

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

February 10, 1987

Rep. John Harp, Chairman of the Highways & Transportation Committee called this meeting to order at 1:00 p.m. in Room 317 of the Capitol, Helena.

ROLL CALL

Reps. Hal Harper, Roland Kennerly, Clyde Smith and Fred Thomas were all excused. Reps. Harper and Thomas came to the meeting later on. All other members were present, as was Mary McCue, committee researcher.

Bills to be heard were HB 396, HB 423, and HB 438.

HOUSE BILL 396

Rep. Robert (Bob) Pavlovich, District 70, Butte, sponsor of HB 396, explained it is an act to allow the Department of Justice to suspend the driver's license of a licensee who has committed an unlawful or fraudulent use of a driver's license; and amends 60-5-206, MCA. HB 396 adds language for fraudulent use of a license such as using someone else's driver's license as his own, or allowing someone else to use his license for fraudulent purposes.

PROponents

LARRY MAJERUS, Department of Justice, explained this section deals with the Department's authority to suspend drivers' licenses based on convictions. Presently if there was a conviction on someone who has committed an unlawful fraudulent use of their driver's license, they have been trying to take action against them under the language that says "permitted under an unlawful or fraudulent use". They argue that they committed the act but didn't permit it and they have had several cases where that has been contested in the hearing. This is to spell it out as they visualize it. If they receive a conviction for someone who has committed the fraudulent use, then they would have express authority to suspend the license.

OPponents - None

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QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Roth asked if this has been upheld through court challenges. Mr. Majerus answered that the Justice Department backs down because of the ambiguity in the statutes. The problem comes up through the Administrative Procedures Act and the hearings they are required to give before they can suspend a license. That is where the problem is.

Rep. Swysgood said the language "has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage" is pretty open ended, isn't it. Mr. Majerus said this is the authority for which they adopt any rules and regulations regarding suspension. The actual suspension as a result of any of those actions is covered by their rules. This is current language.

Rep. Pavlovich closed.

HOUSE BILL 423

Rep. Janet Moore, District 65, Swan Valley, sponsor, brought this bill to the Legislature because of the state's economic climate. This is an act to increase the penalty for violation of the fuel conservation speed limit from \$5 to \$20; and amends 61-8-718. Every time she gets a ticket, which is quite frequently, it costs the state \$14. She has to pay \$5. HB 423 would raise the fine enough to pay for the cost of issuing a speeding ticket. In 1986 there were 75,800 of these \$5 tickets issued, but with HB 423 there will be 20% fewer violations in 1988 and 1989 which will be about 60,000 per year. She feels enforcement of the federal regulation of 55 mph speed limit is blackmail. From the \$20 fine \$12 will go to the Motor Vehicle Special Revenue Fund and \$1.25 will go to Drivers Ed; 90 cents to the Crime Victims Assistance Program and those two will stay exactly the same because there will be less tickets issued. Counties will get an increase to \$5.85. Truckers just buy a roll of \$5 bills and whip on through the state. The faster a truck goes, the more it impacts the highways, and heavily impacts bridges. She handed out some amendments. (EXHIBIT #2)

PROPONENTS

SENATOR CECIL WEEDING, Senate District 14, supports HB 423 as amended. His bill SB 137 purports to do this same thing

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and some additional things also. A bill is in the Judiciary Committee that would impose a \$10 fine on all violations with the exception of some minor highway and nonmoving traffic violations. The proceeds go to the support of the Law Enforcement Academy whose present source of funding is through the Law Enforcement Agency. The two bills would have to be melded together. People who are supporting SB 137 are in concurrence with the proposed amendments for HB 423.

PATRICK DRISCOLL, Chief Assistant to the Attorney General, said Rep. Moore asked his office to explain the amendments she proposed. The present draft simply changes the fine from \$5 to \$20; the amendments would change the \$15 increase to a surcharge and then allocate the surcharge among various uses, \$12 would go to the Motor Vehicle Reporting account of the Special Revenue Fund; \$3 would be retained by the court. Several law enforcement agencies in the Department of Justice are funded by the Motor Vehicle Recording Account Fund. They support adoption of HB 423 as amended.

OPPONENTS

REP. FRANCES KOEHNKE, House District 32, Townsend, opposes HB 423 for several reasons: it was made law because of the shortage of gas which is no longer true; because of safety which is no longer true because deaths have been down the last few years due to the DUI laws. It is a bad law when law-abiding citizens consistently break the law and they certainly do break this law. They should not be treated as criminals which is the assumption when the fee is raised to \$20. The state has found a way of not punishing its citizens as much as some other states do by not imposing a high fine. He recommended waiting until Congress determines whether the 65 mph speed limit in certain areas will be adopted. If it costs \$14 to process, maybe that could be lowered instead of raising the fine. Every time this legislation has been raised in the Legislature it has been killed. He thinks 55 mph is just too slow for Montana's wide open spaces, and \$20 is too much to punish you for going a little faster.

REP. CHARLES SWYSGOOD, House District 73, opposed HB 423.

LARRY TOBIASON, President of the Montana Automobile Association, opposes HB 423 because of its apparent intent to raise revenue. The Montana motorist is now being asked to do and fund many things either through increased license fees or increased taxation. The motorist now has to pay for weed control, help fund district courts, help maintain

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snowmobile trails, block grant programs, wildlife parks, and now he is being asked to help pay for the Law Enforcement Academy or offset the general fund deficit. The three cent gasoline tax increase will probably pass the Senate today. The increased burden on the motorist is already too much and an increased fine is just too much.

DON INGELS, Montana Chamber of Commerce, perceives this type of action to be bounty taxation. They oppose HB 423.

SONNY HANSON, state traveller, drives 25-35,000 per year. He represents himself. To go 10 miles an hour faster amounts to about 80 hours a year extra he can conduct his business and do an additional building. Many people make their living when they get to where they are going. They pay their \$5 fines regularly. They accept that because the state was blackmailed into putting on a daytime speed limit by the federal government. He hopes HB 423 does not pass.

JIM HAYNES, Montana Magistrate's Association, consisting of the Justices of the Peace and the City Judges, technically does not oppose HB 423. He commented that if this bill becomes a law which funds the Law Enforcement Academy, they oppose having the burden of becoming bookkeepers for every time there is a ticket issued, having to check it off, and make sure that money goes into the appropriate fund. Another bill will be introduced in which the Justices of the Peace will request to be relieved from being bookkeepers. (See EXHIBIT #3) There are now 45 statutes they have to keep track of in terms of bookkeeping, and this bill to fund the Law Enforcement Academy will be #46. They want to go on record as perhaps opposing HB 423, depending on where the program funding goes.

BETTY KOEHNKE, Townsend, opposes HB 423. This is one of the unique things about Montana when people ask how much the fine is. Let's keep something unique here besides taxing everybody.

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Jones asked how the \$14 cost figure was arrived at, and how is the \$5 spent. Rep. Moore explained \$1.25 now goes to the driver's education fund, 90 cents goes to crime victims program, \$2.85 goes to the county and this distribution will continue. Patrick Driscoll, Department of Justice, stated they have calculated the cost of issuing a ticket is

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really \$19-\$28 taking into consideration the time for writing the ticket, materials and traffic enforcement. It is simply the cost of running the Department. \$14 is a very conservative figure.

Rep. Swysgood asked if the proposed \$12 portion of the \$20 fine was going to fund the Law Enforcement Academy. Mr. Driscoll advised the way the amendments are drafted, it does not dedicate to the Law Enforcement Academy. It is directed to the Motor Vehicle Recording Account and presently that account is the source of funds for the Law Academy and other operations of the Department of Justice. Rep. Swysgood asked if some of this money trickled into the Law Enforcement Academy, would this money be used to build a new academy? Mr. Driscoll stated only if the Legislature specifically authorized that. It would have to be appropriated. This is only an account subject to appropriation.

Rep. Harp mentioned the AAA made an interesting observation that the Montana motorist continues to be picked on through bills like weed control, block grant, highway patrol capital accounts completely out of the highway earmarked account, and also various fees that we are putting on to handle district courts, etc. Is the purpose behind your bill raising revenue for the general fund? Rep. Moore answered no. She stressed her purpose for introducing HB 423 was to pay for the actual costs of issuance and processing a speeding ticket. She doesn't think it is right to spend that much money for issuing the tickets and collecting such a small fine.

Rep. Stang was curious why Rep. Moore changed her original bill with the amendments. Why did you change it to a surcharge instead of a fine? Rep. Moore explained Senator Weeding has a bill that covers a whole avenue of fines. She wanted to keep her bill clean this way. Rep. Stang further asked where the additional \$15 would go. Rep. Moore said it would go to the business of the cost of issuing the ticket. It would have gone directly to the highway patrol. Rep. Harp stated there was some general fund impact also.

Rep. Stang said under the original bill, had you just increased the fine from \$5 to \$20, where would the splitout of the funds of that \$15 go? Mr. Driscoll answered the counties would get additional amounts and the remainder would have gone to the general fund and the crime victims. Rep. Stang asked under the amendments she is splitting it out into different accounts, where would it actually go? Then with her amendments,

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it really isn't going to serve the purpose of the original bill which was to pay for the cost of writing the ticket. Mr. Driscoll advised the intention of the amendments was to make the bill accomplish what she originally intended but also to accomplish what Rep. Peck's bill would have accomplished. HB 423 with the amendments would be almost identical to the bill to be heard tomorrow except with a slight difference in allocations.

Rep. Swysgood said under the original bill she testified that extra money would be going to the counties and also the general fund. Mr. Driscoll said under the original bill the present distribution was addressed, and that proportion would be retained under a straight fine increase as originally drafted. Rep. Swysgood said the fiscal note, which was prepared before any amendments, shows the counties receiving \$7.50. So the \$12 under the amendment goes to the Motor Vehicle Recording Account which would not have been receiving that much money under the original bill. Mr. Driscoll thought that was a mistake in the fiscal note. The pro rata distribution would be the same as it is now. He would have to check on that. Rep. Roth thought it could not be the same if you take a portion out of that and put it into the general fund. Mr. Driscoll said he was mistaken.

Rep. Stang asked if Mr. Driscoll could make the committee a chart showing distribution under the original bill, where the money goes with her amendments, and where it will go under Rep. Peck's bill.

Rep. Moore closed saying she travels about 35-50,000 miles a year covering her district. Let's charge enough to cover the cost of issuing these tickets, or let's quit issuing them.

#### HOUSE BILL 438

Rep. Bob Ream, House District 54, Missoula County, sponsored HB 438 which is an act allowing the owner or operator of a self-propelled crane to purchase a 30-day special permit for overweight and establishing a fee; amends 61-10-124, MCA. It provides an alternative method of obtaining permits for the use of cranes on the highways in the state. Currently, a crane operator has to obtain a single trip permit for a fee of \$10; and they are limited to a single trip permit. HB 438 offers an alternative 30-day permit for the price of \$200. One advantage is to the owner-operator of those cranes; it provides a lot more flexibility in management; provides ease

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of operation in not having to obtain a permit every day. The second advantage is in terms of cutting back on red tape for the state.

PROPOSERS

FRED A. BURGESS, Fred's Towing and Crane, would rather buy a 30-day permit than a \$10 single trip permit. An operator comes to work at 8:00 and has to go across town to get a \$10 permit in order to move the 78,000 pound crane. The \$10 is not the problem, the union man costs \$27/hour to go buy the permit, comes back and goes to work. He loses one hour a day, which is \$75 an hour. Every day he has to buy this permit he loses \$100. With a \$200 permit he will not gain or lose that much, but it will allow them to go to work at 8:00 a.m. instead of going to work at 9:00 a.m. Under an emergency basis where a truck fell through a bridge on a holiday, there was no way to buy a permit. It would allow them some maneuverability, so they could get to work earlier. If numbers on the permit are not correct, he gets a fine. He is very much in support of this bill. This will not increase or decrease any money. He buys a \$10 permit every time he moves that crane. He could get a self-issuing permit, but the first time you write that out is when a GVW man is sitting on your tail. He got picked up by the GVW people 15 times in one month to check to see if he had this \$10 permit. A 30-day permit would free up an officer to do something besides check on him about a \$10 permit.

JESSE MUNRO, Administrator of the Gross Vehicle Weight Division for the Department of Highways, neither opposes nor supports HB 423. This is a very restrictive bill. It only pertains to cranes with a GVW of less than 80,000 pounds. To obtain this permit their S.M. plates have to be current. The bridge department does an annual analysis to see that they are a legitimate size to operate on the highways. They are checked out rather thoroughly. The \$200 is what they would pay anyway, so it is a wash.

OPPOSERS - None

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Roth asked if a 30-day permit is issued, do you have to schedule your jobs so that the permitting department knows where you are going? Mr. Burgess stated he operates in a 30-mile radius in the Missoula area on the \$10 permit. He has no basis for determination of where he will be working. His

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concern is just wanting to get started earlier in the morning to pick up more revenue with that \$150,000 crane.

Rep. Harp said this covers anything under 80,000 pounds. Mr. Burgess has a 45-ton hydraulic crane with two steering axles. He said on the permit you state exactly what weight is on which wheel, etc. This permit has to have that analyzation and the taxes have to be paid for the S.M. plate and these are all covered. He is trying to gain some time.

Rep. Stang asked how much would you have to increase the size of most rubber-tired cranes that are used by logging companies? Mr. Munro stated you are not looking at more than 20,000 pounds and would come in under 100,000 pounds. Rep. Stang mentioned he is doing some research in Idaho and you can buy a permit to move anywhere you want to. Why can't we do that in Montana? Mr. Munro said part of the problem with that and with the cranes is that they do not meet the Federal Bridge Formula-- just the nature of the machine itself. A lot of them are using tires that are not able to carry them. What brought up this issue is that smaller cranes are being used to clear vehicle wrecks off the road. They might be able to allow them to get there quickly to take care of an accident on a highway and that is why the analysis is required. They are hesitant to allow a skidder and wheel loaders and cranes of this type unless they have a lot of safety features such as taillights and headlights. He will present further information on Thursday.

Rep. Glaser explained S.M. plates are special mover plates.

Rep. Ream closed.

EXECUTIVE SESSION

HOUSE BILL 169

Rep. Glaser, Chairman of the subcommittee on HB 169, reported the subcommittee elected to suggest HB 169 does not pass out of the committee. It does more than they wanted. Legitimate farmers are using their tractor trailers in their own operations. He recommended the bill do not pass out of the committee.

Rep. Mercer moved adoption of the subcommittee report and that HB 169 be TABLED.



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HOUSE BILL 168

Subcommittee Chairman Rep. Glaser said there is some liability with this bill. After you have been caught three times you could never again use the farm operator 16% fee on your tractor trailer even if you were hauling for yourself. The subcommittee also decided that person who was driving down the road with three trucks at one time that were in violation, that the intent of HB 168 was three different violations at three different times and that it could be amended to say three instances on three different occasions.

Rep. Mercer supported what the subcommittee was trying to do, but he thinks the bill as introduced is seriously flawed. He doesn't think it should pass unless it is revamped and makes the fee a fine and the violation a misdemeanor and imposes a penalty. He moved HB 168 be TABLED. Reps. Harper, Kennerly, Smith, and Thomas were excused; Rep. Fritz voted No; Rep. Campbell was out of the room; the rest of the members voted for HB 168 to be TABLED.

HOUSE BILL 221

Rep. Glaser had contacted the legislative auditor who advised that once a computer system is established, it doesn't matter where the physical system is located. It is a matter of where the legislature desires as policy to put this service. Rep. Swysgood mentioned the fiscal note shows the costs to be the same whether this service is in the DOR or the DOH. Implementation costs of this system were fairly reasonable and will apply wherever the system is located. The auditors said that the intention was that this system could be transferred to the DOH. It is simply moving equipment from one place to another. It would centralize GVW hauling, and motor fuel taxes in the DOH. Reporting would be more convenient for taxpayers. Portions of the DOR would have to be involved because it would be part of the data base. Both languages use the same file.

Rep. Glaser moved HB 221 DO PASS; Reps. Harper, Smith, Thomas and Kennerly were absent. The other members voted for the DO PASS motion.

HOUSE BILL 396

Rep. Roth moved HB 396 DO PASS; motion carried with the 12 members present voting for the DO PASS motion.

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February 10, 1987  
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HOUSE BILL 28

Rep. Mercer thought the way the money is divided is absolutely crazy. It is too hard to figure out how the money is to be distributed.

Rep. Mercer moved adoption of the new amendments, EXHIBIT #4. The amendments were adopted unanimously by the 12 members present.

Rep. Mercer moved HB 28 DO PASS AS AMENDED. Two members voted No; four members were absent; ten members voted Yes. Motion CARRIED.

HOUSE BILL 319


Rep. Kadas moved adoption of amendments. Rep. Glaser made a substitute motion to adopt amendments #1 and #3 separately from #2 and #4. Rep. Roth moved amendments #1 and #3 be adopted; motion CARRIED with 12 members voting for adoption, and the same four absent.

Rep. Kadas moved amendments #2 and #4 be adopted. Rep. Glaser moved amendments #2 and #4 be amended in the title: strike 'LOCAL' and insert "MUNICIPAL"; and following line 24 in (2), following "A" strike "local" and insert "municipal". Motion to adopt as amended failed.

Rep. Kadas moved HB 319 Do Pass As Amended. Motion failed with a roll call vote #1 of 6 to 8. Rep. Kadas then moved HB 319 be TABLED; motion was adopted with Reps. Fritz and Thomas voting NO; and Reps. Harper, Kennerly and Smith absent.

ADJOURNMENT

There being no further business to come before this committee, the hearing was adjourned at 2:30 p.m.

  
\_\_\_\_\_  
REP. JOHN HARP, Chairman



# STANDING COMMITTEE REPORT

February 10 19 87

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION  
report HOUSE BILL 221

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in     | <input type="checkbox"/> as amended                   |
| <input type="checkbox"/> do not pass        | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

REP. JOHN HART

Chairman



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# STANDING COMMITTEE REPORT

February 10 19 37

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

report HOUSE BILL 396

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in     | <input type="checkbox"/> as amended                   |
| <input type="checkbox"/> do not pass        | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

REP. JOHN KARP

Chairman

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ROLL CALL VOTE

HIGHWAYS & TRANSPORTATION COMMITTEE

DATE Feb 10, 1947 BILL NO. HB 319 NUMBER 1

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

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Jo Lakti  
Secretary

John Mercer  
Chairman

MOTION: Do Pass As Amended - Motion Failed.  
Motion to table carried with Rep Fritz and  
Rep. Thomas voting No.

# STANDING COMMITTEE REPORT

February 10 19 87

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

report HOUSE BILL 28

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

REP. JOHN HARP

Chairman

## CHANGING DISTRIBUTION OF GVW FINES FOR OFFENSE ON COUNTY MAINTAINED ROADS

Be Amended as follows:

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 viola-  
tions 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: subsequent sections

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UNOFFICIAL FINANCIAL INFORMATION ON  
HB423 AMENDMENT

#1  
Feb. 10, 1987  
423 - Rep. Janet Moore

In 1986 75,800 55 mph violations were written. It is assumed that 20 percent fewer violations will occur in FY88 and FY89 due to driver regard for the increased fee.

Revenue: Fines  
Distribution:  
State:

	<u>Current Law</u>	<u>FY88 Proposed Law</u>	<u>Difference</u>
Motor Vehicle Fund	0	727,680	727,680
25% Driver Education	94,750	75,800	(18,950)
18% Crime Victim	68,220	54,576	(13,644)
County	216,030	354,744	138,714

Estimated fiscal impact on FY89 same as for FY88.



#2  
2/10/87  
423-Rep Jan 1  
M...

AMENDMENT TO HB 423, INTRODUCED COPY

1. Title, Lines 4 through 6:  
Following: "To"  
Strike: Remainder of lines 4 through 6 in their entirety.  
Insert: "Impose a \$15 surcharge for violation of the fuel conservation speed limit; and amending section 61-8-718, MCA."
  
2. Line 13  
Following: "\$5"  
Insert: "\$5"
  
3. Line 14  
Strike: "\$20"  
Following: "imposed."  
Insert: "Except as provided in subsection (2), all courts of original jurisdiction shall impose upon a defendant convicted under 61-8-304, a \$15 surcharge in addition to other taxable court costs, fees, or fines."
  
4. Line 16  
Insert: "(2) If a court determines under 46-18-231 and 46-18-232 that the defendant is not able to pay the surcharge and costs or that he is unable to pay them within a reasonable time, the court shall waive payment of the surcharge imposed by this section.  
  
(3) \$12 of the money collected from payment of the \$15 surcharge shall be forwarded to the state treasurer and deposited in the motor vehicle recording account of the state special revenue fund. \$3 of the money collected from payment of the \$15 surcharge shall be retained by the court which imposed the fine and surcharge."

Renumber: Subsequent subsections.

*Jim Haynes*  
*Montana Magistrates' Association*  
*1220 1/2 1st Street*  
*Butte, Montana*

February 9, 1987

TO: Representative John Cobb - LC 602 - H.B. \_\_\_\_\_.

FROM: Jim Haynes, Montana Magistrates's Association, Lobbyist

SUBJECT: Updated Summary of Bill Changing the Manner of Disposition of Fees, Fines and Forfeitures of Bond in Justice Court.

The Justice of the Peace Courts currently distribute the fines and forfeitures they collect to the County Treasurer in a monthly distribution report. The Justice Court performs all the bookwork in a cumbersome monthly distribution report which the County Treasurer sends to the State Treasurer after the County receives its distribution share of the monies collected, estimated at 50% of the total amount collected. This estimate is based on June 1985 - May 1986 figures obtained from Collection Reports submitted to the State Treasurer and the monthly distribution reports prepared by the Justice Courts. 45 MCA statute sections touch upon this distribution method (attached sheet).

The estimated amount of money received by the State in 1985 for distribution was:

State General Fund	\$500,000.00
Driver Education - MHP	647,600.00
Crime Victim Comp. - MHP	373,400.00
Driver Education - GVW	151,100.00
Highway Dept.- Special Revenue	
	271,100.00
Fish, Wildlife & Parks	221,100.00
Snowmobile & Boats	11,000.00
Livestock	1,900.00

The Legislative Auditor issued a report in January, 1986, focusing in part, on loss of revenue caused by this cumbersome and confusing method of distribution, Special Purpose Audit Report on the Collection of State Revenues by Montana Counties. A cash flow problem exists as well as general ignorance and confusion under the current distribution method.

The Montana Magistrate's Association proposes legislation that changes the method of distribution. Justice Courts would simply ~~retain money to cover their costs as they do now and~~ forward the balance monthly to the County Treasurer. No more lengthy bookkeeping report would be required. The distribution process would be both streamlined and simplified.

The County Treasurer would distribute the monies received as follows:

- (1) 50% to the State Treasurer
- (2) 50% to the General Fund of the county

The State Treasurer would distribute the monies received from the County as follows:

TO: Representative John Cobb

February 9, 1987

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- (1) 23% to the General Fund of the State
- (2) 10% to the Fish & Game account
- (3) 13% to the State Highway account, special revenue fund
- (4) 36% to the Traffic Education account, special revenue fund
- (5) 1% to the Department of Livestock account
- (6) 17% to the Crime Victims account

This simplifies the accounting methods now required of the County Treasurers and Justice Courts. It would require the State Treasurer to account for percentages of monies it distributes to state funds.

This simplified distribution method is proposed only for Justice Courts. Other courts, City Courts and District Courts primarily, would remain under the same system. City Courts and District Court use of the current distribution method is minimal. If the Justice Court's method is enacted and proves workable over the next two (2) years, it is likely that all courts could move to the method proposed for Justice Courts.

Perhaps the only other method for addressing current distribution problems would be a centralized computer data spreadsheet which all 56 counties adopted and conformed to. This option currently is considered unworkable.

Necessary

3-10-601  
20-7-504  
20-7-505  
20-9-337  
20-9-332  
23-2-507  
23-2-644  
46-17-303  
46-18-231 - 235  
46-18-603  
53-9-109  
61-8-718  
61-10-148  
61-12-701 - 703  
81-3-231  
81-4-202  
87-1-104  
87-1-201  
87-1-601

Nice

7-23-105  
7-14-2138  
7-22-2117  
7-22-2434  
13-37-124  
13-37-129  
32-2-106  
33-2-312  
37-2-301  
37-7-324  
37-41-212  
50-1-204  
50-2-124  
50-52-105  
50-70-118  
50-71-325  
7-20-109  
75-2-412  
75-7-216  
76-13-114  
77-1-117  
80-7-704  
81-4-621  
85-2-123  
85-3-213  
87-5-509

repeal. 3-10-603

#11  
Feb. 19, 1917.  
20. Rep. ...

Amendments to HB 28  
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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: subsequent sections*

WITNESS STATEMENT

NAME Fred A Burgess BILL NO. 438  
ADDRESS 321 North Russell DATE 2-10-8  
WHOM DO YOU REPRESENT? Fred's Towing & Crane  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



