

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 13, 1987

Rep. John Harp, Chairman of the House Highways and Transportation Committee called this meeting to order in Room 317 of the Capitol, Helena at 1:00 p.m. All members of the Committee were present. Mary McCue, researcher, was present also.

Bills to be heard were HB 65 and HB 76

HOUSE BILL 65

Rep. Ray Peck, House District #15, Havre, sponsor of HB 65, told the Committee that judges think the changes made by this bill will be for the better. The act computes time of offenders serving out traffic fines at \$10 a day. If you are fined, you will be put on a pay plan while you are in jail. If you are incarcerated for a traffic fine, you are currently paid \$2.00 a day to serve out the traffic fine. If you are in for any other reason, you received a \$10.00 a day credit. The legislators are going on record as favoring analyzing fines for those in jail. HB 65 has the support of other justices of the peace. It costs between \$30-40 a day to feed prisoners. A \$10.00 fine will keep him in jail for 5 days. The judges have a sort of credit plan - they put an offender who has been fined on a pay plan. See his testimony, Exhibit #1. Magistrates are going on record as equalizing the \$10 a day fine repayment. Other JPs are supporting HB 65. A \$100 traffic fine will be paid for at \$2 a day in 50 days. An assault charge is worse than a traffic fine. HB 65 equalizes the credit a person receives while in jail if it is necessary to incarcerate him. EX. #1.

PROponents

JIM HAINES, lobbyist for the Magistrates Association, which is comprised of the Justices of the Peace and city judges, supports HB 65. He is presently an attorney. They consider HB 65 to be a housekeeping bill. A lot of people serve out their fines at the rate of \$10 a day. There are other statutes that specify a \$10 a day credit for fines. It is about time that section be brought into conformance.

OPponents - None

QUESTIONS FROM THE COMMITTEE

Rep. Roth asked the cost of keeping a prisoner in jail for a day. Rep. Peck stated his figures were given to him by Mr. Donahue and the cost is somewhere between \$20 and \$30 a day. There is an agreement that for city prisoners housed in the county jail in Havre there is a fee of only \$10 a day.

Rep. Peck closed.

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HOUSE BILL 76

Rep. John Phillips, House District #33, Great Falls, sponsored HB 76 which is an act to provide for the utilization of junk motor vehicle funds for the support of notification of light vehicle reregistration; and amends 75-10-532, MCA. In June \$500,000 was taken out of that fund, so they were cutting off notification for reregistration, advertising that it would save about \$52,000 per year. He thought it could handle \$52,000 since it had built up such a large surplus before. He hadn't seen the LFA report and didn't know the price was going up. The LFA says the junk vehicle fund could be in trouble by 1990 or so and the price of this is going up over what the Governor's budget says. It still poses a couple of questions as far as the junk vehicle fund. The budget calls for \$1,026,000 in 1988 and \$1,029,000 in 1989, but in reality the fund has never spent that much money. This year the cost was \$784,000. He asked why the budget figure is that high. The solid waste people said that is what the counties are entitled to if they can spend it. He thinks one thing that bothers the counties is that they can't spend it all! One county returned about \$26,000 and were told that they might hire a part-time assistant to help spend the money rather than returning it to the fund. Not once did it ask if there were a junk vehicle problem there. Are you taking care of a problem or are you looking for ways to spend money?

Whether the fund can actually support reregistration expenses up to about \$99,000 is the question. 700,000 reregistration notices at 14¢ apiece is about \$99,000. He is not particularly married to the money coming out of this particular pot although there might be money in this pot. He is concerned that those notices go out. In the codes it says that the department shall develop the procedure, which the department probably has done, but he doesn't think that was the intent. It was meant for people to get their notice each year when their license is running out, and that is not being done. Several counties are paying for this on their own, but he didn't know how many.

PROPOSERS - None

OPPOSERS

VIC ANDERSON, representing the Department of Health, is not necessarily in opposition to the concept of the bill, but is to provide information on the health of the Junk Vehicle Revenue account. They object to requirement, saying the funds can't pay the kind of price tag that is attached to this bill.

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The \$500,000 that was transferred to the general fund pretty much took the slack out of that. They further feel that is a more appropriate place for the revenue to be in, section 61-3-203 provides the fee for the original certificate of ownership and transfer of title and disposition. Section 1 currently reads \$2 of each fee shall be remitted to each county to the county treasurer with the application for original title. They feel that type of activity is more appropriate and closer to the heart of it than the junk vehicle fee.

PETE FRAZIER, Director of the Cascade County Junk Vehicle Disposal Program, feels the junk vehicle law has been extremely successful since its enactment in 1973. One of the reasons it has been so successful is that it has a funding mechanism that provides adequate money to the local governments to provide enough money for enforcement. See Exhibit #2. It is only 50¢ per vehicle per year. The intention of the fund was to earmark all funds for the control of recycling and disposal of junk vehicles. He does not feel the junk vehicle fund is the proper place to fund reregistration notices. He thinks those people using that notification by mail should pay an additional 25¢ when they send their reregistration in as they have done in the past. If they forget to reregister their vehicle, they are going to pay a higher cost if fined for not reregistering a vehicle. That should be tied to the reregistration and not the junk vehicle program.

GEORGE OCHENSKI, representing the Montana Environmental Information Center, is not particularly wedded to this idea. He has no great opposition to reregistration notices by mail. This is just another step in a rather significant trend to slip into particular environmental funds and use them for what ends up to be administrative or general fund purposes. Losing that \$500,000 in the Special Session hurt. Other funds lost considerably more. He suggested a sentence amending this bill be added saying "providing the balance of the fund remains sufficient to carry out the original intent of the junk vehicle fund" before it passes.

QUESTIONS FROM THE COMMITTEE

Rep. Roth asked if there were any other bills dealing with the problem of the reregistration notices. Rep. Phillips knew of none. This bill deals with raising fees to cover the costs, but it does not raise the costs. The rationale was to return something to the registered vehicle owner. He doesn't believe in raising taxes, but a quarter isn't going to kill anybody on top of that \$2 fee. The notification is important enough that many people would rather pay that than a \$25 fine for not registering on time.

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Rep. Harper asked Larry Majerus to speak about this situation.

LARRY MAJERUS, Administrator of the Montana Motor Vehicle Division, said a bill will be introduced to increase the fees. The Motor Vehicle Revenue Account is a state special fund and it has been zeroed out. They are unable to fund programs they have traditionally funded. January was the first month they did not send out renewal notices. Notices were sent out for July, August and September. A considerable amount has been spent out of that \$88,000 for postage. They made the decision in November not to mail the mailers as they were 40,000 titles behind. It was a question of laying off people or continuing to mail renewal notices. Based on economic factors dealing with banks and filing liens, the fact that dealers must have titles in order to conduct their business, the decision wasn't a philosophical one, it was a practical one.

Much of their money in that budget is on an annual contract basis. They sign various contracts for computer software and computer services with the Department of Administration. They have to look at where they can make cuts. Other than personnel, this is the only area where cuts can be made. When the decision not to mail the notices was made, they were down 9 people out of 70 and were 40,000 titles behind. They have requested in the subcommittee money to pay for the titles. The shortfall is about \$52,000. The fiscal note shows they requested the entire amount because of the phraseology of the bill which brought to the attention of the legislators what the actual profile would be if brought up by an outside source.

Rep. O'Connell asked how long a person has to renew an expired license. Mr. Majerus said a person has 25 days if you are on the staggered system. For a nonstaggered vehicle expiring in January you have to reregister by February 15. Some counties allow you to pay registration fees in advance, which is a local option.

Rep. Roth thinks it is imperative that mailing of notices is continued. He asked how this could be reinstated. Mr. Majerus said counties are interested in that also. They used to do the mailing in slack times, but their staffs have been cut. Eighteen counties are paying their own mailing costs because they felt that was cheaper for them than hiring additional staff to keep up the registrations.

Rep. Kadas asked if 61-3-135 requires their division to mail renewal notices? Mr. Majerus believed it requires them to have some system of reminder, and mailing is the only system they

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they have been able to come up with. Rep. Kadas thought they were breaking the law by not complying. Mr. Majerus said several of their other requirements are far behind or not being done for a temporary time. He thinks a temporary suspension of a system is not necessarily breaking law. If you don't have the money, it is mitigated. Rep. Kadas remarked until you get sued. Section 61-2-203 has two of the three dollars going to you. What is that being used for? Mr. Majerus said that goes into the Motor Vehicle Account. Another reference is 61-3-108 which talks about the use of that fund.

Rep. Thomas asked why the fiscal note drops off in 1989 with all of that revenue coming in? Rep. Phillips said you are looking at the vehicle fee line in the fiscal note. We don't have a true revenue figure. That figure is the revenue plus the balance at the end of 1987, which is \$551,000 which is included in the \$1.2 million. It is tied together at the end of the year.

Rep. Thomas said this talks about two different departments and two different funds. Mr. Anderson is the Department of Health and they administer the junk vehicle fund. Mr. Majerus is with the Department of Justice. This particular fiscal note references the Health Departments Junk Vehicle Account which shows it will be driven into the red. Mr. Anderson is the only one using this Junk Vehicle Account now. If not in this session, then in the 1989 session there will be a bill to increase the fee. They are in such poor shape because of the Special Session taking \$500,000 out of that account.

Rep. Kadas asked if the increase in vehicle fees is to fund this. Mr. Majerus said there will be a bill in to increase the fee to fund this and possibly other things. It depends on what the subcommittee input will be in each case. There are not enough vehicle funds to cover the cost of those programs normally funded out, so there is an additional shortage identified in that budget. There are other things besides mail renewal notices for which there is a shortage. It would take around 25¢ - 14¢ to mail, plus the cost of printing. That is how the \$99,000 is reached. If you place a fee on every vehicle, for every dollar of fee they project will produce \$880,000.

Rep. Campbell believes the fee is high enough and it should be earmarked. Mr. Majerus advised any surplus is not now reverted to the general fund. It is now funded in accordance with and gets disposed of in accordance with 61-3-108.

Rep. Glaser asked if the projected Department of Health expenditures to run this fund are accurate? Rep. Phillips answered,

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total disbursements for the years 1981-1986 has ranged from \$1,717 to \$836,000 for this last year. It has never run to \$1.4 million. He understood it was necessary to budget for that amount because the Department of Health said the counties are entitled to that much if they can spend it. He personally doesn't feel they will spend that \$1.4 million budgeted, but if they can spend it, then the Department of Health is liable for that amount.

Rep. Poff asked about the status on the price per ton on these vehicles. They go to Canada. Mr. Anderson said those revenue estimates they are using right now are not only the vehicle fees that come in, but also the revenue that goes into the fund from crushing these cars once they are collected. That is contracted for. They are collected, crushed and sent to mills in either Canada, eastern Montana, northern Utah from the south central, and those from the west are sent to Seattle-Tacoma rolling mills to be made into fence posts, etc. They are worth a \$1.00 per ton. In good times, they bring \$15-20 a ton, that revenue is dependent on the price of steel. So you use a crystal ball and historical figures to arrive at a projected revenue figure.

Rep. Phillips closed saying feels the notification program should stay in being somehow. Maybe we will get down to the 15¢ it will take to run this program. If the committee sees fit to use some other vehicle, that is fine with him. The main thing is the program should continue.

EXECUTIVE SESSIONHOUSE BILL 28

Rep. Stang moved the amendment, Exhibit #3, be adopted. Rep. O'Connell seconded the motion. Mary McCue, committee researcher, explained the proposed amendment. Out of a \$50 fine, 25-30% is going to go to counties right now, so the higher the fine, the more that goes to the counties. There was some committee member protest about granting the counties this proposed extra dividend for fines collected from off state maintained highway violations.

Rep. Kadas thought it is not necessary to give the counties another 10%. The fiscal note numbers are not very significant.

Rep. Mercer thought this a most convoluted statute and the committee should decide how to divide this. The highway cross referencing is very misleading. He thought if a favorable decision is to be made, the committee should take the time to straighten it out and say who gets what.

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Rep. Kadas made a substitute motion that the amendment Do Not Pass. Motion was withdrawn. The motion to amend as shown in Exhibit #1 was defeated.

Rep. Kadas made a motion HB 28 DO NOT PASS. Rep. Thomas thought the money should go to the counties because the large trucks are breaking up the roads and the state will not take over those heavily used county roads.

Rep. Glaser thought it proper to address this bill here. It hasn't anything to do with money. It has to do with the fact that some people from the state was out harrassing their troops on county roads. The effort was made to take away the incentive of going on the county roads for financial gain. It is getting away from the incentive of having somebody patrol on the county roads.

Rep. Swysgood thought the whole 100% should go to the county. He moved the bill be amended to say the 10% would be changed to allow the county to get the whole 100%. Motion carried unanimously. Rep. Kadas remarked the counties are already getting between 25% and 65% as it is.

Rep. Harp agreed with Rep. Thomas that perhaps this committee could do something to address the statutes so it would be easier to understand where the money that is collected is going.

Rep. Jones thought all they wanted to do is keep the state highway people off the county roads.

Rep. Glaser said people running between farms and elevators with overloads of commodities are themselves causing their problems, so they are vulnerable to the type of harrassment that certain individuals claim has been going on, and that is the source for this bill.

Rep. Roth asked if this will make for a lack of enforcement because there won't be any revenue in it except for the counties. Rep. Harp thought the incentive would be to the county instead of the state.

Jesse Munro said they would still patrol the county roads. Rep. Stang thought the harrassment would still be there.

The vote on the HB 28 Do Not Pass As Amended motion was defeated by a 5 to 11 roll call vote. Rep. Harp decided the committee should study this further and take HB 28 up again later.

#2


HIGHWAYS & TRANSPORTATION COMMITTEE

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HOUSE BILL 65

Rep. Jones moved HB 65 DO PASS. Rep. Campbell seconded the motion which carried unanimously.



REP. JOHN HARP, Chairman

STANDING COMMITTEE REPORT

January 13

19 87

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION

report House Bill 65

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Rep. John Harp

Chairman

JH

1st

White

reading copy ()

color

ROLL CALL VOTE

HIGHWAYS & TRANSPORTATION COMMITTEE

DATE Jan 13, 1987 BILL NO. HB 28 NUMBER 1

NAME	AYE	NAY	ABSTAIN
Rep. John Harp, Chairman	✓		
Rep. William Glaser, Vice Chairman		✓	
Rep. Bud Campbell		✓	
Rep. Harry Fritz		✓	
Rep. Hal Harper	✓		
Rep. Tom Jones		✓	
Rep. Mike Kadas	✓		
Rep. Roland Kennerly	✓		
Rep. John Mercer		✓	
Rep. Helen O'Connell	✓		
Rep. Bing Poff		✓	
Rep. Rande Roth		✓	
Rep. Clyde Smith		✓	
Rep. Barry Stang		✓	
Rep. Charles Swysgood		✓	
Rep. Fred Thomas		✓	

TALLY

5 11

Jo Lahti
Secretary

[Signature]
Chairman

MOTION: Do not pass as amended.

Substitute motion by Rep. Mercer was
made to have fines studied by researchers
and statutes amended.

Fl
Page 13
- 27 -
Repealed
Section

Amendments to HB 28
Introduced (white) copy

1. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 61-10-148 AND"
2. Page 1, line 13.
Following: "provided in"
Strike: "subsection (2)"
Insert: "61-10-148(2)"
3. Page 1, line 25 through line 7 on page 2.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection
4. Page 2, following line 13.
Insert: "Section 2. Section 61-10-148, MCA, is amended to read: "61-10-148. Disposition of fines and forfeited bonds. (1) Except as provided in 61-12-701 and subsection (2), one-half of all money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer for deposit in the state highway account in the state special revenue fund. The remaining half, less the deductions required by law, must be deposited in the county road fund.
(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a road or highway not included under 60-2-105 and 60-2-203, all money collected as fines and forfeited bonds must be distributed to the county treasurer for deposit in the county road fund."

Renumber Resolutions



HAYRE CITY JUDGE

WALLACE A. JEWELL
P.O. BOX 231
HAYRE, MT. 59501 406-265-8575

#1
Havre, MT
657 - Representative Ray Peck

December 11, 1986

Representative Ray Peck
620 4th Avenue
Havre, Mt 59501

Ray:

Justice of the Peace Evelyn Donohue asked me, as a member of the Legislative Committee of the Montana Magistrates Association, to ask you to look into the possibility of changing MCA 61-8-711 (3) to read "for each \$10.00 of the fine" from the present \$2.00.

It is economically impractical to incarcerate someone at the rate of \$2.00 per day when it costs the County or City involved much more than that to hold the prisoner.

If you have any questions, feel free to call.

Sincerely,

Wally

Wallace A. Jewell
City Judge

cc: The Honorable Evelyn Donohue



HAVRE CITY JUDGE

WALLACE A. JEWELL
P.O. BOX 231
HAVRE, MT. 59501 406-265-8575

Handwritten notes:
HB65
406-265-8575
HB65 - Rep. Ray Peck

January 7, 1987

Representative Ray Peck
Capitol Station
Helena, Mt 59620

Dear Ray:

This is written to express my support of your HB65 which changes the rate at which traffic offenders serve out a fine from \$2.00 per day to \$10.00 per day. (Amends 61-8-711 MCA)

There are two reasons this bill should become law: 1) it is unfair for someone who has been found guilty of failing to stop at a stop sign, for example, to serve 50 days in jail for a \$100 fine, when someone who has been found guilty of assault serves only 10 days for a \$100 fine, and 2) it is financially ridiculous to make someone serve a fine at \$2.00 per day when it costs many times that much per day to keep that person in jail. For example, a second offense DUI offender is fined \$500; this is a traffic offense so according to MCA 61-8-711 if he fails to pay the fine he would go to jail for 250 days. The Havre City Police Department has an agreement with the Hill County Sheriffs Office to house city prisoners. The City is billed \$10 per day per prisoner. The City would pay \$2500.00 to incarcerate someone for 250 days for a \$500.00 fine. To me this makes absolutely no sense.

Hopefully in these trying economic times the other legislators will follow your lead and vote for HB65.

Sincerely,

Wallace A Jewell


Wallace A. Jewell
City Judge

JUSTICE COURT

HILL COUNTY
HAVRE, MONTANA 59501

January 10, 1987

EXHIBIT #1 B
Jan 13, 1987
HB 65 - Rep.
Ray Peck



Hon. Ray Peck
Representative, House District 15
Capitol Station
Helena, Montana 59620

Dear Mr. Peck:

I received your letter of December 26, 1986, in regard to HB 65 which you have introduced and which would amend Section 61-8-711 MCA so as to change the rate at which traffic offenders would serve out a fine from \$2.00 a day to \$10.00 a day.

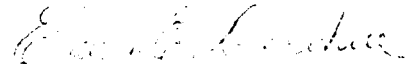
I certainly feel that such an amendment should be enacted. At the present time it is my understanding that it costs between \$20.00 and \$30.00 a day to feed and house prisoners. I suppose in order to arrive at those figures consideration is made for salaries of the officers, laundry, food, heating, etc. In any event, it is costly to have a prisoner serving out a fine, particularly at the rate of \$2.00 a day.

If an individual is charged with misdemeanor theft, assault, criminal mischief, or the like of that, he or she could serve out the fine at \$10.00, but for a traffic violation of whatever kind, the rate is \$2.00. This is especially ridiculous in the matter of fines for DUI, the lowest of which is usually \$300.00. That person would have to serve 150 days at \$2.00 a day, costing the county at least \$1,500.00 at the lowest possible figure of \$10.00 a day.

Newly elected Judge Carol Chagnon and I have discussed this matter and she is thoroughly in agreement that the statute should be amended, or repealed, and a new statute enacted.

Thank you for your kind remarks.

Sincerely,


EVELYN E. DONOHUE
Justice of the Peace
Court No. 2, Hill County
Hill County Courthouse
Havre, MT 59501

TESTIMONY IN OPPOSITION TO
HOUSE BILL 76

H-2
Justified
7/15/76
J. Frazier

MR. CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER AND I AM THE DIRECTOR OF THE CASCADE COUNTY JUNK VEHICLE DISPOSAL PROGRAM, A POSITION I HAVE HELD SINCE THE BEGINNING OF THE PROGRAM IN 1974.

THE JUNK VEHICLE LAW HAS BEEN AN EXTREMELY SUCCESSFUL LAW SINCE ITS PASSAGE IN 1973. ONE OF THE REASONS IT HAS BEEN SO SUCCESSFUL IS BECAUSE IT HAS BEEN ONE OF THE FEW PROGRAMS THAT HAS A FUNDING MECHANISM THAT PROVIDES ADEQUATE MONIES TO THE LOCAL GOVERNMENTS TO PERFORM THE REQUIRED DUTIES OF ENFORCEMENT AND JUNK VEHICLE REMOVAL WITHOUT AN UNDUE HARDSHIP ON THE TAXPAYERS, SINCE ONLY \$.50 PER YEAR PER REGISTERED VEHICLE IS ASSESSED TO THE PUBLIC. THE METHOD OF FUNDING THE PROGRAM USES IS STRAIGHT FORWARD AND SIMPLE, YET ADEQUATE CONTROLS AND SAFEGUARDS ARE BUILT IN TO ASSURE PROPER EXPENDITURES OF THE FUNDS. THE INTENT OF THE LAW IN 1974 WAS TO EAR MARK ALL FUNDS FOR THE CONTROL, COLLECTION, RECYCLING AND DISPOSAL OF JUNK VEHICLES. HOWEVER, IN RECENT LEGISLATIVE SESSIONS, THE JUNK VEHICLE PROGRAM HAS BEEN TAPPED FOR NON-JUNK VEHICLE PROGRAMS, THUS REDUCING THE FUNDS AVAILABLE FOR CONTROL AND REMOVAL OF JUNK VEHICLES - THE PURPOSE FOR WHICH THE TAXPAYERS ARE BEING ASSESSED.

SHOULD HB 76 PASS, ANOTHER ESTIMATED \$200,000 WILL BE TAKEN FROM THE JUNK VEHICLE PROGRAM OVER THE NEXT TWO YEARS FOR ANOTHER NON-JUNK VEHICLE RELATED PROGRAM. BY SO DOING, IT WILL CAUSE A COMPLETELY NEW FUNDING MECHANISM FOR THE COUNTY JUNK VEHICLE PROGRAMS, REQUIRING THE PROGRAMS TO BE FUNDED ON A QUARTERLY - OR POSSIBLY EVEN A MONTHLY - BASIS RATHER THAN THE CURRENT ANNUAL BASIS DUE TO LACK OF CASH FLOWS.

SUCH A NEW MECHANISM WILL CREATE A MAJOR INCREASE IN ADMINISTRATIVE COSTS, TIME, AND PAPER WORK AT BOTH STATE AND COUNTY LEVELS.

I CERTAINLY HAVE NO OBJECTIONS TO RE-REGISTERING LIGHT VEHICLES BY MAIL AND FEEL IT HAS BEEN AN EXCELLENT PROGRAM. HOWEVER, I DO NOT FEEL THAT THE JUNK VEHICLE PROGRAM IS THE PLACE TO FUND MAIL RE-REGISTRATION. IT WOULD APPEAR THAT THOSE PEOPLE WHO UTILIZE THE MAIL RE-REGISTRATION SERVICE SHOULD PAY FOR THAT SERVICE BY PAYING AN ADDITIONAL \$.50 AT THE TIME THEY SEND THEIR REGISTRATION IN, AS HAS BEEN DONE IN THE PAST.

IN ADDITION, TO FUND THE REMINDER NOTICES, IT WOULD APPEAR THAT AN ADDITIONAL AMOUNT TO OFFSET THE COSTS OF THE REMINDERS SHOULD BE PLACED ON THE REGISTRATION OF THE VEHICLE - SIMILAR TO THE \$.50 JUNK VEHICLE ASSESSMENT - TO BE PLACED IN A FUND EARMARKED FOR REGISTRATION REMINDERS - SEPARATED TOTALLY FROM JUNK VEHICLE FUNDS.

I WOULD URGE THE COMMITTEE TO GIVE HB 76 A **DO NOT PASS** RECOMMENDATION.

TESTIMONY IN OPPOSITION TO
HOUSE BILL 76

Handwritten notes:
H. B. 76
Rep. Sober
Phillips

MR. CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER AND I AM THE DIRECTOR OF THE CASCADE COUNTY JUNK VEHICLE DISPOSAL PROGRAM, A POSITION I HAVE HELD SINCE THE BEGINNING OF THE PROGRAM IN 1974.

THE JUNK VEHICLE LAW HAS BEEN AN EXTREMELY SUCCESSFUL LAW SINCE ITS PASSAGE IN 1973. ONE OF THE REASONS IT HAS BEEN SO SUCCESSFUL IS BECAUSE IT HAS BEEN ONE OF THE FEW PROGRAMS THAT HAS A FUNDING MECHANISM THAT PROVIDES ADEQUATE MONIES TO THE LOCAL GOVERNMENTS TO PERFORM THE REQUIRED DUTIES OF ENFORCEMENT AND JUNK VEHICLE REMOVAL WITHOUT AN UNDUE HARDSHIP ON THE TAXPAYERS, SINCE ONLY \$.50 PER YEAR PER REGISTERED VEHICLE IS ASSESSED TO THE PUBLIC. THE METHOD OF FUNDING THE PROGRAM USES IS STRAIGHT FORWARD AND SIMPLE, YET ADEQUATE CONTROLS AND SAFEGUARDS ARE BUILT IN TO ASSURE PROPER EXPENDITURES OF THE FUNDS. THE INTENT OF THE LAW IN 1974 WAS TO EAR MARK ALL FUNDS FOR THE CONTROL, COLLECTION, RECYCLING AND DISPOSAL OF JUNK VEHICLES. HOWEVER, IN RECENT LEGISLATIVE SESSIONS, THE JUNK VEHICLE PROGRAM HAS BEEN TAPPED FOR NON-JUNK VEHICLE PROGRAMS, THUS REDUCING THE FUNDS AVAILABLE FOR CONTROL AND REMOVAL OF JUNK VEHICLES - THE PURPOSE FOR WHICH THE TAXPAYERS ARE BEING ASSESSED.

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I CERTAINLY HAVE NO OBJECTIONS TO RE-REGISTERING LIGHT VEHICLES BY MAIL AND FEEL IT HAS BEEN AN EXCELLENT PROGRAM. HOWEVER, I DO NOT FEEL THAT THE JUNK VEHICLE PROGRAM IS THE PLACE TO FUND MAIL RE-REGISTRATION. IT WOULD APPEAR THAT THOSE PEOPLE WHO UTILIZE THE MAIL RE-REGISTRATION SERVICE SHOULD PAY FOR THAT SERVICE BY PAYING AN ADDITIONAL \$.50 AT THE TIME THEY SEND THEIR REGISTRATION IN, AS HAS BEEN DONE IN THE PAST.

IN ADDITION, TO FUND THE REMINDER NOTICES, IT WOULD APPEAR THAT AN ADDITIONAL AMOUNT TO OFFSET THE COSTS OF THE REMINDERS SHOULD BE PLACED ON THE REGISTRATION OF THE VEHICLE - SIMILAR TO THE \$.50 JUNK VEHICLE ASSESSMENT - TO BE PLACED IN A FUND EARMARKED FOR REGISTRATION REMINDERS - SEPARATED TOTALLY FROM JUNK VEHICLE FUNDS.

I WOULD URGE THE COMMITTEE TO GIVE HB 76 A **DO NOT PASS** RECOMMENDATION.

VISITORS' REGISTER

Highways & Transportation COMMITTEE

BILL NO. 116 - Phillips DATE 1/13/87

SPONSOR NO-65-Beck

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
PETE FRANK	111 S. MAIN ST 113 W. 11th AVE. STE 105		X
John Courtney	1023 3rd Helena		
GEORGE OCHENSKI	HELENA - MT. ENV. INF CNTR		
Jim Holmes	Hamilton, MT MMA 165	X	
Beverly Gibson	MACO - Helena - HB 76		
Jordan Morris	MACO	HB 76	
Vic ANDERSEN	DHES		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.