the laws of
 11 Montana. Agencies that have entered into agreements
 12 authorized by the laws of Montana to pay the state
 13 treasurer, for deposit in accordance with 17-2-101 through
 14 17-2-107, as determined by the state treasurer, an amount
 15 sufficient to pay the principal and interest as due on the
 16 bonds or notes have statutory appropriation authority for
 17 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 18 567, L. 1991, the inclusion of 19-6-709 terminates upon
 19 death of last recipient eligible for supplemental benefit;
 20 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 21 22-3-811 terminates June 30, 1993.)"

22 NEW SECTION. **Section 3.** Effective date. [This act] is
 23 effective July 1, 1993.

-End-