

HOUSE BILL NO. 740

INTRODUCED BY COBB, VAN VALKENBURG, MERCER,
BLAYLOCK, PECK, BISHOP, MILES, ADDY, NEUMAN,
REHBERG, THOMAS, GIACOMETTO

IN THE HOUSE

FEBRUARY 13, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 19, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1987 PRINTING REPORT.

FEBRUARY 21, 1987 SECOND READING, DO PASS.

FEBRUARY 23, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 96; NOES, 2.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 27, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 30, 1987 SECOND READING, CONCURRED IN.

 ON MOTION, SEGREGATED FROM
COMMITTEE OF THE WHOLE REPORT.

 ON MOTION, PLACED ON SECOND
READING THIS DAY.

 SECOND READING, CONCURRED IN.

 ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

MARCH 30, 1987

THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 740
 2 INTRODUCED BY Cobb Van Valkenburg Marcus Blaylock
 3 Paul Thomas Bishop Miles Ally N. Norman Redden
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RELIEVE JUSTICES OF
 5 THE PEACE FROM OVERLY BURDENSOME BOOKKEEPING AND OTHER
 6 ADMINISTRATIVE DUTIES IN REGARD TO FINES, PENALTIES, AND
 7 FORFEITURES PAID IN THEIR COURTS; TO REVISE THE METHOD OF
 8 DISTRIBUTING THE FINES, PENALTIES, AND FORFEITURES; AMENDING
 9 SECTIONS 3-10-601, 7-14-2138, 7-14-2826, 7-22-2117,
 10 7-22-2434, 7-23-105, 13-37-124, 13-37-129, 15-1-105,
 11 15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331,
 12 20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301,
 13 37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408,
 14 37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236,
 15 46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118,
 16 53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701,
 17 75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112,
 18 76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704,
 19 80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279,
 20 81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND
 21 87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND
 22 PROVIDING AN EFFECTIVE DATE."
 23
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 25 Section 1. Section 3-10-601, MCA, is amended to read:

1 "3-10-601. Collection and disposition of fin
 2 penalties, forfeitures, and fees ---itemized-statement. (1)
 3 Each justice of the peace shall collect the fees prescribed
 4 by law for justices' courts and shall pay them into the
 5 county treasury of the county wherein he holds office, on or
 6 before the 10th day of each month, to be credited to the
 7 general fund of the county.
 8 ~~(2) He shall also file an itemized statement showing~~
 9 ~~all fees received during the preceding month in his court.~~
 10 ~~The statement shall state that all fees required by law to~~
 11 ~~be paid during the preceding month in connection with~~
 12 ~~matters pending before the court have been paid into the~~
 13 ~~county treasury and listed in the itemized statement and~~
 14 ~~that he has not received or been promised, nor has any one~~
 15 ~~else received or been promised for him, any other moneys,~~
 16 ~~emolument, or thing by virtue of or in connection with his~~
 17 ~~office. The statement shall be subscribed and sworn to by~~
 18 ~~the justice.~~
 19 (2) All fines, penalties, and forfeitures that this
 20 code requires to be imposed, collected, or paid in a
 21 justice's court must, for each calendar month, be paid by
 22 the justice's court on or before the 5th day of the
 23 following month to the treasurer of the county in which the
 24 justice's court is situated.
 25 (3) The county treasurer shall, on or before the 10th

1 day of the month in which it is paid, distribute money
2 received under subsection (2) as follows:

3 (a) 50% to the state treasurer; and

4 (b) 50% to the county general fund.

5 (4) The state treasurer shall distribute money
6 received under subsection (3) as follows:

7 (a) 23% to the state general fund;

8 (b) 10% to the fish and game account in the state
9 special revenue fund;

10 (c) 13% to the state highway account in the state
11 special revenue fund;

12 (d) 36% to the traffic education account in the state
13 special revenue fund;

14 (e) 1% to the department of livestock account in the
15 state special revenue fund; and

16 (f) 17% to the crime victims compensation account in
17 the state special revenue fund."

18 Section 2. Section 7-14-2138, MCA, is amended to read:

19 "7-14-2138. Prosecution by county attorney. (1) The
20 county attorney, upon complaint of the road supervisor,
21 county surveyor, or any other person, shall prosecute all
22 actions provided in parts 21 through 28 in the name of the
23 state of Montana.

24 (2) All penalties, except those paid to a justice's
25 court, shall be paid into the general fund of the county."

1 Section 3. Section 7-14-2826, MCA, is amended to read:

2 "7-14-2826. Regulation of ferry operation --
3 penalties. (1) The board of commissioners may make all
4 needful rules for the government of ferries and ferrykeepers
5 prescribing:

6 (a) how many boats must be kept, their character, and
7 how propelled;

8 (b) the number of hands, boatmen, or ferrymen to be
9 employed and rules for their government;

10 (c) when and under what circumstances to make trips in
11 the nighttime;

12 (d) who may be ferried free of toll;

13 (e) in what cases of danger or peril not to cross;

14 (f) penalties for violation of regulations;

15 (g) in case of steamboats, the rate of speed;

16 (h) the method of and preference in loading and
17 crossing; and

18 (i) how and by whom action must be brought to recover
19 penalties.

20 (2) Subject to the foregoing regulations, ferrykeepers
21 must make trips to accommodate all passengers who desire to
22 cross, and any failure to do so subjects the franchise to
23 forfeiture by a proper proceeding for that purpose.

24 (3) The owner of every ferry must have the rates of
25 toll, as fixed by the board, printed or written and posted

1 in some conspicuous place on or near the ferry.

2 (4) All ferrykeepers must keep the banks of the
3 streams or waters at the landings of their ferries graded
4 and in good order for the passage of vehicles. For every day
5 compliance herewith is neglected, \$25 is forfeited, to be
6 collected, except as provided in 3-10-601, for the use of
7 the road fund of the county."

8 Section 4. Section 7-22-2117, MCA, is amended to read:

9 "7-22-2117. Violations. (1) Any person who in any
10 manner interferes with the board or its authorized agent in
11 carrying out the provisions of this part or who refuses to
12 obey an order or notice of the board is guilty of a
13 misdemeanor, and upon conviction thereof, he shall be fined
14 not to exceed \$100 for the first offense and not less than
15 \$100 or more than \$200 for each subsequent offense.

16 (2) All fines, bonds, and penalties collected under
17 the provisions of this part, except those collected by a
18 justice's court, shall be paid to the county treasurer of
19 each county and placed by him to the credit of a fund to be
20 known as the noxious weed fund."

21 Section 5. Section 7-22-2434, MCA, is amended to read:

22 "7-22-2434. Disposition of fines, bonds, and
23 penalties. All fines, forfeited bonds, and penalties
24 collected under the provisions of this part, except those
25 collected by a justice's court, shall be paid to the county

1 treasurer of each county and placed by him to the credit of
2 the mosquito control fund."

3 Section 6. Section 7-23-105, MCA, is amended to read:

4 "7-23-105. Disposition of fines. All fines collected
5 under the provisions of this part and part 21, except those
6 collected by a justice's court, shall be paid into the
7 county treasury and shall be used to pay fees, salaries,
8 costs, or expenses for the enforcement of this part and part
9 21."

10 Section 7. Section 13-37-124, MCA, is amended to read:

11 "13-37-124. Consultation and cooperation with county
12 attorney. (1) Whenever the commissioner determines that
13 there appears to be sufficient evidence to justify a civil
14 or criminal prosecution under chapters 35, 36, or 37 of this
15 title, he shall notify the county attorney of the county in
16 which the alleged violation occurred and shall arrange to
17 transmit to the county attorney all information relevant to
18 the alleged violation. If the county attorney fails to
19 initiate the appropriate civil or criminal action within 30
20 days after he receives notification of the alleged
21 violation, the commissioner may then initiate the
22 appropriate legal action.

23 (2) A county attorney may, at any time prior to the
24 expiration of the 30-day time period specified in subsection
25 (1), waive his right to prosecute and thereby authorize the

1 commissioner to initiate the appropriate civil or criminal
2 action.

3 (3) The provisions of subsection (1) do not apply to a
4 situation in which the alleged violation has been committed
5 by the county attorney of a county. In this instance, the
6 commissioner is authorized to directly prosecute any alleged
7 violation of chapters 35, 36, or 37 of this title.

8 (4) If a prosecution is undertaken by the
9 commissioner, all court costs associated with the
10 prosecution shall be paid by the state of Montana, and all
11 fines and forfeitures imposed pursuant to a prosecution by
12 the commissioner, except those paid to or imposed by a
13 justice's court, shall be deposited in the state general
14 fund."

15 Section 8. Section 13-37-129, MCA, is amended to read:

16 "13-37-129. Liability and disposition of fines. In
17 determining the amount of liability under 13-37-128, the
18 court may take into account the seriousness of a violation
19 and the degree of culpability of the defendant. If a
20 judgment is entered against the defendant or defendants in
21 an action brought by a county attorney in a court other than
22 a justice's court, the county shall receive 50% of the
23 amount recovered. The remaining 50% shall be deposited in
24 the general fund of the state. In an action brought by the
25 commissioner in a court other than a justice's court, the

1 entire amount recovered shall be paid to the general fund of
2 the state."

3 Section 9. Section 15-1-105, MCA, is amended to read:

4 "15-1-105. Fines and forfeitures to county. All fines,
5 forfeitures, and penalties incurred by a violation of any of
6 the provisions of the state tax laws, except those paid to a
7 justice's court, must be paid into the treasury for the use
8 of the county where the person against whom the recovery is
9 had resides."

10 Section 10. Section 15-8-309, MCA, is amended to read:

11 "15-8-309. Violation and penalty. (1) Every person who
12 refuses to furnish the statement hereinbefore required or to
13 make and subscribe such affidavit respecting his name and
14 place of residence or to appear and testify when requested
15 so to do by the department, as above provided, for each and
16 every refusal and as often as the same is repeated forfeits
17 to the people of the state the sum of \$100 to be recovered
18 by action brought in the name of the state in any city or
19 justice's court.

20 (2) All moneys recovered under the provisions of this
21 section, except moneys paid to a justice's court, must be
22 paid into the treasury of the county in which the property
23 is located."

24 Section 11. Section 15-70-101, MCA, is amended to
25 read:

1 "15-70-101. Disposition of funds. All taxes, interest,
 2 and penalties collected under this chapter, except those
 3 collected by a justice's court, shall be turned over
 4 promptly to the state treasurer, who shall place the same in
 5 the state special revenue fund to the credit of the
 6 department of highways. Those funds hereinbelow allocated
 7 to cities, towns, and counties shall be paid by the
 8 department of highways from the state special revenue fund
 9 to such cities, towns, and counties.

10 (1) \$14,000,000 of the funds collected under this
 11 chapter, except those collected by a justice's court, is
 12 statutorily appropriated, as provided in 17-7-502, to the
 13 department of highways and shall be allocated each fiscal
 14 year on a monthly basis to the counties and incorporated
 15 cities and towns in Montana for construction,
 16 reconstruction, maintenance, and repair of rural roads and
 17 city or town streets and alleys, as provided in subsections
 18 (a) and (b) hereof:

19 (a) \$6,350,000 shall be divided among the various
 20 counties in the following manner:

21 (i) 40% in the ratio that the rural road mileage in
 22 each county, exclusive of the federal-aid interstate system
 23 and the federal-aid primary system, bears to the total rural
 24 road mileage in the state, exclusive of the federal-aid
 25 interstate system and the federal-aid primary system;

1 (ii) 40% in the ratio that the rural population in each
 2 county outside incorporated cities and towns bears to the
 3 total rural population in the state outside incorporated
 4 cities and towns;

5 (iii) 20% in the ratio that the land area of each
 6 county bears to the total land area of the state;

7 (b) \$7,650,000 shall be divided among the incorporated
 8 cities and towns in the following manner:

9 (i) 50% of the sum in the ratio that the population
 10 within the corporate limits of the city or town bears to the
 11 total population within corporate limits of all the cities
 12 and towns in Montana;

13 (ii) 50% in the ratio that the city or town street and
 14 alley mileage, exclusive of the federal-aid interstate
 15 system and the federal-aid primary system, within corporate
 16 limits bears to the total street and alley mileage,
 17 exclusive of the federal-aid interstate system and
 18 federal-aid primary system, within the corporate limits of
 19 all cities and towns in Montana.

20 (2) All funds hereby allocated to counties, cities,
 21 and towns shall be used for the construction,
 22 reconstruction, maintenance, and repair of rural roads, city
 23 or town streets and alleys or for the share which such city,
 24 town, or county might otherwise expend for proportionate
 25 matching of federal funds allocated for the construction of

1 roads or streets which are part of the federal-aid primary
 2 or secondary highway system or urban extensions thereto,
 3 except that the governing body of a town or third-class
 4 city, as defined in 7-1-4111, may each year expend no more
 5 than 25% of the funds allocated to that town or third-class
 6 city for the purchase of capital equipment and supplies to
 7 be used for the maintenance and repair of town or
 8 third-class city streets and alleys.

9 (3) Upon receipt of the allocation provided herein,
 10 the governing bodies of the recipient counties, cities, and
 11 towns shall inform the department of highways of the
 12 purposes for which the funds will be expended so that the
 13 county commissioners, the governing body, and the department
 14 of highways may coordinate the expenditure of public funds
 15 for road improvements.

16 (4) All funds hereby allocated to counties, cities,
 17 and towns shall be disbursed to the lowest responsible
 18 bidder according to applicable bidding procedures followed
 19 in all cases where the contract for construction,
 20 reconstruction, maintenance, or repair is in excess of
 21 \$4,000.

22 (5) For the purposes of this section where
 23 distribution of funds is made on a basis related to
 24 population, the population shall be determined by the last
 25 preceding official federal census.

1 (6) For the purposes of this section where
 2 determination of mileage is necessary for distribution of
 3 funds, it shall be the responsibility of the cities, towns,
 4 and counties to furnish to the department of highways a
 5 yearly certified statement indicating the total mileage
 6 within their respective areas applicable to this chapter.
 7 All mileage submitted shall be subject to review and
 8 approval by the department of highways.

9 (7) Except by a town or third-class city as provided
 10 in subsection (2), none of the funds authorized by this
 11 section shall be used for the purchase of capital equipment.

12 (8) Funds authorized by this section shall be used for
 13 construction and maintenance programs only."

14 Section 12. Section 19-8-504, MCA, is amended to read:

15 "19-8-504. State's contribution. Each month the state
 16 treasurer shall pay to the account, out of the department of
 17 fish, wildlife, and parks moneys, a sum equal to 7.15% of
 18 the total of all members' salaries, and out of the moneys
 19 collected as fines and forfeited bonds under the provisions
 20 of 87-1-601 or moneys distributed under 3-10-601(4), all
 21 such collections are statutorily appropriated to the account
 22 until the unfunded liability in the account is solvent and a
 23 verification statement to that effect is given to the state
 24 treasurer by the board."

25 Section 13. Section 20-7-504, MCA, is amended to read:

1 "20-7-504. State traffic education account -- proceeds
 2 earmarked for the account. (1) There is a traffic education
 3 account in the treasury of the state of Montana. There shall
 4 be paid into this account a portion of the fines and
 5 forfeitures collected in any court except a justice's court
 6 from persons apprehended or arrested by highway patrol
 7 officers or department of highways peace officers for any
 8 violation of chapter 3, part 1 of chapter 4, or chapters 5
 9 through 10 of Title 61 relating to the operation or use of
 10 motor vehicles in the following amounts:

- 11 (a) if a fine is imposed, 25% of the fine imposed;
 12 (b) if multiple offenses are involved, 25% of the
 13 total sum of all fines imposed;
 14 (c) if a fine is suspended, in whole or in part, 25%
 15 of the fine actually paid; and
 16 (d) if any deposit of bail is made for an offense to
 17 which this section applies and the bail is forfeited, 25% of
 18 the forfeited bail.

19 (2) A portion of all money from the collection of fees
 20 from driver's licenses, motorcycle endorsements, and
 21 duplicate driver's licenses shall be contributed to the
 22 traffic education account as provided in 61-5-121."

23 Section 14. Section 20-7-505, MCA, is amended to read:

24 "20-7-505. Transmittal of proceeds from fines and
 25 other sources. (1) The portion of the proceeds from fines

1 and bail forfeitures, except those paid to a justice's
 2 court, which are to be deposited in the traffic education
 3 account shall be transmitted to the county treasurer by the
 4 court collecting them, in the manner and at the times that
 5 fines and bail forfeitures are transmitted to the county
 6 treasurer under law. The court shall indicate what portion
 7 of each fine is to be credited to the traffic education
 8 account. The county treasurer shall transmit monthly to the
 9 state treasurer, without deduction, the portions of the
 10 fines received, except those paid to a justice's court,
 11 which are to be credited to the traffic education account.

12 (2) When a court is required to transmit fees, fines,
 13 and forfeitures directly to the state treasurer, the gross
 14 proceeds including the portion of the fines to be credited
 15 to the traffic education account shall be transmitted to the
 16 state treasurer and the appropriate portion shall be
 17 deposited in the traffic education account."

18 Section 15. Section 20-9-331, MCA, is amended to read:

19 "20-9-331. Basic county tax and other revenues for
 20 county equalization of the elementary district foundation
 21 program. (1) It shall be the duty of the county
 22 commissioners of each county to levy an annual basic tax of
 23 28 mills on the dollars of the taxable value of all taxable
 24 property within the county for the purposes of local and
 25 state foundation program support. The revenue to be

1 collected from this levy shall be apportioned to the support
2 of the foundation programs of the elementary school
3 districts in the county and to the state special revenue
4 fund, state equalization aid account, in the following
5 manner:

6 (a) In order to determine the amount of revenue raised
7 by this levy which is retained by the county, the sum of the
8 estimated revenues identified in subsection (2) below shall
9 be subtracted from the sum of the county elementary
10 transportation obligation and the total of the foundation
11 programs of all elementary districts of the county.

12 (b) If the basic levy prescribed by this section
13 produces more revenue than is required to finance the
14 difference determined above, the county treasurer shall
15 remit the surplus funds to the state treasurer for deposit
16 to the state special revenue fund, state equalization aid
17 account, immediately upon occurrence of a surplus balance
18 and each subsequent month thereafter, with any final
19 remittance due no later than June 20 of the fiscal year for
20 which the levy has been set.

21 (2) The proceeds realized from the county's portion of
22 the levy prescribed by this section and the revenues from
23 the following sources shall be used for the equalization of
24 the elementary district foundation programs of the county as
25 prescribed in 20-9-334, and a separate accounting shall be

1 kept of such proceeds and revenues by the county treasurer
2 in accordance with 20-9-212(1):

3 (a) the portion of the federal Taylor Grazing Act
4 funds distributed to a county and designated for the common
5 school fund under the provisions of 17-3-222;

6 (b) the portion of the federal flood control act funds
7 distributed to a county and designated for expenditure for
8 the benefit of the county common schools under the
9 provisions of 17-3-232;

10 (c) all money paid into the county treasury as a
11 result of fines for violations of law, except money paid to
12 a justice's court, and the use of which is not otherwise
13 specified by law;

14 (d) any money remaining at the end of the immediately
15 preceding school fiscal year in the county treasurer's
16 account for the various sources of revenue established or
17 referred to in this section;

18 (e) any federal or state money, including anticipated
19 or reappropriated motor vehicle fees and reimbursement under
20 the provisions of 61-3-532 and 61-3-536, distributed to the
21 county as payment in lieu of the property taxation
22 established by the county levy required by this section; and
23 (f) net proceeds taxes for new production, as defined
24 in 15-23-601."

25 Section 16. Section 20-9-332, MCA, is amended to read:

1 "20-9-332. Fines and penalties proceeds for elementary
 2 county equalization. All fines and penalties collected under
 3 the provisions of this title, ~~shall be collected by the~~
 4 ~~action of a court of competent jurisdiction and~~ except those
 5 collected by a justice's court, shall be paid into the
 6 county elementary equalization fund as provided by
 7 20-9-331(2)(c). In order to implement this section and any
 8 other provision of law requiring the deposit of fines in the
 9 elementary county equalization fund, ~~the following reports~~
 10 a report shall be made to the county superintendent of the
 11 county, ~~in which each court or justice of the peace shall~~
 12 ~~have jurisdiction:~~

13 ~~{1}--during the month of September, each justice of the~~
 14 ~~peace shall report all fines imposed and collected during~~
 15 ~~the preceding year, indicating the type of violation and the~~
 16 ~~date of collection; and~~

17 ~~{2}~~ at the close of each term, by the clerk of each
 18 district court, ~~shall report~~ reporting all fines imposed and
 19 collected during the term, and indicating the type of
 20 violation and the date of collection."

21 Section 17. Section 23-2-507, MCA, is amended to read:

22 "23-2-507. Penalty. Violations of any section of this
 23 part, ~~except subsection {3} of 23-2-526(3)~~, unless otherwise
 24 specified shall be a misdemeanor and be punishable by fine
 25 of not less than \$15 or more than \$500 or by imprisonment up

1 to 6 months or by both such fine and imprisonment. All fine
 2 and bond forfeitures, except those paid to a justice's
 3 court, shall be transmitted to the state treasurer, who
 4 shall deposit such fines and forfeitures in the motorboat
 5 account of an earmarked fund. The moneys shall be used only
 6 by the department for enforcement of this part, as amended."

7 Section 18. Section 23-2-644, MCA, is amended to read:

8 "23-2-644. Use of funds from fines and forfeitures.
 9 All fines and forfeitures collected under this part relating
 10 to snowmobiles, except those collected by a justice's court,
 11 shall be transmitted to the state treasurer, who shall
 12 deposit such fines and forfeitures in the state special
 13 revenue fund to the credit of the department to be used only
 14 for snowmobile safety and education."

15 Section 19. Section 32-2-106, MCA, is amended to read:

16 "32-2-106. Penalties. (1) It shall be unlawful for any
 17 association, whether foreign or domestic and whether
 18 citizens of this state or otherwise, to do business or
 19 attempt to do business, as defined in this chapter, without
 20 having first complied with its provisions and having
 21 received a certificate of authority to do business from the
 22 department. Any such association violating any of the
 23 provisions of this chapter and failing to comply with any of
 24 its provisions shall be fined not less than \$250 or more
 25 than \$1,000 for each and every such violation, to be

1 recovered by an action in the name of the state and on
2 collection, except when collected by a justice's court, paid
3 into the state treasury.

4 (2) Any person or persons, whether citizens of this
5 state or otherwise, who aid or assist any such association
6 to do business contrary to the provisions of this chapter
7 without having first complied with all of its provisions
8 shall be guilty of a misdemeanor and on conviction thereof
9 shall be fined not more than \$500 or imprisoned not more
10 than 6 months, or both."

11 Section 20. Section 33-2-312, MCA, is amended to read:

12 "33-2-312. Penalty for failure to file statement or
13 pay tax. Every surplus line agent who fails to make and file
14 the annual statement as required under 33-2-310 or to pay
15 the taxes as required under 33-2-311 shall be liable to a
16 penalty of \$25 for each day of delinquency, commencing with
17 April 1. The tax and penalty may be recovered in an action
18 instituted by the commissioner in the name of the state in
19 any court of competent jurisdiction, the attorney general
20 representing him. The penalty when collected, unless
21 collected by a justice's court, shall be paid to the state
22 treasurer and placed to the credit of the general fund. The
23 surplus line agent's license shall also be subject to
24 revocation as provided in 33-2-313."

25 Section 21. Section 37-2-301, MCA, is amended to read:

1 "37-2-301. Duty to report cases of communicable
2 disease. (1) If a physician or other practitioner of the
3 healing arts examines or treats a person whom he believes
4 has a communicable disease or a disease declared reportable
5 by the department of health and environmental sciences, he
6 shall immediately report the case to the local health
7 officer. The report shall be in the form and contain
8 information prescribed by the department.

9 (2) A person who violates the provisions of this
10 section or rules adopted by the department under the
11 provisions of this section is guilty of a misdemeanor. On
12 conviction, he shall be fined not less than \$10 or more than
13 \$500, imprisoned for not more than 90 days, or both. Each
14 day of violation constitutes a separate offense. Fines,
15 except those collected by a justice's court, shall be paid
16 to the county treasurer of the county in which the violation
17 occurs."

18 Section 22. Section 37-4-327, MCA, is amended to read:

19 "37-4-327. Practicing dentistry without certificate --
20 penalty. (1) A person who, as principal, agent, employer,
21 employee, or assistant, practices dentistry or who does an
22 act of dentistry without having first secured a certificate
23 to practice dentistry from the department entitling him to
24 practice in this state is guilty of a misdemeanor and on
25 conviction in a district court may be fined not less than

1 \$500 or more than \$1,000 or be confined for a period not
2 exceeding 6 months in the county jail.

3 (2) Fines imposed and collected under this chapter,
4 except those paid to a justice's court, shall be paid into
5 the treasury of the county in which the suits, actions, or
6 proceedings are commenced. Money paid into the treasury over
7 and above the amount necessary to reimburse the county for
8 expense incurred by the county in a suit, action, or
9 proceeding brought under this chapter shall be deposited
10 before January 1 of each year in the state special revenue
11 fund for the use of the board, subject to 37-1-101(6)."

12 Section 23. Section 37-7-324, MCA, is amended to read:

13 "37-7-324. Deposit of fees and fines. Fines paid under
14 this chapter, except those paid to a justice's court, and
15 fees collected by the department for registration and
16 licenses issued under this chapter shall be deposited in the
17 state special revenue fund for the use of the board, subject
18 to 37-1-101(6)."

19 Section 24. Section 37-8-432, MCA, is amended to read:

20 "37-8-432. Deposit of fees. Fees and fines collected
21 by the department under this chapter, except those collected
22 by a justice's court, shall be deposited in the state
23 special revenue fund for the use of the board, subject to
24 37-1-101(6)."

25 Section 25. Section 37-10-313, MCA, is amended to

1 read:

2 "37-10-313. Penalty for violations -- deposit of
3 fines. A person who violates this chapter, except 37-10-104,
4 or the rules of the board is guilty of a misdemeanor and on
5 conviction shall be fined not less than \$200 and not more
6 than \$500 or imprisoned in the county jail not exceeding 6
7 months or both fined and imprisoned. Fines collected, except
8 those collected by a justice's court, shall be deposited in
9 the state special revenue fund for the use of the board,
10 subject to 37-1-101(6)."

11 Section 26. Section 37-16-408, MCA, is amended to
12 read:

13 "37-16-408. Deposit of fees and fines. Fees and fines
14 collected under this chapter, except those collected by a
15 justice's court, shall be deposited in the state special
16 revenue fund for the use of the board, subject to
17 appropriations and 37-1-101(6)."

18 Section 27. Section 37-41-212, MCA, is amended to
19 read:

20 "37-41-212. Enforcement responsibility -- penalty --
21 deposit of fines. (1) State and local health officers shall
22 enforce this chapter.

23 (2) A person who violates this chapter or a rule of
24 the department is guilty of a misdemeanor and upon
25 conviction shall be fined not more than \$500.

1 (3) All fines collected under this section, except
 2 those collected by a justice's court, shall be deposited in
 3 the general fund of the county in which the action is
 4 brought."

5 Section 28. Section 39-71-201, MCA, is amended to
 6 read:

7 "39-71-201. Administration fund. (1) A workers'
 8 compensation administration fund is established out of which
 9 all costs of administering the Workers' Compensation and
 10 Occupational Disease Acts and the various occupational
 11 safety acts the division must administer are to be paid upon
 12 lawful appropriation. The following moneys collected by the
 13 division shall be deposited in the state treasury to the
 14 credit of the workers' compensation administrative fund and
 15 shall be used for the administrative expenses of the
 16 division:

17 (a) all fees and fines penalties provided in 39-71-205
 18 and 39-71-304;

19 (b) all fees paid for inspection of boilers and
 20 issuance of licenses to operating engineers as required by
 21 law;

22 (c) all fees paid from an assessment on each plan No.
 23 1 employer, plan No. 2 insurer, and plan No. 3, the state
 24 insurance fund. The assessments shall be levied against the
 25 preceding calendar year's gross annual payroll of the plan

1 No. 1 employers and the gross annual direct premiums
 2 collected in Montana on the policies of the plan No. 2
 3 insurers, insuring employers covered under the chapter,
 4 during the preceding calendar year. However, no assessment
 5 of the plan No. 1 employer or plan No. 2 insurer shall be
 6 less than \$200. The assessments shall be sufficient to fund
 7 the direct costs identified to the three plans and an
 8 equitable portion of the indirect costs based on the ratio
 9 of the preceding fiscal year's indirect costs distributed to
 10 the plans using proper accounting and cost allocation
 11 procedures. Plan No. 3 shall be assessed an amount
 12 sufficient to fund its direct costs and an equitable portion
 13 of the indirect costs as referred to above. Other sources
 14 of revenue, including unexpended funds from the preceding
 15 fiscal year, shall be used to reduce the costs before
 16 levying the assessments.

17 (2) The administration fund shall be debited with
 18 expenses incurred by the division in the general
 19 administration of the provisions of this chapter, including
 20 the salaries of its members, officers, and employees and the
 21 travel expenses of the members, officers, and employees, as
 22 provided for in 2-18-501 through 2-18-503, as amended,
 23 incurred while on the business of the division either within
 24 or without the state.

25 (3) Disbursements from the administration money shall

1 be made after being approved by the division upon claim
2 therefor."

3 Section 29. Section 46-17-303, MCA, is amended to
4 read:

5 "46-17-303. Deposit of fines. All fines imposed and
6 collected by a ~~justice's or~~ city court must be paid to the
7 treasurer of the county, city, or town, as the case may be,
8 within 30 days after the receipt of the same. The ~~justice or~~
9 city judge must take duplicate receipts therefor, one of
10 which he must deposit with the county, city, or town clerk,
11 as the case may be."

12 Section 30. Section 46-18-235, MCA, is amended to
13 read:

14 "46-18-235. Disposition of money collected as fines
15 and costs. The money collected by a court, except money
16 collected by a justice's court, as a result of the
17 imposition of fines or assessment of costs under the
18 provisions of 46-18-231 and 46-18-232 shall be paid to the
19 county general fund of the county in which the court is
20 held, except that:

21 (1) if the costs assessed include any district court
22 expense listed in 3-5-901, the money collected from
23 assessment of these costs must be paid to the department of
24 commerce for deposit into the state general fund to the
25 extent the expenses were paid by the state; and

1 (2) if the fine was imposed for a violation of Title
2 45, chapter 9, the court may order the money paid into the
3 drug forfeiture fund maintained under 44-12-206 for the law
4 enforcement agency which made the arrest from which the
5 conviction and fine arose."

6 Section 31. Section 46-18-236, MCA, is amended to
7 read:

8 "46-18-236. Imposition of charge upon conviction or
9 forfeiture -- administration. (1) Except as provided in
10 subsection (2), there must be imposed by all courts of
11 original jurisdiction on a defendant upon his conviction for
12 any conduct made criminal by state statute or upon
13 forfeiture of bond or bail a charge that is in addition to
14 other taxable court costs, fees, or fines, as follows:

- 15 (a) \$10 for each misdemeanor charge; and
16 (b) the greater of \$20 or 10% of the fine levied for
17 each felony charge.

18 (2) If a convicting court determines under 46-18-231
19 and 46-18-232 that the defendant is not able to pay the fine
20 and costs or that he is unable to pay within a reasonable
21 time, the court must waive payment of the charge imposed by
22 this section.

23 (3) The charge imposed by this section is not a fine
24 and must be imposed in addition to any fine and may not be
25 used in determining the jurisdiction of any court.

1 (4) When the payment of a fine is to be made in
2 installments over a period of time, the charge imposed by
3 this section must be collected from the first payment made
4 and each subsequent payment as necessary if the first
5 payment is not sufficient to cover the charge.

6 (5) The charges collected under subsection (1), except
7 those collected by a justice's court, must be deposited with
8 the appropriate local government finance officer or
9 treasurer. If a city municipal court or city or town court
10 is the court of original jurisdiction, the charges collected
11 under subsection (1) must be deposited with the city or town
12 finance officer or treasurer. If a ~~justice's--court-or~~
13 district court is the court of original jurisdiction, the
14 charges collected under subsection (1) must be deposited
15 with the county finance officer or treasurer. If the court
16 of original jurisdiction is a court within a consolidated
17 city-county government within the meaning of Title 7,
18 chapter 3, the charges collected under subsection (1) must
19 be deposited with the finance officer or treasurer of the
20 consolidated government.

21 (6) (a) A city or town finance officer or treasurer
22 may retain the charges collected under subsection (1) by a
23 city municipal court or a city or town court and may use
24 that money for the payment of salaries of the city or town
25 attorney and his deputies.

1 (b) Each county finance officer or treasurer may
2 retain the charges collected under subsection (1) by
3 district ~~or-justices+~~ courts for crimes committed or alleged
4 to have been committed within that county. The county
5 finance officer or treasurer shall use the money for the
6 payment of salaries of its deputy county attorneys and for
7 the payment of other salaries in the office of the county
8 attorney, and any funds not needed for such salaries may be
9 used for the payment of any other county salaries."

10 Section 32. Section 46-18-603, MCA, is amended to
11 read:

12 "46-18-603. Disposition of fines and forfeitures. All
13 fines and forfeitures collected in any court except city
14 courts must be applied to the payment of the costs of the
15 case in which the fine is imposed or the forfeiture
16 incurred. After such costs are paid, the residue, if not
17 paid to a justice's court or otherwise provided by law, must
18 be paid to the county treasurer of the county in which the
19 court is held and by him credited as provided by law. If the
20 fine or forfeiture is paid to the county treasurer, at the
21 time of such payment there shall be filed with the county
22 treasurer a complete statement showing the total of the fine
23 or forfeiture received or incurred with an itemized
24 statement of the costs incurred by the county in such
25 action. The statement shall give the title of the cause and

1 be subscribed by the person or officer making such payment."

2 Section 33. Section 50-1-204, MCA, is amended to read:

3 "50-1-204. Quarantine measures. The department may
4 adopt and enforce quarantine measures against a state,
5 county, or municipality to prevent the spread of
6 communicable disease. A person who does not comply with
7 quarantine measures shall, on conviction, be fined not less
8 than \$10 or more than \$100. Receipts from fines, except
9 justice's court fines, shall be deposited in the state
10 general fund."

11 Section 34. Section 50-2-124, MCA, is amended to read:

12 "50-2-124. Penalties for violations. (1) A person who
13 does not comply with rules adopted by a local board is
14 guilty of a misdemeanor. On conviction, he shall be fined
15 not less than \$10 or more than \$200.

16 (2) Except as provided in subsection (1) of this
17 section and 50-2-123, a person who violates the provisions
18 of this chapter or rules adopted by the department under the
19 provisions of this chapter is guilty of a misdemeanor. On
20 conviction, he shall be fined not less than \$10 or more than
21 \$500, imprisoned for not more than 90 days, or both.

22 (3) Each day of violation constitutes a separate
23 offense.

24 (4) Fines, except justice's court fines, shall be paid
25 to the county treasurer of the county in which the violation

1 occurs."

2 Section 35. Section 50-52-105, MCA, is amended to
3 read:

4 "50-52-105. Violation of chapter a misdemeanor. (1) A
5 person violating a provision of this chapter or a rule made
6 under it shall be guilty of a misdemeanor and upon
7 conviction shall be fined not less than \$50 or more than
8 \$100 for the first offense and not less than \$75 or more
9 than \$200 for the second offense, and for the third and
10 subsequent offenses, he shall be punished by a fine of not
11 less than \$200 and imprisonment in the county jail not to
12 exceed 90 days.

13 (2) Fines, except justice's court fines, shall be paid
14 to the county treasurer of the county in which the
15 establishment is located. The county treasurer shall send
16 all fines collected to the state treasurer for deposit in
17 the state general fund."

18 Section 36. Section 50-70-118, MCA, is amended to
19 read:

20 "50-70-118. Penalty. (1) A person who violates this
21 chapter relating to limitations of levels, concentrations,
22 or quantities of emissions of various pollutants from a
23 source determined to be necessary to prevent, abate, or
24 control occupational diseases (unless in compliance with
25 this chapter) is guilty of an offense and subject to a fine

1 not to exceed \$1,000. Each day of violation constitutes a
2 separate offense.

3 (2) Proceedings under this section are not a bar to
4 enforcement of this chapter or of rules or orders made under
5 it by injunction or other appropriate remedy. The department
6 may institute and maintain in the name of the state these
7 enforcement proceedings.

8 (3) This chapter does not abridge, limit, impair,
9 create, enlarge, or otherwise affect substantively or
10 procedurally the right of a person to damage or other relief
11 on account of injury to persons or property and to maintain
12 an action or other appropriate proceeding.

13 (4) Fines collected, except those collected by a
14 justice's court, shall be deposited to the state general
15 fund."

16 Section 37. Section 53-9-109, MCA, is amended to read:

17 "53-9-109. Crime victims compensation account. There
18 is a crime victims compensation account in the state special
19 revenue fund. There shall be paid into this account 18% of
20 the fines assessed and bails forfeited, except those paid to
21 a justice's court, on all offenses involving a violation of
22 chapter 3, part 1 of chapter 4, or chapters 5 through 10 of
23 Title 61, that are a result of citations or tickets issued
24 by the highway patrol."

25 Section 38. Section 61-8-718, MCA, is amended to read:

1 "61-8-718. Penalty for violation of fuel conservation
2 speed limit. (1) A person violating the speed limit imposed
3 pursuant to 61-8-304 is guilty of the offense of unnecessary
4 waste of a resource and upon conviction shall be fined \$5,
5 and no jail sentence may be imposed. Bond for this offense
6 shall be \$5.

7 ~~{2}--For the purpose of this section only, the fees of~~
8 ~~the justice's court shall be the balance of the fine not~~
9 ~~otherwise allocated by law and shall be remitted as set~~
10 ~~forth in 3-10-603{3}.~~

11 ~~{3}~~(2) A violation of 61-8-304 is not a misdemeanor
12 pursuant to 45-2-101, 61-8-104, or 61-8-711."

13 Section 39. Section 61-10-148, MCA, is amended to
14 read:

15 "61-10-148. Disposition of fines and forfeited bonds.
16 Except as provided in 61-12-701, one-half of all the money
17 collected as fines and forfeited bonds for violations of
18 Title 61, chapter 10, must be remitted monthly by the county
19 treasurer to the state treasurer for deposit in the state
20 highway account in the state special revenue fund. The
21 remaining half, less the deductions required by law, must be
22 deposited in the county road fund. This section does not
23 apply to fines and forfeited bonds paid to justices'
24 courts."

25 Section 40. Section 61-11-104, MCA, is amended to

1 read:

2 "61-11-104. Reports by justices of the peace and
3 county---treasurers. Justices of the peace and--county
4 treasurers shall furnish make available to the department
5 ~~statements--of--all--fees,--fines,--and--forfeitures--and~~ records
6 of cases which involve the state highway patrol as the
7 department may request."

8 Section 41. Section 61-12-701, MCA, is amended to
9 read:

10 "61-12-701. Disposition of fines and forfeitures. {+}
11 All fines and forfeitures collected in any court, except a
12 justice's court, for violation of the laws and regulations
13 relating to the use of state highways and the operation of
14 vehicles thereon, if the apprehension or arrest was by a
15 highway patrolman, must be paid to the state treasurer and
16 by him credited to the general fund of the state or, if the
17 apprehension or arrest was by a sheriff or deputy sheriff,
18 must be paid to the county treasurer for deposit in the
19 county general fund, except for that portion of the fines
20 otherwise allocated by law which must be paid into the
21 appropriate accounts in the state special revenue fund.

22 ~~{2}--At--the--time--of--payment--of--the--fine--or--forfeiture,~~
23 ~~there--must--be--filed--with--the--appropriate--treasurer--a~~
24 ~~complete--statement--showing--the--total--of--the--fines--or~~
25 ~~forfeitures--received--or--incurred,--giving--the--title--of--the~~

1 ~~court--and--cause,--and--subscribed--to--by--the--person--or--officer~~
2 ~~making--the--payments--"~~

3 Section 42. Section 75-2-412, MCA, is amended to read:

4 "75-2-412. Criminal penalties -- injunction preserved.

5 (1) A person who violates this chapter or a rule, order, or
6 permit made or issued under it, other than 75-2-105, is
7 guilty of an offense and subject to a fine not to exceed
8 \$1,000. Each day of violation constitutes a separate
9 offense.

10 (2) A person who willfully violates 75-2-105 is guilty
11 of an offense and subject to a fine not to exceed \$1,000.

12 (3) Fines collected, except those collected in a
13 justice's court, shall be deposited to the state general
14 fund.

15 (4) Action under this section is not a bar to
16 enforcement of this chapter or of a rule, order, or permit
17 made or issued under it by injunction or other appropriate
18 remedy. The department may institute and maintain in the
19 name of the state any enforcement proceedings."

20 Section 43. Section 75-5-634, MCA, is amended to read:

21 "75-5-634. Fines to go to general fund. Fines
22 collected, except those collected in a justice's court,
23 shall be deposited to the state general fund."

24 Section 44. Section 75-7-216, MCA, is amended to read:

25 "75-7-216. Penalty. (1) A person who violates an order

1 issued under this part or who knowingly violates a
2 regulation made under this part commits a misdemeanor and on
3 conviction may be sentenced to 30 days in the county jail or
4 fined \$500, or both.

5 (2) Fines collected under this section, except those
6 collected in a justice's court, shall be paid to the general
7 fund of the county where the offense was committed for the
8 purpose of administering this part."

9 Section 45. Section 75-10-418, MCA, is amended to
10 read:

11 "75-10-418. Criminal penalties. (1) Any person who
12 knowingly transports any hazardous waste to an unpermitted
13 facility; who treats, stores, or disposes of hazardous waste
14 without a permit; or who makes any false statement or
15 representation in any application, label, manifest, record,
16 report, permit, or other document filed or maintained as
17 required by the provisions of this part or rules made under
18 this part is subject to a fine not to exceed \$10,000 for
19 each violation or imprisonment not to exceed 6 months, or
20 both. A person convicted for a violation of this section
21 after a first conviction under this section is subject to a
22 fine not to exceed \$20,000 for each violation or
23 imprisonment not to exceed 1 year, or both. Each day of
24 violation constitutes a separate violation.

25 (2) Action under this section does not bar enforcement

1 of this part, rules made under this part, orders of the
2 department or the board, or permits by injunction or other
3 appropriate remedy.

4 (3) Money collected under this section, except money
5 collected in a justice's court, shall be deposited in the
6 state general fund."

7 Section 46. Section 75-20-112, MCA, is amended to
8 read:

9 "75-20-112. Money to state special revenue fund. All
10 fees, taxes, fines, and penalties collected under this
11 chapter, except those collected by a justice's court, shall
12 be deposited in the state special revenue fund for use by
13 the department in carrying out its functions and
14 responsibilities under this chapter."

15 Section 47. Section 76-13-111, MCA, is amended to
16 read:

17 "76-13-111. Permissible expenditures. (1) The
18 following funds may be expended as directed by the
19 department for fire prevention, detection, suppression and
20 for forest range, water, and soil conservation:

21 (a) all moneys collected by county treasurers as
22 assessments on forest lands for forest protection;

23 (b) moneys collected for the abatement of public
24 nuisances;

25 (c) all fines collected, except those collected in a

1 justice's court, for violations of this part or part 2;

2 (d) the state's share of the cooperative fire
3 protection funds allocated by the federal government;

4 (e) any other funds provided for the purposes herein
5 indicated.

6 (2) All other cooperative funds collected,
7 appropriated, or allocated for the use of the department,
8 including funds for the removal of slash hazards resulting
9 from logging or other wood operations on state and private
10 forest lands, those provided for the purpose of helping to
11 maintain the maximum productivity of the forests of the
12 state, those provided for purposes designed to assist the
13 farmers of the state in the establishment of windbreaks and
14 woodlots in localities where those forest plantings are
15 helpful, and funds for other cooperative work, may not be
16 expended except for the specific purposes for which they
17 were collected, appropriated, or allocated."

18 Section 48. Section 76-13-114, MCA, is amended to
19 read:

20 "76-13-114. Disposition of fines. Fines collected in a
21 court of the state under this part or part 2, except those
22 collected in a justice's court, shall be transferred to the
23 state treasurer for deposit in the agency fund. Whenever a
24 person is convicted in any court of a violation of this part
25 or part 2, the court may levy and collect as costs in the

1 case the amount necessary to compensate the county for the
2 expenditures made in and for the prosecution of the
3 offender. These costs when collected, except those collected
4 in a justice's court, shall be deposited by the court with
5 the proper county treasurer for the benefit of the county."

6 Section 49. Section 77-1-117, MCA, is amended to read:

7 "77-1-117. Disposition of fines. Unless otherwise
8 provided, all money received as fines, fees, and forfeitures
9 under this title or as penalties for the violation of any of
10 the land laws of this state, except money received by a
11 justice's court, shall be paid to the state treasurer and by
12 him deposited to the credit of the general fund."

13 Section 50. Section 80-3-613, MCA, is amended to read:

14 "80-3-613. Violation -- penalty. A person who violates
15 this part, fails to comply with rules adopted under this
16 part, or fails to obey an order of the department made under
17 this part is guilty of a misdemeanor and shall be fined not
18 less than \$25 or more than \$500, imprisoned in the county
19 jail for not more than 6 months, or both fined and
20 imprisoned. The fine, except a fine paid to a justice's
21 court, shall be paid into the state treasury and deposited
22 as provided in 80-3-612."

23 Section 51. Section 80-7-704, MCA, is amended to read:

24 "80-7-704. Disposition of fines and inspection fees.
25 All fines levied as provided in 80-7-703, except fines paid

1 to a justice's court, and all fees collected from
 2 inspections shall be deposited with the state treasurer to
 3 the credit of the state special revenue fund for the use of
 4 the department for the purpose of administering and
 5 enforcing 80-7-701 through 80-7-704."

6 Section 52. Section 80-11-313, MCA, is amended to
 7 read:

8 "80-11-313. Penalty. In addition to the penalty
 9 specified in 80-11-312, any person who violates or aids in a
 10 violation of any of the provisions of this part or any of
 11 the rules or orders of the department adopted under this
 12 part, upon conviction thereof, is punishable by a fine not
 13 to exceed \$500. All fines collected, except fines collected
 14 by a justice's court, shall be deposited as provided in
 15 80-11-310."

16 Section 53. Section 81-3-231, MCA, is amended to read:

17 "81-3-231. Penalties. (1) A person is guilty of a
 18 misdemeanor and is punishable as provided in subsection (6)
 19 of this section if he removes livestock or causes livestock
 20 to be removed from a county in this state:

21 (a) without having the livestock inspected before
 22 removal if an inspection is required by law;

23 (b) without obtaining a market consignment permit or
 24 transportation permit if the permits are required by law;

25 (c) and does obtain a market consignment permit for

1 livestock but does not deliver the livestock transported
 2 thereunder to the livestock market designated in the market
 3 consignment permit;

4 (d) and does obtain a transportation permit for the
 5 livestock but does not deliver the livestock transported
 6 thereunder to the destination as shown on the transportation
 7 permit and fails to have the livestock so transported
 8 inspected at the point of destination or does not file a
 9 loading tally with the carrier as provided in 81-4-607.

10 (2) A person who sells livestock or offers livestock
 11 for sale at a livestock market without having the livestock
 12 inspected or removes livestock or causes livestock to be
 13 removed from a livestock market without obtaining a release
 14 is guilty of a misdemeanor and is punishable as provided in
 15 subsection (6) of this section.

16 (3) A person who ships by railroad carrier and the
 17 railroad carrier transporting livestock for which a loading
 18 tally has been filed as provided by 81-4-607 and for which
 19 shipment of livestock an inspection has not been made which
 20 after shipment causes or permits the livestock to leave the
 21 custody of the railroad carrier at a place other than where
 22 this state regularly maintains a stock inspector is guilty
 23 of a misdemeanor and is punishable as provided in subsection
 24 (6) of this section.

25 (4) A person who has in his charge livestock being

1 removed from a county in the state for which an inspection
 2 certificate, a market consignment permit, or a market
 3 release certificate has been issued and fails to have in his
 4 possession accompanying the livestock the inspection
 5 certificate, market consignment permit, or a market release
 6 certificate as issued for the livestock, or who, having the
 7 certificate of inspection, market consignment permit, or
 8 market release certificate, fails to exhibit it to a
 9 sheriff, deputy sheriff, constable, gross vehicle weight
 10 enforcement officer, highway patrolman, state stock
 11 inspector, or deputy state stock inspector at his request is
 12 guilty of a misdemeanor and is punishable as provided in
 13 subsection (6) of this section.

14 (5) Except as specifically otherwise provided, a
 15 person violating any of the provisions of this part is
 16 guilty of a misdemeanor and is punishable as provided in
 17 subsection (6) of this section.

18 (6) Upon conviction under this section, a person,
 19 firm, association, or corporation shall be fined not less
 20 than \$50 or more than \$500 or imprisoned in the county jail
 21 for a period of not more than 6 months or both fined and
 22 imprisoned. Of all fines assessed and collected under this
 23 section, except those assessed and collected in a justice's
 24 court, 50% shall be paid into the state treasury and
 25 credited to the state special revenue fund for the use of

1 the department and 50% shall be paid into the general fund
 2 of the county in which the conviction occurred."

3 Section 54. Section 81-4-202, MCA, is amended to read:
 4 "81-4-202. Penalties. (1) Any person violating
 5 81-4-201 shall be deemed guilty of a misdemeanor, and upon
 6 conviction thereof shall be fined in the sum of \$10 for the
 7 first offense and in the sum of \$20 for each subsequent
 8 offense and shall be liable in damage to any party injured
 9 thereby, to be recovered in any court having competent
 10 jurisdiction.

11 (2) All fines collected under the provisions of this
 12 section, except those collected in a justice's court, shall
 13 be paid into the county treasury for the use and benefit of
 14 the public schools."

15 Section 55. Section 81-4-621, MCA, is amended to read:
 16 "81-4-621. Penalties. (1) Any person who shall, for
 17 his own use or benefit and without the owner's consent, take
 18 into his possession any estray shall be guilty of a
 19 misdemeanor and shall be punishable by a fine of not less
 20 than \$25 or more than \$100 or by imprisonment in the county
 21 jail not exceeding 60 days or by both such fine and
 22 imprisonment.

23 (2) Every person, agent, firm, or corporation
 24 violating the provisions of 81-4-607 shall be deemed guilty
 25 of a misdemeanor and upon conviction thereof shall be fined

1 in any sum not exceeding \$300 or imprisoned in the county
2 jail not to exceed 6 months or both fined and imprisoned.

3 (3) Any person, agent, firm, corporation, pool, or
4 roundup association who shall ship cattle from this state
5 and shall fail to make such inspection or tally at point of
6 loading or who shall fail to file a true and correct tally,
7 to the best of his knowledge and belief, of all the brands
8 of cattle in such shipment with the railroad agent at the
9 point of shipment or who shall fail to forward a true and
10 correct copy, duly signed by him as party making the
11 shipment, to the stock inspector at point of destination or
12 any person who shall accompany a shipment of cattle as the
13 shipper in charge from this state and shall fail to take a
14 description of any and every animal taken out in transit and
15 hand such description to the stock inspector at point of
16 destination or any stock inspector at market points who
17 shall fail to make inspection as provided in 81-4-609 shall
18 be deemed guilty of a misdemeanor and shall be subject to a
19 fine of not less than \$50 or more than \$500 for each and
20 every offense. The fines so collected, except those
21 collected in a justice's court, shall be turned into the
22 general fund of the county where conviction is had, and any
23 stock inspector, sheriff, or other police officer shall have
24 power to make arrests to enforce the provisions of this
25 part."

1 Section 56. Section 81-8-216, MCA, is amended to read:

2 "81-8-216. Penalties. (1) A person who violates any
3 provision of 81-8-214, 81-8-215, and 81-8-251 through
4 81-8-263 or rules adopted by the department under 81-8-231
5 is guilty of a misdemeanor and upon conviction shall be
6 fined not less than \$100 or more than \$600, imprisoned in
7 the county jail not less than 30 days or more than 6 months,
8 or both. A person convicted of a subsequent violation of
9 81-8-214, 81-8-215, and 81-8-251 through 81-8-263 or rules
10 adopted to implement those sections shall be fined not less
11 than \$200 or more than \$1,000, imprisoned in the county jail
12 for not less than 3 months or more than 6 months, or both,
13 and the department may cancel his certificate.

14 (2) Of all fines assessed and collected under this
15 section, except those assessed and collected in a justice's
16 court, 50% shall be paid into the state treasury and
17 credited to the special revenue fund for the use of the
18 department and 50% shall be paid into the general revenue
19 fund of the county in which the conviction occurred."

20 Section 57. Section 81-8-279, MCA, is amended to read:

21 "81-8-279. Penalties. (1) A person who violates any
22 provision of 81-8-271 through 81-8-273 and 81-8-276 through
23 81-8-278 or rules adopted by the department to implement
24 those sections is guilty of a misdemeanor and upon
25 conviction shall be fined not less than \$250 or more than

1 \$1,000 or imprisoned for not more than 6 months, or both.

2 (2) Of all fines assessed and collected under this
3 section, except those assessed and collected in a justice's
4 court, 50% shall be paid into the state treasury and
5 credited to the special revenue fund for the use of the
6 department and 50% shall be paid into the general revenue
7 fund of the county in which the conviction occurred."

8 Section 58. Section 81-23-403, MCA, is amended to
9 read:

10 "81-23-403. Disposition of fines. (1) All fines
11 assessed by a court other than a justice's court for
12 violation of this chapter shall be paid by the court to the
13 department.

14 (2) All fines received by the department shall be
15 deposited with the state treasurer and shall be placed by
16 him in the state special revenue fund. Fines assessed for
17 violations of this chapter are earmarked for the purposes of
18 this chapter."

19 Section 59. Section 85-2-123, MCA, is amended to read:

20 "85-2-123. Deposit of fees and penalties. Except as
21 provided in 85-2-124 and 85-2-241, all fees and penalties
22 collected under this chapter shall be deposited in the water
23 right appropriation account established in 85-2-318. All
24 penalties or fines imposed by any court other than a
25 justice's court for a violation of this chapter shall be

1 deposited in the general fund of the county where the court
2 presides and shall be disposed of in the same manner as any
3 other penalty or fine."

4 Section 60. Section 85-3-213, MCA, is amended to read:

5 "85-3-213. State special revenue fund. All license and
6 permit fees and fines collected under this chapter, other
7 than those collected in a justice's court, shall be
8 deposited in the state special revenue fund for use by the
9 department in the administration of this chapter."

10 Section 61. Section 85-15-502, MCA, is amended to
11 read:

12 "85-15-502. Deposit of penalties and costs. All
13 penalties and costs collected under this chapter, other than
14 those collected in a justice's court, must be deposited in
15 the state general fund."

16 Section 62. Section 87-1-601, MCA, is amended to read:

17 "87-1-601. Use of fish and game money. (1) All money
18 collected or received from the sale of hunting and fishing
19 licenses or permits, from the sale of seized game or hides,
20 or from damages collected for violations of the fish and
21 game laws of this state, from appropriations, or received by
22 the department from any other state source shall be turned
23 over to the state treasurer and placed by him in the state
24 special revenue fund to the credit of the department. Any
25 money received from federal sources shall be deposited in

1 the federal special revenue fund to the credit of the
2 department.

3 (2) That money shall be exclusively set apart and made
4 available for the payment of all salaries, per diem, fees,
5 expenses, and expenditures authorized to be made by the
6 department under the terms of this title. That money shall
7 be spent for those purposes by the department, subject to
8 appropriation by the legislature.

9 (3) Any reference to the fish and game fund in this
10 code means fish and game money in the state special revenue
11 fund and the federal special revenue fund.

12 (4) All money collected or received from fines and
13 forfeited bonds, except money collected or received by a
14 justice's court, relating to violations of state fish and
15 game laws under Title 87 shall be deposited by the state
16 treasurer and credited to the department of fish, wildlife,
17 and parks in a state special revenue fund account for this
18 purpose. Out of any fine imposed by a court for the
19 violation of the fish and game laws, the costs of
20 prosecution shall be paid to the county where the trial was
21 held in any case where the fine is not imposed in addition
22 to the costs of prosecution.

23 (5) Money received by the department from the sale of
24 surplus real property; exploration or development of oil,
25 gas, or mineral deposits from lands acquired by the

1 department except royalties or other compensation based on
2 production; and from leases of interests in department real
3 property not contemplated at the time of acquisition shall
4 be deposited in an account within the nonexpendable trust
5 fund of the state treasury. The interest derived therefrom,
6 but not the principal, may be used only for the purpose of
7 operation, development, and maintenance of real property of
8 the department, and only upon appropriation by the
9 legislature. If the use of money as set forth herein would
10 result in violation of applicable federal laws or state
11 statutes specifically naming the department or money
12 received by the department, then the use of this money must
13 be limited in the manner, method, and amount to those uses
14 that do not result in such violation."

15 Section 63. Section 87-4-808, MCA, is amended to read:
16 "87-4-808. Fines, bonds, penalties, and fees. Fines,
17 bonds, or penalties, except those obtained by a justice's
18 court, shall be administered and disposed of in accordance
19 with the provisions of 87-1-601. Fees obtained under this
20 part shall be deposited with the state treasurer and
21 credited to the state special revenue fund, fish and game
22 account."

23 NEW SECTION. Section 64. Repealer. Section 3-10-603,
24 MCA, is repealed.

25 NEW SECTION. Section 65. Extension of authority. Any

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1 existing authority of any department or other executive
2 branch office or entity to make rules on the subject of the
3 provisions of this act is extended to the provisions of this
4 act.

5 NEW SECTION. Section 66. Effective date. This act is
6 effective July 1, 1987.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 740

INTRODUCED BY COBB, VAN VALKENBURG, MERCER,
BLAYLOCK, PECK, BISHOP, MILES, ADDY, NEUMAN,
REHBERG, THOMAS, GIACOMETTO

A BILL FOR AN ACT ENTITLED: "AN ACT TO RELIEVE JUSTICES OF
THE PEACE FROM OVERLY BURDENSOME BOOKKEEPING AND OTHER
ADMINISTRATIVE DUTIES IN REGARD TO FINES, PENALTIES, AND
FORFEITURES PAID IN THEIR COURTS; TO REVISE THE METHOD OF
DISTRIBUTING THE FINES, PENALTIES, AND FORFEITURES; AMENDING
SECTIONS 3-10-601, 7-14-2138, 7-14-2826, 7-22-2117,
7-22-2434, 7-23-105, 13-37-124, 13-37-129, 15-1-105,
15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331,
20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301,
37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408,
37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236,
46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118,
53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701,
75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112,
76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704,
80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279,
81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND
87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND
PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 3-10-601, MCA, is amended to read:
"3-10-601. Collection and disposition of fines,
penalties, forfeitures, and fees ~~---itemized-statement.~~ (1)
Each justice of the peace shall collect the fees prescribed
by law for justices' courts and shall pay them into the
county treasury of the county wherein he holds office, on or
before the 10th day of each month, to be credited to the
general fund of the county.

~~{2}--He--shall--also--file--an--itemized--statement--showing
all--fees--received--during--the--preceding--month--in--his--court--
The--statement--shall--state--that--all--fees--required--by--law--to
be--paid--during--the--preceding--month--in--connection--with
matters--pending--before--the--court--have--been--paid--into--the
county--treasury--and--listed--in--the--itemized--statement--and
that--he--has--not--received--or--been--promised,--nor--has--any--one
else--received--or--been--promised--for--him,--any--other--moneys,
emolument,--or--thing--by--virtue--of--or--in--connection--with--his
office--The--statement--shall--be--subscribed--and--sworn--to--by
the--justice--~~

(2) All fines, penalties, and forfeitures that this
code requires to be imposed, collected, or paid in a
justice's court must, for each calendar month, be paid by
the justice's court on or before the 5th day of the
following month to the treasurer of the county in which the

1 justice's court is situated.

2 (3) The county treasurer shall, on-or-before-the--10th
3 day--of-the-month-in-which-it-is-paid IN THE MANNER PROVIDED
4 IN 15-1-504, distribute money received under subsection (2)
5 as follows:

6 (a) 50% to the state treasurer; and

7 (b) 50% to the county general fund.

8 (4) The state treasurer shall distribute money
9 received under subsection (3) as follows:

10 (a) 23% to the state general fund;

11 (b) 10% to the fish and game account in the state
12 special revenue fund;

13 (c) 13% to the state highway account in the state
14 special revenue fund;

15 (d) 36% to the traffic education account in the state
16 special revenue fund;

17 (e) 1% to the department of livestock account in the
18 state special revenue fund; and

19 (f) 17% to the crime victims compensation account in
20 the state special revenue fund."

21 Section 2. Section 7-14-2138, MCA, is amended to read:

22 "7-14-2138. Prosecution by county attorney. (1) The
23 county attorney, upon complaint of the road supervisor,
24 county surveyor, or any other person, shall prosecute all
25 actions provided in parts 21 through 28 in the name of the

1 state of Montana.

2 (2) All penalties, except those paid to a justice's
3 court, shall be paid into the general fund of the county."

4 Section 3. Section 7-14-2826, MCA, is amended to read:

5 "7-14-2826. Regulation of ferry operation --
6 penalties. (1) The board of commissioners may make all
7 needful rules for the government of ferries and ferrykeepers
8 prescribing:

9 (a) how many boats must be kept, their character, and
10 how propelled;

11 (b) the number of hands, boatmen, or ferrymen to be
12 employed and rules for their government;

13 (c) when and under what circumstances to make trips in
14 the nighttime;

15 (d) who may be ferried free of toll;

16 (e) in what cases of danger or peril not to cross;

17 (f) penalties for violation of regulations;

18 (g) in case of steamboats, the rate of speed;

19 (h) the method of and preference in loading and
20 crossing; and

21 (i) how and by whom action must be brought to recover
22 penalties.

23 (2) Subject to the foregoing regulations, ferrykeepers
24 must make trips to accommodate all passengers who desire to
25 cross, and any failure to do so subjects the franchise to

1 forfeiture by a proper proceeding for that purpose.

2 (3) The owner of every ferry must have the rates of
3 toll, as fixed by the board, printed or written and posted
4 in some conspicuous place on or near the ferry.

5 (4) All ferrykeepers must keep the banks of the
6 streams or waters at the landings of their ferries graded
7 and in good order for the passage of vehicles. For every day
8 compliance herewith is neglected, \$25 is forfeited, to be
9 collected, except as provided in 3-10-601, for the use of
10 the road fund of the county."

11 Section 4. Section 7-22-2117, MCA, is amended to read:

12 "7-22-2117. Violations. (1) Any person who in any
13 manner interferes with the board or its authorized agent in
14 carrying out the provisions of this part or who refuses to
15 obey an order or notice of the board is guilty of a
16 misdemeanor, and upon conviction thereof, he shall be fined
17 not to exceed \$100 for the first offense and not less than
18 \$100 or more than \$200 for each subsequent offense.

19 (2) All fines, bonds, and penalties collected under
20 the provisions of this part, except those collected by a
21 justice's court, shall be paid to the county treasurer of
22 each county and placed by him to the credit of a fund to be
23 known as the noxious weed fund."

24 Section 5. Section 7-22-2434, MCA, is amended to read:

25 "7-22-2434. Disposition of fines, bonds, and

1 penalties. All fines, forfeited bonds, and penalties
2 collected under the provisions of this part, except those
3 collected by a justice's court, shall be paid to the county
4 treasurer of each county and placed by him to the credit of
5 the mosquito control fund."

6 Section 6. Section 7-23-105, MCA, is amended to read:

7 "7-23-105. Disposition of fines. All fines collected
8 under the provisions of this part and part 21, except those
9 collected by a justice's court, shall be paid into the
10 county treasury and shall be used to pay fees, salaries,
11 costs, or expenses for the enforcement of this part and part
12 21."

13 Section 7. Section 13-37-124, MCA, is amended to read:

14 "13-37-124. Consultation and cooperation with county
15 attorney. (1) Whenever the commissioner determines that
16 there appears to be sufficient evidence to justify a civil
17 or criminal prosecution under chapters 35, 36, or 37 of this
18 title, he shall notify the county attorney of the county in
19 which the alleged violation occurred and shall arrange to
20 transmit to the county attorney all information relevant to
21 the alleged violation. If the county attorney fails to
22 initiate the appropriate civil or criminal action within 30
23 days after he receives notification of the alleged
24 violation, the commissioner may then initiate the
25 appropriate legal action.

1 (2) A county attorney may, at any time prior to the
2 expiration of the 30-day time period specified in subsection
3 (1), waive his right to prosecute and thereby authorize the
4 commissioner to initiate the appropriate civil or criminal
5 action.

6 (3) The provisions of subsection (1) do not apply to a
7 situation in which the alleged violation has been committed
8 by the county attorney of a county. In this instance, the
9 commissioner is authorized to directly prosecute any alleged
10 violation of chapters 35, 36, or 37 of this title.

11 (4) If a prosecution is undertaken by the
12 commissioner, all court costs associated with the
13 prosecution shall be paid by the state of Montana, and all
14 fines and forfeitures imposed pursuant to a prosecution by
15 the commissioner, except those paid to or imposed by a
16 justice's court, shall be deposited in the state general
17 fund."

18 Section 8. Section 13-37-129, MCA, is amended to read:

19 "13-37-129. Liability and disposition of fines. In
20 determining the amount of liability under 13-37-128, the
21 court may take into account the seriousness of a violation
22 and the degree of culpability of the defendant. If a
23 judgment is entered against the defendant or defendants in
24 an action brought by a county attorney in a court other than
25 a justice's court, the county shall receive 50% of the

1 amount recovered. The remaining 50% shall be deposited in
2 the general fund of the state. In an action brought by the
3 commissioner in a court other than a justice's court, the
4 entire amount recovered shall be paid to the general fund of
5 the state."

6 Section 9. Section 15-1-105, MCA, is amended to read:

7 "15-1-105. Fines and forfeitures to county. All fines,
8 forfeitures, and penalties incurred by a violation of any of
9 the provisions of the state tax laws, except those paid to a
10 justice's court, must be paid into the treasury for the use
11 of the county where the person against whom the recovery is
12 had resides."

13 Section 10. Section 15-8-309, MCA, is amended to read:

14 "15-8-309. Violation and penalty. (1) Every person who
15 refuses to furnish the statement hereinbefore required or to
16 make and subscribe such affidavit respecting his name and
17 place of residence or to appear and testify when requested
18 so to do by the department, as above provided, for each and
19 every refusal and as often as the same is repeated forfeits
20 to the people of the state the sum of \$100 to be recovered
21 by action brought in the name of the state in any city or
22 justice's court.

23 (2) All moneys recovered under the provisions of this
24 section, except moneys paid to a justice's court, must be
25 paid into the treasury of the county in which the property

1 is located."

2 Section 11. Section 15-70-101, MCA, is amended to
3 read:

4 "15-70-101. Disposition of funds. All taxes, interest,
5 and penalties collected under this chapter, except those
6 collected by a justice's court, shall be turned over
7 promptly to the state treasurer, who shall place the same in
8 the state special revenue fund to the credit of the
9 department of highways. Those funds hereinbelow allocated
10 to cities, towns, and counties shall be paid by the
11 department of highways from the state special revenue fund
12 to such cities, towns, and counties.

13 (1) \$14,000,000 of the funds collected under this
14 chapter, except those collected by a justice's court, is
15 statutorily appropriated, as provided in 17-7-502, to the
16 department of highways and shall be allocated each fiscal
17 year on a monthly basis to the counties and incorporated
18 cities and towns in Montana for construction,
19 reconstruction, maintenance, and repair of rural roads and
20 city or town streets and alleys, as provided in subsections
21 (a) and (b) hereof:

22 (a) \$6,350,000 shall be divided among the various
23 counties in the following manner:

24 (i) 40% in the ratio that the rural road mileage in
25 each county, exclusive of the federal-aid interstate system

1 and the federal-aid primary system, bears to the total rural
2 road mileage in the state, exclusive of the federal-aid
3 interstate system and the federal-aid primary system;

4 (ii) 40% in the ratio that the rural population in each
5 county outside incorporated cities and towns bears to the
6 total rural population in the state outside incorporated
7 cities and towns;

8 (iii) 20% in the ratio that the land area of each
9 county bears to the total land area of the state;

10 (b) \$7,650,000 shall be divided among the incorporated
11 cities and towns in the following manner:

12 (i) 50% of the sum in the ratio that the population
13 within the corporate limits of the city or town bears to the
14 total population within corporate limits of all the cities
15 and towns in Montana;

16 (ii) 50% in the ratio that the city or town street and
17 alley mileage, exclusive of the federal-aid interstate
18 system and the federal-aid primary system, within corporate
19 limits bears to the total street and alley mileage,
20 exclusive of the federal-aid interstate system and
21 federal-aid primary system, within the corporate limits of
22 all cities and towns in Montana.

23 (2) All funds hereby allocated to counties, cities,
24 and towns shall be used for the construction,
25 reconstruction, maintenance, and repair of rural roads, city

1 or town streets and alleys or for the share which such city,
 2 town, or county might otherwise expend for proportionate
 3 matching of federal funds allocated for the construction of
 4 roads or streets which are part of the federal-aid primary
 5 or secondary highway system or urban extensions thereto,
 6 except that the governing body of a town or third-class
 7 city, as defined in 7-1-4111, may each year expend no more
 8 than 25% of the funds allocated to that town or third-class
 9 city for the purchase of capital equipment and supplies to
 10 be used for the maintenance and repair of town or
 11 third-class city streets and alleys.

12 (3) Upon receipt of the allocation provided herein,
 13 the governing bodies of the recipient counties, cities, and
 14 towns shall inform the department of highways of the
 15 purposes for which the funds will be expended so that the
 16 county commissioners, the governing body, and the department
 17 of highways may coordinate the expenditure of public funds
 18 for road improvements.

19 (4) All funds hereby allocated to counties, cities,
 20 and towns shall be disbursed to the lowest responsible
 21 bidder according to applicable bidding procedures followed
 22 in all cases where the contract for construction,
 23 reconstruction, maintenance, or repair is in excess of
 24 \$4,000.

25 (5) For the purposes of this section where

1 distribution of funds is made on a basis related to
 2 population, the population shall be determined by the last
 3 preceding official federal census.

4 (6) For the purposes of this section where
 5 determination of mileage is necessary for distribution of
 6 funds, it shall be the responsibility of the cities, towns,
 7 and counties to furnish to the department of highways a
 8 yearly certified statement indicating the total mileage
 9 within their respective areas applicable to this chapter.
 10 All mileage submitted shall be subject to review and
 11 approval by the department of highways.

12 (7) Except by a town or third-class city as provided
 13 in subsection (2), none of the funds authorized by this
 14 section shall be used for the purchase of capital equipment.

15 (8) Funds authorized by this section shall be used for
 16 construction and maintenance programs only."

17 Section 12. Section 19-8-504, MCA, is amended to read:

18 "19-8-504. State's contribution. Each month the state
 19 treasurer shall pay to the account, out of the department of
 20 fish, wildlife, and parks moneys, a sum equal to 7.15% of
 21 the total of all members' salaries, and out of the moneys
 22 collected as fines and forfeited bonds under the provisions
 23 of 87-1-601 or moneys distributed under 3-10-601(4), all
 24 such collections are statutorily appropriated to the account
 25 until the unfunded liability in the account is solvent and a

1 verification statement to that effect is given to the state
2 treasurer by the board."

3 Section 13. Section 20-7-504, MCA, is amended to read:

4 "20-7-504. State traffic education account -- proceeds
5 earmarked for the account. (1) There is a traffic education
6 account in the treasury of the state of Montana. There shall
7 be paid into this account a portion of the fines and
8 forfeitures collected in any court except a justice's court
9 from persons apprehended or arrested by highway patrol
10 officers or department of highways peace officers for any
11 violation of chapter 3, part 1 of chapter 4, or chapters 5
12 through 10 of Title 61 relating to the operation or use of
13 motor vehicles in the following amounts:

14 (a) if a fine is imposed, 25% of the fine imposed;

15 (b) if multiple offenses are involved, 25% of the
16 total sum of all fines imposed;

17 (c) if a fine is suspended, in whole or in part, 25%
18 of the fine actually paid; and

19 (d) if any deposit of bail is made for an offense to
20 which this section applies and the bail is forfeited, 25% of
21 the forfeited bail.

22 (2) A portion of all money from the collection of fees
23 from driver's licenses, motorcycle endorsements, and
24 duplicate driver's licenses shall be contributed to the
25 traffic education account as provided in 61-5-121."

1 Section 14. Section 20-7-505, MCA, is amended to read:

2 "20-7-505. Transmittal of proceeds from fines and
3 other sources. (1) The portion of the proceeds from fines
4 and bail forfeitures, except those paid to a justice's
5 court, which are to be deposited in the traffic education
6 account shall be transmitted to the county treasurer by the
7 court collecting them, in the manner and at the times that
8 fines and bail forfeitures are transmitted to the county
9 treasurer under law. The court shall indicate what portion
10 of each fine is to be credited to the traffic education
11 account. The county treasurer shall transmit monthly to the
12 state treasurer, without deduction, the portions of the
13 fines received, except those paid to a justice's court,
14 which are to be credited to the traffic education account.

15 (2) When a court is required to transmit fees, fines,
16 and forfeitures directly to the state treasurer, the gross
17 proceeds including the portion of the fines to be credited
18 to the traffic education account shall be transmitted to the
19 state treasurer and the appropriate portion shall be
20 deposited in the traffic education account."

21 Section 15. Section 20-9-331, MCA, is amended to read:

22 "20-9-331. Basic county tax and other revenues for
23 county equalization of the elementary district foundation
24 program. (1) It shall be the duty of the county
25 commissioners of each county to levy an annual basic tax of

1 28 mills on the dollars of the taxable value of all taxable
 2 property within the county for the purposes of local and
 3 state foundation program support. The revenue to be
 4 collected from this levy shall be apportioned to the support
 5 of the foundation programs of the elementary school
 6 districts in the county and to the state special revenue
 7 fund, state equalization aid account, in the following
 8 manner:

9 (a) In order to determine the amount of revenue raised
 10 by this levy which is retained by the county, the sum of the
 11 estimated revenues identified in subsection (2) below shall
 12 be subtracted from the sum of the county elementary
 13 transportation obligation and the total of the foundation
 14 programs of all elementary districts of the county.

15 (b) If the basic levy prescribed by this section
 16 produces more revenue than is required to finance the
 17 difference determined above, the county treasurer shall
 18 remit the surplus funds to the state treasurer for deposit
 19 to the state special revenue fund, state equalization aid
 20 account, immediately upon occurrence of a surplus balance
 21 and each subsequent month thereafter, with any final
 22 remittance due no later than June 20 of the fiscal year for
 23 which the levy has been set.

24 (2) The proceeds realized from the county's portion of
 25 the levy prescribed by this section and the revenues from

1 the following sources shall be used for the equalization of
 2 the elementary district foundation programs of the county as
 3 prescribed in 20-9-334, and a separate accounting shall be
 4 kept of such proceeds and revenues by the county treasurer
 5 in accordance with 20-9-212(1):

6 (a) the portion of the federal Taylor Grazing Act
 7 funds distributed to a county and designated for the common
 8 school fund under the provisions of 17-3-222;

9 (b) the portion of the federal flood control act funds
 10 distributed to a county and designated for expenditure for
 11 the benefit of the county common schools under the
 12 provisions of 17-3-232;

13 (c) all money paid into the county treasury as a
 14 result of fines for violations of law, except money paid to
 15 a justice's court, and the use of which is not otherwise
 16 specified by law;

17 (d) any money remaining at the end of the immediately
 18 preceding school fiscal year in the county treasurer's
 19 account for the various sources of revenue established or
 20 referred to in this section;

21 (e) any federal or state money, including anticipated
 22 or reappropriated motor vehicle fees and reimbursement under
 23 the provisions of 61-3-532 and 61-3-536, distributed to the
 24 county as payment in lieu of the property taxation
 25 established by the county levy required by this section; and

1 (f) net proceeds taxes for new production, as defined
2 in 15-23-601."

3 Section 16. Section 20-9-332, MCA, is amended to read:

4 "20-9-332. Fines and penalties proceeds for elementary
5 county equalization. All fines and penalties collected under
6 the provisions of this title, ~~shall be collected by the~~
7 ~~action of a court of competent jurisdiction and except those~~
8 ~~collected by a justice's court,~~ shall be paid into the
9 county elementary equalization fund as provided by
10 20-9-331(2)(c). In order to implement this section and any
11 other provision of law requiring the deposit of fines in the
12 elementary county equalization fund, ~~the following reports~~
13 ~~a report~~ shall be made to the county superintendent of the
14 county, ~~in which each court or justice of the peace shall~~
15 ~~have jurisdiction:~~

16 ~~{1} during the month of September, each justice of the~~
17 ~~peace shall report all fines imposed and collected during~~
18 ~~the preceding year, indicating the type of violation and the~~
19 ~~date of collection; and~~

20 {2} at the close of each term, by the clerk of each
21 district court, ~~shall report~~ reporting all fines imposed and
22 collected during the term, and indicating the type of
23 violation and the date of collection."

24 Section 17. Section 23-2-507, MCA, is amended to read:

25 "23-2-507. Penalty. Violations of any section of this

1 part, ~~except subsection {3} of 23-2-526(3),~~ unless otherwise
2 specified shall be a misdemeanor and be punishable by fine
3 of not less than \$15 or more than \$500 or by imprisonment up
4 to 6 months or by both such fine and imprisonment. All fine
5 and bond forfeitures, except those paid to a justice's
6 court, shall be transmitted to the state treasurer, who
7 shall deposit such fines and forfeitures in the motorboat
8 account of an earmarked fund. The moneys shall be used only
9 by the department for enforcement of this part, as amended."

10 Section 18. Section 23-2-644, MCA, is amended to read:

11 "23-2-644. Use of funds from fines and forfeitures.
12 All fines and forfeitures collected under this part relating
13 to snowmobiles, except those collected by a justice's court,
14 shall be transmitted to the state treasurer, who shall
15 deposit such fines and forfeitures in the state special
16 revenue fund to the credit of the department to be used only
17 for snowmobile safety and education."

18 Section 19. Section 32-2-106, MCA, is amended to read:

19 "32-2-106. Penalties. (1) It shall be unlawful for any
20 association, whether foreign or domestic and whether
21 citizens of this state or otherwise, to do business or
22 attempt to do business, as defined in this chapter, without
23 having first complied with its provisions and having
24 received a certificate of authority to do business from the
25 department. Any such association violating any of the

1 provisions of this chapter and failing to comply with any of
 2 its provisions shall be fined not less than \$250 or more
 3 than \$1,000 for each and every such violation, to be
 4 recovered by an action in the name of the state and on
 5 collection, except when collected by a justice's court, paid
 6 into the state treasury.

7 (2) Any person or persons, whether citizens of this
 8 state or otherwise, who aid or assist any such association
 9 to do business contrary to the provisions of this chapter
 10 without having first complied with all of its provisions
 11 shall be guilty of a misdemeanor and on conviction thereof
 12 shall be fined not more than \$500 or imprisoned not more
 13 than 6 months, or both."

14 Section 20. Section 33-2-312, MCA, is amended to read:

15 "33-2-312. Penalty for failure to file statement or
 16 pay tax. Every surplus line agent who fails to make and file
 17 the annual statement as required under 33-2-310 or to pay
 18 the taxes as required under 33-2-311 shall be liable to a
 19 penalty of \$25 for each day of delinquency, commencing with
 20 April 1. The tax and penalty may be recovered in an action
 21 instituted by the commissioner in the name of the state in
 22 any court of competent jurisdiction, the attorney general
 23 representing him. The penalty when collected, unless
 24 collected by a justice's court, shall be paid to the state
 25 treasurer and placed to the credit of the general fund. The

1 surplus line agent's license shall also be subject to
 2 revocation as provided in 33-2-313."

3 Section 21. Section 37-2-301, MCA, is amended to read:

4 "37-2-301. Duty to report cases of communicable
 5 disease. (1) If a physician or other practitioner of the
 6 healing arts examines or treats a person whom he believes
 7 has a communicable disease or a disease declared reportable
 8 by the department of health and environmental sciences, he
 9 shall immediately report the case to the local health
 10 officer. The report shall be in the form and contain
 11 information prescribed by the department.

12 (2) A person who violates the provisions of this
 13 section or rules adopted by the department under the
 14 provisions of this section is guilty of a misdemeanor. On
 15 conviction, he shall be fined not less than \$10 or more than
 16 \$500, imprisoned for not more than 90 days, or both. Each
 17 day of violation constitutes a separate offense. Fines,
 18 except those collected by a justice's court, shall be paid
 19 to the county treasurer of the county in which the violation
 20 occurs."

21 Section 22. Section 37-4-327, MCA, is amended to read:

22 "37-4-327. Practicing dentistry without certificate --
 23 penalty. (1) A person who, as principal, agent, employer,
 24 employee, or assistant, practices dentistry or who does an
 25 act of dentistry without having first secured a certificate

1 to practice dentistry from the department entitling him to
 2 practice in this state is guilty of a misdemeanor and on
 3 conviction in a district court may be fined not less than
 4 \$500 or more than \$1,000 or be confined for a period not
 5 exceeding 6 months in the county jail.

6 (2) Fines imposed and collected under this chapter,
 7 except those paid to a justice's court, shall be paid into
 8 the treasury of the county in which the suits, actions, or
 9 proceedings are commenced. Money paid into the treasury over
 10 and above the amount necessary to reimburse the county for
 11 expense incurred by the county in a suit, action, or
 12 proceeding brought under this chapter shall be deposited
 13 before January 1 of each year in the state special revenue
 14 fund for the use of the board, subject to 37-1-101(6)."

15 Section 23. Section 37-7-324, MCA, is amended to read:

16 "37-7-324. Deposit of fees and fines. Fines paid under
 17 this chapter, except those paid to a justice's court, and
 18 fees collected by the department for registration and
 19 licenses issued under this chapter shall be deposited in the
 20 state special revenue fund for the use of the board, subject
 21 to 37-1-101(6)."

22 Section 24. Section 37-8-432, MCA, is amended to read:

23 "37-8-432. Deposit of fees. Fees and fines collected
 24 by the department under this chapter, except those collected
 25 by a justice's court, shall be deposited in the state

1 special revenue fund for the use of the board, subject to
 2 37-1-101(6)."

3 Section 25. Section 37-10-313, MCA, is amended to
 4 read:

5 "37-10-313. Penalty for violations -- deposit of
 6 fines. A person who violates this chapter, except 37-10-104,
 7 or the rules of the board is guilty of a misdemeanor and on
 8 conviction shall be fined not less than \$200 and not more
 9 than \$500 or imprisoned in the county jail not exceeding 6
 10 months or both fined and imprisoned. Fines collected, except
 11 those collected by a justice's court, shall be deposited in
 12 the state special revenue fund for the use of the board,
 13 subject to 37-1-101(6)."

14 Section 26. Section 37-16-408, MCA, is amended to
 15 read:

16 "37-16-408. Deposit of fees and fines. Fees and fines
 17 collected under this chapter, except those collected by a
 18 justice's court, shall be deposited in the state special
 19 revenue fund for the use of the board, subject to
 20 appropriations and 37-1-101(6)."

21 Section 27. Section 37-41-212, MCA, is amended to
 22 read:

23 "37-41-212. Enforcement responsibility -- penalty --
 24 deposit of fines. (1) State and local health officers shall
 25 enforce this chapter.

1 (2) A person who violates this chapter or a rule of
2 the department is guilty of a misdemeanor and upon
3 conviction shall be fined not more than \$500.

4 (3) All fines collected under this section, except
5 those collected by a justice's court, shall be deposited in
6 the general fund of the county in which the action is
7 brought."

8 Section 28. Section 39-71-201, MCA, is amended to
9 read:

10 "39-71-201. Administration fund. (1) A workers'
11 compensation administration fund is established out of which
12 all costs of administering the Workers' Compensation and
13 Occupational Disease Acts and the various occupational
14 safety acts the division must administer are to be paid upon
15 lawful appropriation. The following moneys collected by the
16 division shall be deposited in the state treasury to the
17 credit of the workers' compensation administrative fund and
18 shall be used for the administrative expenses of the
19 division:

20 (a) all fees and fines penalties provided in 39-71-205
21 and 39-71-304;

22 (b) all fees paid for inspection of boilers and
23 issuance of licenses to operating engineers as required by
24 law;

25 (c) all fees paid from an assessment on each plan No.

1 1 employer, plan No. 2 insurer, and plan No. 3, the state
2 insurance fund. The assessments shall be levied against the
3 preceding calendar year's gross annual payroll of the plan
4 No. 1 employers and the gross annual direct premiums
5 collected in Montana on the policies of the plan No. 2
6 insurers, insuring employers covered under the chapter,
7 during the preceding calendar year. However, no assessment
8 of the plan No. 1 employer or plan No. 2 insurer shall be
9 less than \$200. The assessments shall be sufficient to fund
10 the direct costs identified to the three plans and an
11 equitable portion of the indirect costs based on the ratio
12 of the preceding fiscal year's indirect costs distributed to
13 the plans using proper accounting and cost allocation
14 procedures. Plan No. 3 shall be assessed an amount
15 sufficient to fund its direct costs and an equitable portion
16 of the indirect costs as referred to above. Other sources
17 of revenue, including unexpended funds from the preceding
18 fiscal year, shall be used to reduce the costs before
19 levying the assessments.

20 (2) The administration fund shall be debited with
21 expenses incurred by the division in the general
22 administration of the provisions of this chapter, including
23 the salaries of its members, officers, and employees and the
24 travel expenses of the members, officers, and employees, as
25 provided for in 2-18-501 through 2-18-503, as amended,

1 incurred while on the business of the division either within
2 or without the state.

3 (3) Disbursements from the administration money shall
4 be made after being approved by the division upon claim
5 therefor."

6 Section 29. Section 46-17-303, MCA, is amended to
7 read:

8 "46-17-303. Deposit of fines. All fines imposed and
9 collected by a justice's or city court must be paid to the
10 treasurer of the county, city, or town, as the case may be,
11 within 30 days after the receipt of the same. The justice or
12 city judge must take duplicate receipts therefor, one of
13 which he must deposit with the county, city, or town clerk,
14 as the case may be."

15 Section 30. Section 46-18-235, MCA, is amended to
16 read:

17 "46-18-235. Disposition of money collected as fines
18 and costs. The money collected by a court, except money
19 collected by a justice's court, as a result of the
20 imposition of fines or assessment of costs under the
21 provisions of 46-18-231 and 46-18-232 shall be paid to the
22 county general fund of the county in which the court is
23 held, except that:

24 (1) if the costs assessed include any district court
25 expense listed in 3-5-901, the money collected from

1 assessment of these costs must be paid to the department of
2 commerce for deposit into the state general fund to the
3 extent the expenses were paid by the state; and

4 (2) if the fine was imposed for a violation of Title
5 45, chapter 9, the court may order the money paid into the
6 drug forfeiture fund maintained under 44-12-206 for the law
7 enforcement agency which made the arrest from which the
8 conviction and fine arose."

9 Section 31. Section 46-18-236, MCA, is amended to
10 read:

11 "46-18-236. Imposition of charge upon conviction or
12 forfeiture -- administration. (1) Except as provided in
13 subsection (2), there must be imposed by all courts of
14 original jurisdiction on a defendant upon his conviction for
15 any conduct made criminal by state statute or upon
16 forfeiture of bond or bail a charge that is in addition to
17 other taxable court costs, fees, or fines, as follows:

18 (a) \$10 for each misdemeanor charge; and
19 (b) the greater of \$20 or 10% of the fine levied for
20 each felony charge.

21 (2) If a convicting court determines under 46-18-231
22 and 46-18-232 that the defendant is not able to pay the fine
23 and costs or that he is unable to pay within a reasonable
24 time, the court must waive payment of the charge imposed by
25 this section.

1 (3) The charge imposed by this section is not a fine
2 and must be imposed in addition to any fine and may not be
3 used in determining the jurisdiction of any court.

4 (4) When the payment of a fine is to be made in
5 installments over a period of time, the charge imposed by
6 this section must be collected from the first payment made
7 and each subsequent payment as necessary if the first
8 payment is not sufficient to cover the charge.

9 (5) The charges collected under subsection (1), except
10 those collected by a justice's court, must be deposited with
11 the appropriate local government finance officer or
12 treasurer. If a city municipal court or city or town court
13 is the court of original jurisdiction, the charges collected
14 under subsection (1) must be deposited with the city or town
15 finance officer or treasurer. If a ~~justice's court~~ or
16 district court is the court of original jurisdiction, the
17 charges collected under subsection (1) must be deposited
18 with the county finance officer or treasurer. If the court
19 of original jurisdiction is a court within a consolidated
20 city-county government within the meaning of Title 7,
21 chapter 3, the charges collected under subsection (1) must
22 be deposited with the finance officer or treasurer of the
23 consolidated government.

24 (6) (a) A city or town finance officer or treasurer
25 may retain the charges collected under subsection (1) by a

1 city municipal court or a city or town court and may use
2 that money for the payment of salaries of the city or town
3 attorney and his deputies.

4 (b) Each county finance officer or treasurer may
5 retain the charges collected under subsection (1) by
6 district ~~or justices'~~ courts for crimes committed or alleged
7 to have been committed within that county. The county
8 finance officer or treasurer shall use the money for the
9 payment of salaries of its deputy county attorneys and for
10 the payment of other salaries in the office of the county
11 attorney, and any funds not needed for such salaries may be
12 used for the payment of any other county salaries."

13 Section 32. Section 46-18-603, MCA, is amended to
14 read:

15 "46-18-603. Disposition of fines and forfeitures. All
16 fines and forfeitures collected in any court except city
17 courts must be applied to the payment of the costs of the
18 case in which the fine is imposed or the forfeiture
19 incurred. After such costs are paid, the residue, if not
20 paid to a justice's court or otherwise provided by law, must
21 be paid to the county treasurer of the county in which the
22 court is held and by him credited as provided by law. If the
23 fine or forfeiture is paid to the county treasurer, at the
24 time of such payment there shall be filed with the county
25 treasurer a complete statement showing the total of the fine

1 or forfeiture received or incurred with an itemized
2 statement of the costs incurred by the county in such
3 action. The statement shall give the title of the cause and
4 be subscribed by the person or officer making such payment."

5 Section 33. Section 50-1-204, MCA, is amended to read:

6 "50-1-204. Quarantine measures. The department may
7 adopt and enforce quarantine measures against a state,
8 county, or municipality to prevent the spread of
9 communicable disease. A person who does not comply with
10 quarantine measures shall, on conviction, be fined not less
11 than \$10 or more than \$100. Receipts from fines, except
12 justice's court fines, shall be deposited in the state
13 general fund."

14 Section 34. Section 50-2-124, MCA, is amended to read:

15 "50-2-124. Penalties for violations. (1) A person who
16 does not comply with rules adopted by a local board is
17 guilty of a misdemeanor. On conviction, he shall be fined
18 not less than \$10 or more than \$200.

19 (2) Except as provided in subsection (1) of this
20 section and 50-2-123, a person who violates the provisions
21 of this chapter or rules adopted by the department under the
22 provisions of this chapter is guilty of a misdemeanor. On
23 conviction, he shall be fined not less than \$10 or more than
24 \$500, imprisoned for not more than 90 days, or both.

25 (3) Each day of violation constitutes a separate

1 offense.

2 (4) Fines, except justice's court fines, shall be paid
3 to the county treasurer of the county in which the violation
4 occurs."

5 Section 35. Section 50-52-105, MCA, is amended to
6 read:

7 "50-52-105. Violation of chapter a misdemeanor. (1) A
8 person violating a provision of this chapter or a rule made
9 under it shall be guilty of a misdemeanor and upon
10 conviction shall be fined not less than \$50 or more than
11 \$100 for the first offense and not less than \$75 or more
12 than \$200 for the second offense, and for the third and
13 subsequent offenses, he shall be punished by a fine of not
14 less than \$200 and imprisonment in the county jail not to
15 exceed 90 days.

16 (2) Fines, except justice's court fines, shall be paid
17 to the county treasurer of the county in which the
18 establishment is located. The county treasurer shall send
19 all fines collected to the state treasurer for deposit in
20 the state general fund."

21 Section 36. Section 50-70-118, MCA, is amended to
22 read:

23 "50-70-118. Penalty. (1) A person who violates this
24 chapter relating to limitations of levels, concentrations,
25 or quantities of emissions of various pollutants from a

1 source determined to be necessary to prevent, abate, or
2 control occupational diseases (unless in compliance with
3 this chapter) is guilty of an offense and subject to a fine
4 not to exceed \$1,000. Each day of violation constitutes a
5 separate offense.

6 (2) Proceedings under this section are not a bar to
7 enforcement of this chapter or of rules or orders made under
8 it by injunction or other appropriate remedy. The department
9 may institute and maintain in the name of the state these
10 enforcement proceedings.

11 (3) This chapter does not abridge, limit, impair,
12 create, enlarge, or otherwise affect substantively or
13 procedurally the right of a person to damage or other relief
14 on account of injury to persons or property and to maintain
15 an action or other appropriate proceeding.

16 (4) Fines collected, except those collected by a
17 justice's court, shall be deposited to the state general
18 fund."

19 Section 37. Section 53-9-109, MCA, is amended to read:

20 "53-9-109. Crime victims compensation account. There
21 is a crime victims compensation account in the state special
22 revenue fund. There shall be paid into this account 18% of
23 the fines assessed and bails forfeited, except those paid to
24 a justice's court, on all offenses involving a violation of
25 chapter 3, part 1 of chapter 4, or chapters 5 through 10 of

1 Title 61, that are a result of citations or tickets issued
2 by the highway patrol."

3 Section 38. Section 61-8-718, MCA, is amended to read:

4 "61-8-718. Penalty for violation of fuel conservation
5 speed limit. (1) A person violating the speed limit imposed
6 pursuant to 61-8-304 is guilty of the offense of unnecessary
7 waste of a resource and upon conviction shall be fined \$5,
8 and no jail sentence may be imposed. Bond for this offense
9 shall be \$5.

10 ~~{2}--For the purpose of this section only, the fees of~~
11 ~~the justice's court shall be the balance of the fine not~~
12 ~~otherwise allocated by law and shall be remitted as set~~
13 ~~forth in 3-10-603{3}.~~

14 {3}{2} A violation of 61-8-304 is not a misdemeanor
15 pursuant to 45-2-101, 61-8-104, or 61-8-711."

16 Section 39. Section 61-10-148, MCA, is amended to
17 read:

18 "61-10-148. Disposition of fines and forfeited bonds.
19 Except as provided in 61-12-701, one-half of all the money
20 collected as fines and forfeited bonds for violations of
21 Title 61, chapter 10, must be remitted monthly by the county
22 treasurer to the state treasurer for deposit in the state
23 highway account in the state special revenue fund. The
24 remaining half, less the deductions required by law, must be
25 deposited in the county road fund. This section does not

1 apply to fines and forfeited bonds paid to justices'
2 courts."

3 Section 40. Section 61-11-104, MCA, is amended to
4 read:

5 "61-11-104. Reports by justices of the peace and
6 county--treasurers. Justices of the peace and--county
7 treasurers shall furnish make available to the department
8 ~~statements-of-all-fees,-fines,-and-forfeitures--and~~ records
9 of cases which involve the state highway patrol as the
10 department may request."

11 Section 41. Section 61-12-701, MCA, is amended to
12 read:

13 "61-12-701. Disposition of fines and forfeitures. ~~{1}~~
14 All fines and forfeitures collected in any court, except a
15 justice's court, for violation of the laws and regulations
16 relating to the use of state highways and the operation of
17 vehicles thereon, if the apprehension or arrest was by a
18 highway patrolman, must be paid to the state treasurer and
19 by him credited to the general fund of the state or, if the
20 apprehension or arrest was by a sheriff or deputy sheriff,
21 must be paid to the county treasurer for deposit in the
22 county general fund, except for that portion of the fines
23 otherwise allocated by law which must be paid into the
24 appropriate accounts in the state special revenue fund.

25 ~~{2}--At-the-time-of-payment-of-the-fine-or--forfeiture,~~

1 ~~there--must--be--filed--with--the--appropriate--treasurer--a~~
2 ~~complete--statement--showing--the--total--of--the--fines--or~~
3 ~~forfeitures--received--or--incurred,-giving-the-title-of-the~~
4 ~~court-and-cause,-and-subscribed-to-by-the-person-or--officer~~
5 ~~making-the-payments."~~

6 Section 42. Section 75-2-412, MCA, is amended to read:

7 "75-2-412. Criminal penalties -- injunction preserved.

8 (1) A person who violates this chapter or a rule, order, or
9 permit made or issued under it, other than 75-2-105, is
10 guilty of an offense and subject to a fine not to exceed
11 \$1,000. Each day of violation constitutes a separate
12 offense.

13 (2) A person who willfully violates 75-2-105 is guilty
14 of an offense and subject to a fine not to exceed \$1,000.

15 (3) Fines collected, except those collected in a
16 justice's court, shall be deposited to the state general
17 fund.

18 (4) Action under this section is not a bar to
19 enforcement of this chapter or of a rule, order, or permit
20 made or issued under it by injunction or other appropriate
21 remedy. The department may institute and maintain in the
22 name of the state any enforcement proceedings."

23 Section 43. Section 75-5-634, MCA, is amended to read:

24 "75-5-634. Fines to go to general fund. Fines
25 collected, except those collected in a justice's court,

1 shall be deposited to the state general fund."

2 Section 44. Section 75-7-216, MCA, is amended to read:

3 "75-7-216. Penalty. (1) A person who violates an order
4 issued under this part or who knowingly violates a
5 regulation made under this part commits a misdemeanor and on
6 conviction may be sentenced to 30 days in the county jail or
7 fined \$500, or both.

8 (2) Fines collected under this section, except those
9 collected in a justice's court, shall be paid to the general
10 fund of the county where the offense was committed for the
11 purpose of administering this part."

12 Section 45. Section 75-10-418, MCA, is amended to
13 read:

14 "75-10-418. Criminal penalties. (1) Any person who
15 knowingly transports any hazardous waste to an unpermitted
16 facility; who treats, stores, or disposes of hazardous waste
17 without a permit; or who makes any false statement or
18 representation in any application, label, manifest, record,
19 report, permit, or other document filed or maintained as
20 required by the provisions of this part or rules made under
21 this part is subject to a fine not to exceed \$10,000 for
22 each violation or imprisonment not to exceed 6 months, or
23 both. A person convicted for a violation of this section
24 after a first conviction under this section is subject to a
25 fine not to exceed \$20,000 for each violation or

1 imprisonment not to exceed 1 year, or both. Each day of
2 violation constitutes a separate violation.

3 (2) Action under this section does not bar enforcement
4 of this part, rules made under this part, orders of the
5 department or the board, or permits by injunction or other
6 appropriate remedy.

7 (3) Money collected under this section, except money
8 collected in a justice's court, shall be deposited in the
9 state general fund."

10 Section 46. Section 75-20-112, MCA, is amended to
11 read:

12 "75-20-112. Money to state special revenue fund. All
13 fees, taxes, fines, and penalties collected under this
14 chapter, except those collected by a justice's court, shall
15 be deposited in the state special revenue fund for use by
16 the department in carrying out its functions and
17 responsibilities under this chapter."

18 Section 47. Section 76-13-111, MCA, is amended to
19 read:

20 "76-13-111. Permissible expenditures. (1) The
21 following funds may be expended as directed by the
22 department for fire prevention, detection, suppression and
23 for forest range, water, and soil conservation:

24 (a) all moneys collected by county treasurers as
25 assessments on forest lands for forest protection;

1 (b) moneys collected for the abatement of public
2 nuisances;

3 (c) all fines collected, except those collected in a
4 justice's court, for violations of this part or part 2;

5 (d) the state's share of the cooperative fire
6 protection funds allocated by the federal government;

7 (e) any other funds provided for the purposes herein
8 indicated.

9 (2) All other cooperative funds collected,
10 appropriated, or allocated for the use of the department,
11 including funds for the removal of slash hazards resulting
12 from logging or other wood operations on state and private
13 forest lands, those provided for the purpose of helping to
14 maintain the maximum productivity of the forests of the
15 state, those provided for purposes designed to assist the
16 farmers of the state in the establishment of windbreaks and
17 woodlots in localities where those forest plantings are
18 helpful, and funds for other cooperative work, may not be
19 expended except for the specific purposes for which they
20 were collected, appropriated, or allocated."

21 Section 48. Section 76-13-114, MCA, is amended to
22 read:

23 "76-13-114. Disposition of fines. Fines collected in a
24 court of the state under this part or part 2, except those
25 collected in a justice's court, shall be transferred to the

1 state treasurer for deposit in the agency fund. Whenever a
2 person is convicted in any court of a violation of this part
3 or part 2, the court may levy and collect as costs in the
4 case the amount necessary to compensate the county for the
5 expenditures made in and for the prosecution of the
6 offender. These costs when collected, except those collected
7 in a justice's court, shall be deposited by the court with
8 the proper county treasurer for the benefit of the county."

9 Section 49. Section 77-1-117, MCA, is amended to read:
10 "77-1-117. Disposition of fines. Unless otherwise
11 provided, all money received as fines, fees, and forfeitures
12 under this title or as penalties for the violation of any of
13 the land laws of this state, except money received by a
14 justice's court, shall be paid to the state treasurer and by
15 him deposited to the credit of the general fund."

16 Section 50. Section 80-3-613, MCA, is amended to read:
17 "80-3-613. Violation -- penalty. A person who violates
18 this part, fails to comply with rules adopted under this
19 part, or fails to obey an order of the department made under
20 this part is guilty of a misdemeanor and shall be fined not
21 less than \$25 or more than \$500, imprisoned in the county
22 jail for not more than 6 months, or both fined and
23 imprisoned. The fine, except a fine paid to a justice's
24 court, shall be paid into the state treasury and deposited
25 as provided in 80-3-612."

1 Section 51. Section 80-7-704, MCA, is amended to read:

2 "80-7-704. Disposition of fines and inspection fees.
 3 All fines levied as provided in 80-7-703, except fines paid
 4 to a justice's court, and all fees collected from
 5 inspections shall be deposited with the state treasurer to
 6 the credit of the state special revenue fund for the use of
 7 the department for the purpose of administering and
 8 enforcing 80-7-701 through 80-7-704."

9 Section 52. Section 80-11-313, MCA, is amended to
 10 read:

11 "80-11-313. Penalty. In addition to the penalty
 12 specified in 80-11-312, any person who violates or aids in a
 13 violation of any of the provisions of this part or any of
 14 the rules or orders of the department adopted under this
 15 part, upon conviction thereof, is punishable by a fine not
 16 to exceed \$500. All fines collected, except fines collected
 17 by a justice's court, shall be deposited as provided in
 18 80-11-310."

19 Section 53. Section 81-3-231, MCA, is amended to read:

20 "81-3-231. Penalties. (1) A person is guilty of a
 21 misdemeanor and is punishable as provided in subsection (6)
 22 of this section if he removes livestock or causes livestock
 23 to be removed from a county in this state:

24 (a) without having the livestock inspected before
 25 removal if an inspection is required by law;

1 (b) without obtaining a market consignment permit or
 2 transportation permit if the permits are required by law;

3 (c) and does obtain a market consignment permit for
 4 livestock but does not deliver the livestock transported
 5 thereunder to the livestock market designated in the market
 6 consignment permit;

7 (d) and does obtain a transportation permit for the
 8 livestock but does not deliver the livestock transported
 9 thereunder to the destination as shown on the transportation
 10 permit and fails to have the livestock so transported
 11 inspected at the point of destination or does not file a
 12 loading tally with the carrier as provided in 81-4-607.

13 (2) A person who sells livestock or offers livestock
 14 for sale at a livestock market without having the livestock
 15 inspected or removes livestock or causes livestock to be
 16 removed from a livestock market without obtaining a release
 17 is guilty of a misdemeanor and is punishable as provided in
 18 subsection (6) of this section.

19 (3) A person who ships by railroad carrier and the
 20 railroad carrier transporting livestock for which a loading
 21 tally has been filed as provided by 81-4-607 and for which
 22 shipment of livestock an inspection has not been made which
 23 after shipment causes or permits the livestock to leave the
 24 custody of the railroad carrier at a place other than where
 25 this state regularly maintains a stock inspector is guilty

1 of a misdemeanor and is punishable as provided in subsection
 2 (6) of this section.

3 (4) A person who has in his charge livestock being
 4 removed from a county in the state for which an inspection
 5 certificate, a market consignment permit, or a market
 6 release certificate has been issued and fails to have in his
 7 possession accompanying the livestock the inspection
 8 certificate, market consignment permit, or a market release
 9 certificate as issued for the livestock, or who, having the
 10 certificate of inspection, market consignment permit, or
 11 market release certificate, fails to exhibit it to a
 12 sheriff, deputy sheriff, constable, gross vehicle weight
 13 enforcement officer, highway patrolman, state stock
 14 inspector, or deputy state stock inspector at his request is
 15 guilty of a misdemeanor and is punishable as provided in
 16 subsection (6) of this section.

17 (5) Except as specifically otherwise provided, a
 18 person violating any of the provisions of this part is
 19 guilty of a misdemeanor and is punishable as provided in
 20 subsection (6) of this section.

21 (6) Upon conviction under this section, a person,
 22 firm, association, or corporation shall be fined not less
 23 than \$50 or more than \$500 or imprisoned in the county jail
 24 for a period of not more than 6 months or both fined and
 25 imprisoned. Of all fines assessed and collected under this

1 section, except those assessed and collected in a justice's
 2 court, 50% shall be paid into the state treasury and
 3 credited to the state special revenue fund for the use of
 4 the department and 50% shall be paid into the general fund
 5 of the county in which the conviction occurred."

6 Section 54. Section 81-4-202, MCA, is amended to read:

7 "81-4-202. Penalties. (1) Any person violating
 8 81-4-201 shall be deemed guilty of a misdemeanor, and upon
 9 conviction thereof shall be fined in the sum of \$10 for the
 10 first offense and in the sum of \$20 for each subsequent
 11 offense and shall be liable in damage to any party injured
 12 thereby, to be recovered in any court having competent
 13 jurisdiction.

14 (2) All fines collected under the provisions of this
 15 section, except those collected in a justice's court, shall
 16 be paid into the county treasury for the use and benefit of
 17 the public schools."

18 Section 55. Section 81-4-621, MCA, is amended to read:

19 "81-4-621. Penalties. (1) Any person who shall, for
 20 his own use or benefit and without the owner's consent, take
 21 into his possession any stray shall be guilty of a
 22 misdemeanor and shall be punishable by a fine of not less
 23 than \$25 or more than \$100 or by imprisonment in the county
 24 jail not exceeding 60 days or by both such fine and
 25 imprisonment.

1 (2) Every person, agent, firm, or corporation
 2 violating the provisions of 81-4-607 shall be deemed guilty
 3 of a misdemeanor and upon conviction thereof shall be fined
 4 in any sum not exceeding \$300 or imprisoned in the county
 5 jail not to exceed 6 months or both fined and imprisoned.

6 (3) Any person, agent, firm, corporation, pool, or
 7 roundup association who shall ship cattle from this state
 8 and shall fail to make such inspection or tally at point of
 9 loading or who shall fail to file a true and correct tally,
 10 to the best of his knowledge and belief, of all the brands
 11 of cattle in such shipment with the railroad agent at the
 12 point of shipment or who shall fail to forward a true and
 13 correct copy, duly signed by him as party making the
 14 shipment, to the stock inspector at point of destination or
 15 any person who shall accompany a shipment of cattle as the
 16 shipper in charge from this state and shall fail to take a
 17 description of any and every animal taken out in transit and
 18 hand such description to the stock inspector at point of
 19 destination or any stock inspector at market points who
 20 shall fail to make inspection as provided in 81-4-609 shall
 21 be deemed guilty of a misdemeanor and shall be subject to a
 22 fine of not less than \$50 or more than \$500 for each and
 23 every offense. The fines so collected, except those
 24 collected in a justice's court, shall be turned into the
 25 general fund of the county where conviction is had, and any

1 stock inspector, sheriff, or other police officer shall have
 2 power to make arrests to enforce the provisions of this
 3 part."

4 Section 56. Section 81-8-216, MCA, is amended to read:

5 "81-8-216. Penalties. (1) A person who violates any
 6 provision of 81-8-214, 81-8-215, and 81-8-251 through
 7 81-8-263 or rules adopted by the department under 81-8-231
 8 is guilty of a misdemeanor and upon conviction shall be
 9 fined not less than \$100 or more than \$600, imprisoned in
 10 the county jail not less than 30 days or more than 6 months,
 11 or both. A person convicted of a subsequent violation of
 12 81-8-214, 81-8-215, and 81-8-251 through 81-8-263 or rules
 13 adopted to implement those sections shall be fined not less
 14 than \$200 or more than \$1,000, imprisoned in the county jail
 15 for not less than 3 months or more than 6 months, or both,
 16 and the department may cancel his certificate.

17 (2) Of all fines assessed and collected under this
 18 section, except those assessed and collected in a justice's
 19 court, 50% shall be paid into the state treasury and
 20 credited to the special revenue fund for the use of the
 21 department and 50% shall be paid into the general revenue
 22 fund of the county in which the conviction occurred."

23 Section 57. Section 81-8-279, MCA, is amended to read:

24 "81-8-279. Penalties. (1) A person who violates any
 25 provision of 81-8-271 through 81-8-273 and 81-8-276 through

1 81-8-278 or rules adopted by the department to implement
 2 those sections is guilty of a misdemeanor and upon
 3 conviction shall be fined not less than \$250 or more than
 4 \$1,000 or imprisoned for not more than 6 months, or both.

5 (2) Of all fines assessed and collected under this
 6 section, except those assessed and collected in a justice's
 7 court, 50% shall be paid into the state treasury and
 8 credited to the special revenue fund for the use of the
 9 department and 50% shall be paid into the general revenue
 10 fund of the county in which the conviction occurred."

11 Section 58. Section 81-23-403, MCA, is amended to
 12 read:

13 "81-23-403. Disposition of fines. (1) All fines
 14 assessed by a court other than a justice's court for
 15 violation of this chapter shall be paid by the court to the
 16 department.

17 (2) All fines received by the department shall be
 18 deposited with the state treasurer and shall be placed by
 19 him in the state special revenue fund. Fines assessed for
 20 violations of this chapter are earmarked for the purposes of
 21 this chapter."

22 Section 59. Section 85-2-123, MCA, is amended to read:

23 "85-2-123. Deposit of fees and penalties. Except as
 24 provided in 85-2-124 and 85-2-241, all fees and penalties
 25 collected under this chapter shall be deposited in the water

1 right appropriation account established in 85-2-318. All
 2 penalties or fines imposed by any court other than a
 3 justice's court for a violation of this chapter shall be
 4 deposited in the general fund of the county where the court
 5 presides and shall be disposed of in the same manner as any
 6 other penalty or fine."

7 Section 60. Section 85-3-213, MCA, is amended to read:

8 "85-3-213. State special revenue fund. All license and
 9 permit fees and fines collected under this chapter, other
 10 than those collected in a justice's court, shall be
 11 deposited in the state special revenue fund for use by the
 12 department in the administration of this chapter."

13 Section 61. Section 85-15-502, MCA, is amended to
 14 read:

15 "85-15-502. Deposit of penalties and costs. All
 16 penalties and costs collected under this chapter, other than
 17 those collected in a justice's court, must be deposited in
 18 the state general fund."

19 Section 62. Section 87-1-601, MCA, is amended to read:

20 "87-1-601. Use of fish and game money. (1) All money
 21 collected or received from the sale of hunting and fishing
 22 licenses or permits, from the sale of seized game or hides,
 23 or from damages collected for violations of the fish and
 24 game laws of this state, from appropriations, or received by
 25 the department from any other state source shall be turned

1 over to the state treasurer and placed by him in the state
2 special revenue fund to the credit of the department. Any
3 money received from federal sources shall be deposited in
4 the federal special revenue fund to the credit of the
5 department.

6 (2) That money shall be exclusively set apart and made
7 available for the payment of all salaries, per diem, fees,
8 expenses, and expenditures authorized to be made by the
9 department under the terms of this title. That money shall
10 be spent for those purposes by the department, subject to
11 appropriation by the legislature.

12 (3) Any reference to the fish and game fund in this
13 code means fish and game money in the state special revenue
14 fund and the federal special revenue fund.

15 (4) All money collected or received from fines and
16 forfeited bonds, except money collected or received by a
17 justice's court, relating to violations of state fish and
18 game laws under Title 87 shall be deposited by the state
19 treasurer and credited to the department of fish, wildlife,
20 and parks in a state special revenue fund account for this
21 purpose. Out of any fine imposed by a court for the
22 violation of the fish and game laws, the costs of
23 prosecution shall be paid to the county where the trial was
24 held in any case where the fine is not imposed in addition
25 to the costs of prosecution.

1 (5) Money received by the department from the sale of
2 surplus real property; exploration or development of oil,
3 gas, or mineral deposits from lands acquired by the
4 department except royalties or other compensation based on
5 production; and from leases of interests in department real
6 property not contemplated at the time of acquisition shall
7 be deposited in an account within the nonexpendable trust
8 fund of the state treasury. The interest derived therefrom,
9 but not the principal, may be used only for the purpose of
10 operation, development, and maintenance of real property of
11 the department, and only upon appropriation by the
12 legislature. If the use of money as set forth herein would
13 result in violation of applicable federal laws or state
14 statutes specifically naming the department or money
15 received by the department, then the use of this money must
16 be limited in the manner, method, and amount to those uses
17 that do not result in such violation."

18 Section 63. Section 87-4-808, MCA, is amended to read:
19 "87-4-808. Fines, bonds, penalties, and fees. Fines,
20 bonds, or penalties, except those obtained by a justice's
21 court, shall be administered and disposed of in accordance
22 with the provisions of 87-1-601. Fees obtained under this
23 part shall be deposited with the state treasurer and
24 credited to the state special revenue fund, fish and game
25 account."

1 NEW SECTION. Section 64. Repealer. Section 3-10-603,
2 MCA, is repealed.

3 NEW SECTION. Section 65. Extension of authority. Any
4 existing authority of any department or other executive
5 branch office or entity to make rules on the subject of the
6 provisions of this act is extended to the provisions of this
7 act.

8 NEW SECTION. Section 66. Effective date. This act is
9 effective July 1, 1987.

-End-

1 HOUSE BILL NO. 740

2 INTRODUCED BY COBB, VAN VALKENBURG, MERCER,
3 BLAYLOCK, PECK, BISHOP, MILES, ADDY, NEUMAN,
4 REHBERG, THOMAS, GIACOMETTO

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO RELIEVE JUSTICES OF
7 THE PEACE FROM OVERLY BURDENSOME BOOKKEEPING AND OTHER
8 ADMINISTRATIVE DUTIES IN REGARD TO FINES, PENALTIES, AND
9 FORFEITURES PAID IN THEIR COURTS; TO REVISE THE METHOD OF
10 DISTRIBUTING THE FINES, PENALTIES, AND FORFEITURES; AMENDING
11 SECTIONS 3-10-601, 7-14-2138, 7-14-2826, 7-22-2117,
12 7-22-2434, 7-23-105, 13-37-124, 13-37-129, 15-1-105,
13 15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331,
14 20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301,
15 37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408,
16 37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236,
17 46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118,
18 53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701,
19 75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112,
20 76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704,
21 80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279,
22 81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND
23 87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND
24 PROVIDING AN EFFECTIVE DATE."

25

THERE ARE NO CHANGES ON HB 740 AND DUE
TO LENGTH WILL NOT BE RE RUN. PLEASE
REFER TO SECOND READING (YELLOW) COPY FOR
COMPLETE TEXT.

1 HOUSE BILL NO. 740

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 13 15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331,
 14 20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301,
 15 37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408,
 16 37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236,
 17 46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118,
 18 53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701,
 19 75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112,
 20 76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704,
 21 80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279,
 22 81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND
 23 87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND
 24 PROVIDING AN EFFECTIVE DATE."
 25

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

2 Section 1. Section 3-10-601, MCA, is amended to read:

3 "3-10-601. Collection and disposition of fin
 4 penalties, forfeitures, and fees ---itemized-statement. (1)
 5 Each justice of the peace shall collect the fees prescribed
 6 by law for justices' courts and shall pay them into the
 7 county treasury of the county wherein he holds office, on or
 8 before the 10th day of each month, to be credited to the
 9 general fund of the county.

10 ~~(2) He shall also file an itemized statement showing~~
 11 ~~all fees received during the preceding month in his court.~~
 12 ~~The statement shall state that all fees required by law to~~
 13 ~~be paid during the preceding month in connection with~~
 14 ~~matters pending before the court have been paid into the~~
 15 ~~county treasury and listed in the itemized statement and~~
 16 ~~that he has not received or been promised, nor has any one~~
 17 ~~else received or been promised for him, any other moneys,~~
 18 ~~emolument, or thing by virtue of or in connection with his~~
 19 ~~office. The statement shall be subscribed and sworn to by~~
 20 ~~the justice.~~

21 (2) All fines, penalties, and forfeitures that this
 22 code requires to be imposed, collected, or paid in a
 23 justice's court must, for each calendar month, be paid by
 24 the justice's court on or before the 5th day of the
 25 following month to the treasurer of the county in which the

1 justice's court is situated.

2 (3) The county treasurer shall, on or before the 10th
3 day of the month in which it is paid IN THE MANNER PROVIDED
4 IN 15-1-504, distribute money received under subsection (2)
5 as follows:

- 6 (a) 50% to the state treasurer; and
- 7 (b) 50% to the county general fund.

8 (4) The state treasurer shall distribute money
9 received under subsection (3) as follows:

- 10 (a) 23% to the state general fund;
- 11 (b) 10% to the fish and game account in the state
12 special revenue fund;
- 13 (c) 13% 12.5% to the state highway account in the
14 state special revenue fund;
- 15 (d) 36% to the traffic education account in the state
16 special revenue fund;
- 17 (e) 1% 0.6% to the department of livestock account in
18 the state special revenue fund; and
- 19 (f) 17% 16.9% to the crime victims compensation
20 account in the state special revenue fund; AND

21 (G) 1% TO THE DEPARTMENT OF SOCIAL AND REHABILITATION
22 SERVICES SPECIAL REVENUE ACCOUNT FOR THE BATTERED SPOUSES
23 AND DOMESTIC VIOLENCE GRANT PROGRAM."

24 Section 2. Section 7-14-2138, MCA, is amended to read:
25 "7-14-2138. Prosecution by county attorney. (1) The

1 county attorney, upon complaint of the road supervisor,
2 county surveyor, or any other person, shall prosecute all
3 actions provided in parts 21 through 28 in the name of the
4 state of Montana.

5 (2) All penalties, except those paid to a justice's
6 court, shall be paid into the general fund of the county."

7 Section 3. Section 7-14-2826, MCA, is amended to read:

8 "7-14-2826. Regulation of ferry operation --
9 penalties. (1) The board of commissioners may make all
10 needful rules for the government of ferries and ferrykeepers
11 prescribing:

- 12 (a) how many boats must be kept, their character, and
13 how propelled;
- 14 (b) the number of hands, boatmen, or ferrymen to be
15 employed and rules for their government;
- 16 (c) when and under what circumstances to make trips in
17 the nighttime;
- 18 (d) who may be ferried free of toll;
- 19 (e) in what cases of danger or peril not to cross;
- 20 (f) penalties for violation of regulations;
- 21 (g) in case of steamboats, the rate of speed;
- 22 (h) the method of and preference in loading and
23 crossing; and
- 24 (i) how and by whom action must be brought to recover
25 penalties.

1 (2) Subject to the foregoing regulations, ferrykeepers
 2 must make trips to accommodate all passengers who desire to
 3 cross, and any failure to do so subjects the franchise to
 4 forfeiture by a proper proceeding for that purpose.

5 (3) The owner of every ferry must have the rates of
 6 toll, as fixed by the board, printed or written and posted
 7 in some conspicuous place on or near the ferry.

8 (4) All ferrykeepers must keep the banks of the
 9 streams or waters at the landings of their ferries graded
 10 and in good order for the passage of vehicles. For every day
 11 compliance herewith is neglected, \$25 is forfeited, to be
 12 collected, except as provided in 3-10-601, for the use of
 13 the road fund of the county."

14 Section 4. Section 7-22-2117, MCA, is amended to read:

15 "7-22-2117. Violations. (1) Any person who in any
 16 manner interferes with the board or its authorized agent in
 17 carrying out the provisions of this part or who refuses to
 18 obey an order or notice of the board is guilty of a
 19 misdemeanor, and upon conviction thereof, he shall be fined
 20 not to exceed \$100 for the first offense and not less than
 21 \$100 or more than \$200 for each subsequent offense.

22 (2) All fines, bonds, and penalties collected under
 23 the provisions of this part, except those collected by a
 24 justice's court, shall be paid to the county treasurer of
 25 each county and placed by him to the credit of a fund to be

1 known as the noxious weed fund."

2 Section 5. Section 7-22-2434, MCA, is amended to read:

3 "7-22-2434. Disposition of fines, bonds, and
 4 penalties. All fines, forfeited bonds, and penalties
 5 collected under the provisions of this part, except those
 6 collected by a justice's court, shall be paid to the county
 7 treasurer of each county and placed by him to the credit of
 8 the mosquito control fund."

9 Section 6. Section 7-23-105, MCA, is amended to read:

10 "7-23-105. Disposition of fines. All fines collected
 11 under the provisions of this part and part 21, except those
 12 collected by a justice's court, shall be paid into the
 13 county treasury and shall be used to pay fees, salaries,
 14 costs, or expenses for the enforcement of this part and part
 15 21."

16 Section 7. Section 13-37-124, MCA, is amended to read:

17 "13-37-124. Consultation and cooperation with county
 18 attorney. (1) Whenever the commissioner determines that
 19 there appears to be sufficient evidence to justify a civil
 20 or criminal prosecution under chapters 35, 36, or 37 of this
 21 title, he shall notify the county attorney of the county in
 22 which the alleged violation occurred and shall arrange to
 23 transmit to the county attorney all information relevant to
 24 the alleged violation. If the county attorney fails to
 25 initiate the appropriate civil or criminal action within 30

1 days after he receives notification of the alleged
2 violation, the commissioner may then initiate the
3 appropriate legal action.

4 (2) A county attorney may, at any time prior to the
5 expiration of the 30-day time period specified in subsection
6 (1), waive his right to prosecute and thereby authorize the
7 commissioner to initiate the appropriate civil or criminal
8 action.

9 (3) The provisions of subsection (1) do not apply to a
10 situation in which the alleged violation has been committed
11 by the county attorney of a county. In this instance, the
12 commissioner is authorized to directly prosecute any alleged
13 violation of chapters 35, 36, or 37 of this title.

14 (4) If a prosecution is undertaken by the
15 commissioner, all court costs associated with the
16 prosecution shall be paid by the state of Montana, and all
17 fines and forfeitures imposed pursuant to a prosecution by
18 the commissioner, except those paid to or imposed by a
19 justice's court, shall be deposited in the state general
20 fund."

21 Section 8. Section 13-37-129, MCA, is amended to read:

22 "13-37-129. Liability and disposition of fines. In
23 determining the amount of liability under 13-37-128, the
24 court may take into account the seriousness of a violation
25 and the degree of culpability of the defendant. If a

1 judgment is entered against the defendant or defendants in
2 an action brought by a county attorney in a court other than
3 a justice's court, the county shall receive 50% of the
4 amount recovered. The remaining 50% shall be deposited in
5 the general fund of the state. In an action brought by the
6 commissioner in a court other than a justice's court, the
7 entire amount recovered shall be paid to the general fund of
8 the state."

9 Section 9. Section 15-1-105, MCA, is amended to read:

10 "15-1-105. Fines and forfeitures to county. All fines,
11 forfeitures, and penalties incurred by a violation of any of
12 the provisions of the state tax laws, except those paid to a
13 justice's court, must be paid into the treasury for the use
14 of the county where the person against whom the recovery is
15 had resides."

16 Section 10. Section 15-8-309, MCA, is amended to read:

17 "15-8-309. Violation and penalty. (1) Every person who
18 refuses to furnish the statement hereinbefore required or to
19 make and subscribe such affidavit respecting his name and
20 place of residence or to appear and testify when requested
21 so to do by the department, as above provided, for each and
22 every refusal and as often as the same is repeated forfeits
23 to the people of the state the sum of \$100 to be recovered
24 by action brought in the name of the state in any city or
25 justice's court.

1 (2) All moneys recovered under the provisions of this
2 section, except moneys paid to a justice's court, must be
3 paid into the treasury of the county in which the property
4 is located."

5 Section 11. Section 15-70-101, MCA, is amended to
6 read:

7 "15-70-101. Disposition of funds. All taxes, interest,
8 and penalties collected under this chapter, except those
9 collected by a justice's court, shall be turned over
10 promptly to the state treasurer, who shall place the same in
11 the state special revenue fund to the credit of the
12 department of highways. Those funds hereinbelow allocated
13 to cities, towns, and counties shall be paid by the
14 department of highways from the state special revenue fund
15 to such cities, towns, and counties.

16 (1) \$14,000,000 of the funds collected under this
17 chapter, except those collected by a justice's court, is
18 statutorily appropriated, as provided in 17-7-502, to the
19 department of highways and shall be allocated each fiscal
20 year on a monthly basis to the counties and incorporated
21 cities and towns in Montana for construction,
22 reconstruction, maintenance, and repair of rural roads and
23 city or town streets and alleys, as provided in subsections
24 (a) and (b) hereof;

25 (a) \$6,350,000 shall be divided among the various

1 counties in the following manner:

2 (i) 40% in the ratio that the rural road mileage in
3 each county, exclusive of the federal-aid interstate system
4 and the federal-aid primary system, bears to the total rural
5 road mileage in the state, exclusive of the federal-aid
6 interstate system and the federal-aid primary system;

7 (ii) 40% in the ratio that the rural population in each
8 county outside incorporated cities and towns bears to the
9 total rural population in the state outside incorporated
10 cities and towns;

11 (iii) 20% in the ratio that the land area of each
12 county bears to the total land area of the state;

13 (b) \$7,650,000 shall be divided among the incorporated
14 cities and towns in the following manner:

15 (i) 50% of the sum in the ratio that the population
16 within the corporate limits of the city or town bears to the
17 total population within corporate limits of all the cities
18 and towns in Montana;

19 (ii) 50% in the ratio that the city or town street and
20 alley mileage, exclusive of the federal-aid interstate
21 system and the federal-aid primary system, within corporate
22 limits bears to the total street and alley mileage,
23 exclusive of the federal-aid interstate system and
24 federal-aid primary system, within the corporate limits of
25 all cities and towns in Montana.

1 (2) All funds hereby allocated to counties, cities,
 2 and towns shall be used for the construction,
 3 reconstruction, maintenance, and repair of rural roads, city
 4 or town streets and alleys or for the share which such city,
 5 town, or county might otherwise expend for proportionate
 6 matching of federal funds allocated for the construction of
 7 roads or streets which are part of the federal-aid primary
 8 or secondary highway system or urban extensions thereto,
 9 except that the governing body of a town or third-class
 10 city, as defined in 7-1-4111, may each year expend no more
 11 than 25% of the funds allocated to that town or third-class
 12 city for the purchase of capital equipment and supplies to
 13 be used for the maintenance and repair of town or
 14 third-class city streets and alleys.

15 (3) Upon receipt of the allocation provided herein,
 16 the governing bodies of the recipient counties, cities, and
 17 towns shall inform the department of highways of the
 18 purposes for which the funds will be expended so that the
 19 county commissioners, the governing body, and the department
 20 of highways may coordinate the expenditure of public funds
 21 for road improvements.

22 (4) All funds hereby allocated to counties, cities,
 23 and towns shall be disbursed to the lowest responsible
 24 bidder according to applicable bidding procedures followed
 25 in all cases where the contract for construction,

1 reconstruction, maintenance, or repair is in excess of
 2 \$4,000.

3 (5) For the purposes of this section where
 4 distribution of funds is made on a basis related to
 5 population, the population shall be determined by the last
 6 preceding official federal census.

7 (6) For the purposes of this section where
 8 determination of mileage is necessary for distribution of
 9 funds, it shall be the responsibility of the cities, towns,
 10 and counties to furnish to the department of highways a
 11 yearly certified statement indicating the total mileage
 12 within their respective areas applicable to this chapter.
 13 All mileage submitted shall be subject to review and
 14 approval by the department of highways.

15 (7) Except by a town or third-class city as provided
 16 in subsection (2), none of the funds authorized by this
 17 section shall be used for the purchase of capital equipment.

18 (8) Funds authorized by this section shall be used for
 19 construction and maintenance programs only."

20 Section 12. Section 19-8-504, MCA, is amended to read:

21 "19-8-504. State's contribution. Each month the state
 22 treasurer shall pay to the account, out of the department of
 23 fish, wildlife, and parks moneys, a sum equal to 7.15% of
 24 the total of all members' salaries, and out of the moneys
 25 collected as fines and forfeited bonds under the provisions

1 of 87-1-601 or moneys distributed under 3-10-601(4), all
 2 such collections are statutorily appropriated to the account
 3 until the unfunded liability in the account is solvent and a
 4 verification statement to that effect is given to the state
 5 treasurer by the board."

6 Section 13. Section 20-7-504, MCA, is amended to read:
 7 "20-7-504. State traffic education account -- proceeds
 8 earmarked for the account. (1) There is a traffic education
 9 account in the treasury of the state of Montana. There shall
 10 be paid into this account a portion of the fines and
 11 forfeitures collected in any court except a justice's court
 12 from persons apprehended or arrested by highway patrol
 13 officers or department of highways peace officers for any
 14 violation of chapter 3, part 1 of chapter 4, or chapters 5
 15 through 10 of Title 61 relating to the operation or use of
 16 motor vehicles in the following amounts:

- 17 (a) if a fine is imposed, 25% of the fine imposed;
 18 (b) if multiple offenses are involved, 25% of the
 19 total sum of all fines imposed;
 20 (c) if a fine is suspended, in whole or in part, 25%
 21 of the fine actually paid; and
 22 (d) if any deposit of bail is made for an offense to
 23 which this section applies and the bail is forfeited, 25% of
 24 the forfeited bail.
 25 (2) A portion of all money from the collection of fees

1 from driver's licenses, motorcycle endorsements, and
 2 duplicate driver's licenses shall be contributed to the
 3 traffic education account as provided in 61-5-121."

4 Section 14. Section 20-7-505, MCA, is amended to read:
 5 "20-7-505. Transmittal of proceeds from fines and
 6 other sources. (1) The portion of the proceeds from fines
 7 and bail forfeitures, except those paid to a justice's
 8 court, which are to be deposited in the traffic education
 9 account shall be transmitted to the county treasurer by the
 10 court collecting them, in the manner and at the times that
 11 fines and bail forfeitures are transmitted to the county
 12 treasurer under law. The court shall indicate what portion
 13 of each fine is to be credited to the traffic education
 14 account. The county treasurer shall transmit monthly to the
 15 state treasurer, without deduction, the portions of the
 16 fines received, except those paid to a justice's court,
 17 which are to be credited to the traffic education account.

18 (2) When a court is required to transmit fees, fines,
 19 and forfeitures directly to the state treasurer, the gross
 20 proceeds including the portion of the fines to be credited
 21 to the traffic education account shall be transmitted to the
 22 state treasurer and the appropriate portion shall be
 23 deposited in the traffic education account."

24 Section 15. Section 20-9-331, MCA, is amended to read:
 25 "20-9-331. Basic county tax and other revenues for

1 county equalization of the elementary district foundation
 2 program. (1) It shall be the duty of the county
 3 commissioners of each county to levy an annual basic tax of
 4 28 mills on the dollars of the taxable value of all taxable
 5 property within the county for the purposes of local and
 6 state foundation program support. The revenue to be
 7 collected from this levy shall be apportioned to the support
 8 of the foundation programs of the elementary school
 9 districts in the county and to the state special revenue
 10 fund, state equalization aid account, in the following
 11 manner:

12 (a) In order to determine the amount of revenue raised
 13 by this levy which is retained by the county, the sum of the
 14 estimated revenues identified in subsection (2) below shall
 15 be subtracted from the sum of the county elementary
 16 transportation obligation and the total of the foundation
 17 programs of all elementary districts of the county.

18 (b) If the basic levy prescribed by this section
 19 produces more revenue than is required to finance the
 20 difference determined above, the county treasurer shall
 21 remit the surplus funds to the state treasurer for deposit
 22 to the state special revenue fund, state equalization aid
 23 account, immediately upon occurrence of a surplus balance
 24 and each subsequent month thereafter, with any final
 25 remittance due no later than June 20 of the fiscal year for

1 which the levy has been set.

2 (2) The proceeds realized from the county's portion of
 3 the levy prescribed by this section and the revenues from
 4 the following sources shall be used for the equalization of
 5 the elementary district foundation programs of the county as
 6 prescribed in 20-9-334, and a separate accounting shall be
 7 kept of such proceeds and revenues by the county treasurer
 8 in accordance with 20-9-212(1):

9 (a) the portion of the federal Taylor Grazing Act
 10 funds distributed to a county and designated for the common
 11 school fund under the provisions of 17-3-222;

12 (b) the portion of the federal flood control act funds
 13 distributed to a county and designated for expenditure for
 14 the benefit of the county common schools under the
 15 provisions of 17-3-232;

16 (c) all money paid into the county treasury as a
 17 result of fines for violations of law, except money paid to
 18 a justice's court, and the use of which is not otherwise
 19 specified by law;

20 (d) any money remaining at the end of the immediately
 21 preceding school fiscal year in the county treasurer's
 22 account for the various sources of revenue established or
 23 referred to in this section;

24 (e) any federal or state money, including anticipated
 25 or reappropriated motor vehicle fees and reimbursement under

1 the provisions of 61-3-532 and 61-3-536, distributed to the
 2 county as payment in lieu of the property taxation
 3 established by the county levy required by this section; and
 4 (f) net proceeds taxes for new production, as defined
 5 in 15-23-601."

6 Section 16. Section 20-9-332, MCA, is amended to read:
 7 "20-9-332. Fines and penalties proceeds for elementary
 8 county equalization. All fines and penalties collected under
 9 the provisions of this title, ~~shall be collected by the~~
 10 ~~action of a court of competent jurisdiction and~~ except those
 11 collected by a justice's court, shall be paid into the
 12 county elementary equalization fund as provided by
 13 20-9-331(2)(c). In order to implement this section and any
 14 other provision of law requiring the deposit of fines in the
 15 elementary county equalization fund, ~~the following reports~~
 16 a report shall be made to the county superintendent of the
 17 county, ~~in which each court or justice of the peace shall~~
 18 ~~have jurisdiction:~~

19 ~~(1) during the month of September, each justice of the~~
 20 ~~peace shall report all fines imposed and collected during~~
 21 ~~the preceding year, indicating the type of violation and the~~
 22 ~~date of collection, and~~

23 ~~(2) at the close of each term, by the clerk of each~~
 24 ~~district court, shall report reporting all fines imposed and~~
 25 ~~collected during the term, and~~ indicating the type of

1 violation and the date of collection."

2 Section 17. Section 23-2-507, MCA, is amended to read:
 3 "23-2-507. Penalty. Violations of any section of this
 4 part, ~~except subsection (3) of 23-2-526(3),~~ unless otherwise
 5 specified shall be a misdemeanor and be punishable by fine
 6 of not less than \$15 or more than \$500 or by imprisonment up
 7 to 6 months or by both such fine and imprisonment. All fine
 8 and bond forfeitures, except those paid to a justice's
 9 court, shall be transmitted to the state treasurer, who
 10 shall deposit such fines and forfeitures in the motorboat
 11 account of an earmarked fund. The moneys shall be used only
 12 by the department for enforcement of this part, as amended."

13 Section 18. Section 23-2-644, MCA, is amended to read:
 14 "23-2-644. Use of funds from fines and forfeitures.
 15 All fines and forfeitures collected under this part relating
 16 to snowmobiles, except those collected by a justice's court,
 17 shall be transmitted to the state treasurer, who shall
 18 deposit such fines and forfeitures in the state special
 19 revenue fund to the credit of the department to be used only
 20 for snowmobile safety and education."

21 Section 19. Section 32-2-106, MCA, is amended to read:
 22 "32-2-106. Penalties. (1) It shall be unlawful for any
 23 association, whether foreign or domestic and whether
 24 citizens of this state or otherwise, to do business or
 25 attempt to do business, as defined in this chapter, without

1 having first complied with its provisions and having
 2 received a certificate of authority to do business from the
 3 department. Any such association violating any of the
 4 provisions of this chapter and failing to comply with any of
 5 its provisions shall be fined not less than \$250 or more
 6 than \$1,000 for each and every such violation, to be
 7 recovered by an action in the name of the state and on
 8 collection, except when collected by a justice's court, paid
 9 into the state treasury.

10 (2) Any person or persons, whether citizens of this
 11 state or otherwise, who aid or assist any such association
 12 to do business contrary to the provisions of this chapter
 13 without having first complied with all of its provisions
 14 shall be guilty of a misdemeanor and on conviction thereof
 15 shall be fined not more than \$500 or imprisoned not more
 16 than 6 months, or both."

17 Section 20. Section 33-2-312, MCA, is amended to read:

18 "33-2-312. Penalty for failure to file statement or
 19 pay tax. Every surplus line agent who fails to make and file
 20 the annual statement as required under 33-2-310 or to pay
 21 the taxes as required under 33-2-311 shall be liable to a
 22 penalty of \$25 for each day of delinquency, commencing with
 23 April 1. The tax and penalty may be recovered in an action
 24 instituted by the commissioner in the name of the state in
 25 any court of competent jurisdiction, the attorney general

1 representing him. The penalty when collected, unless
 2 collected by a justice's court, shall be paid to the state
 3 treasurer and placed to the credit of the general fund. The
 4 surplus line agent's license shall also be subject to
 5 revocation as provided in 33-2-313."

6 Section 21. Section 37-2-301, MCA, is amended to read:

7 "37-2-301. Duty to report cases of communicable
 8 disease. (1) If a physician or other practitioner of the
 9 healing arts examines or treats a person whom he believes
 10 has a communicable disease or a disease declared reportable
 11 by the department of health and environmental sciences, he
 12 shall immediately report the case to the local health
 13 officer. The report shall be in the form and contain
 14 information prescribed by the department.

15 (2) A person who violates the provisions of this
 16 section or rules adopted by the department under the
 17 provisions of this section is guilty of a misdemeanor. On
 18 conviction, he shall be fined not less than \$10 or more than
 19 \$500, imprisoned for not more than 90 days, or both. Each
 20 day of violation constitutes a separate offense. Fines,
 21 except those collected by a justice's court, shall be paid
 22 to the county treasurer of the county in which the violation
 23 occurs."

24 Section 22. Section 37-4-327, MCA, is amended to read:

25 "37-4-327. Practicing dentistry without certificate --

1 penalty. (1) A person who, as principal, agent, employer,
 2 employee, or assistant, practices dentistry or who does an
 3 act of dentistry without having first secured a certificate
 4 to practice dentistry from the department entitling him to
 5 practice in this state is guilty of a misdemeanor and on
 6 conviction in a district court may be fined not less than
 7 \$500 or more than \$1,000 or be confined for a period not
 8 exceeding 6 months in the county jail.

9 (2) Fines imposed and collected under this chapter,
 10 except those paid to a justice's court, shall be paid into
 11 the treasury of the county in which the suits, actions, or
 12 proceedings are commenced. Money paid into the treasury over
 13 and above the amount necessary to reimburse the county for
 14 expense incurred by the county in a suit, action, or
 15 proceeding brought under this chapter shall be deposited
 16 before January 1 of each year in the state special revenue
 17 fund for the use of the board, subject to 37-1-101(6)."

18 Section 23. Section 37-7-324, MCA, is amended to read:

19 "37-7-324. Deposit of fees and fines. Fines paid under
 20 this chapter, except those paid to a justice's court, and
 21 fees collected by the department for registration and
 22 licenses issued under this chapter shall be deposited in the
 23 state special revenue fund for the use of the board, subject
 24 to 37-1-101(6)."

25 Section 24. Section 37-8-432, MCA, is amended to read:

1 "37-8-432. Deposit of fees. Fees and fines collected
 2 by the department under this chapter, except those collected
 3 by a justice's court, shall be deposited in the state
 4 special revenue fund for the use of the board, subject to
 5 37-1-101(6)."

6 Section 25. Section 37-10-313, MCA, is amended to
 7 read:

8 "37-10-313. Penalty for violations -- deposit of
 9 fines. A person who violates this chapter, except 37-10-104,
 10 or the rules of the board is guilty of a misdemeanor and on
 11 conviction shall be fined not less than \$200 and not more
 12 than \$500 or imprisoned in the county jail not exceeding 6
 13 months or both fined and imprisoned. Fines collected, except
 14 those collected by a justice's court, shall be deposited in
 15 the state special revenue fund for the use of the board,
 16 subject to 37-1-101(6)."

17 Section 26. Section 37-16-408, MCA, is amended to
 18 read:

19 "37-16-408. Deposit of fees and fines. Fees and fines
 20 collected under this chapter, except those collected by a
 21 justice's court, shall be deposited in the state special
 22 revenue fund for the use of the board, subject to
 23 appropriations and 37-1-101(6)."

24 Section 27. Section 37-41-212, MCA, is amended to
 25 read:

1 "37-41-212. Enforcement responsibility -- penalty --
 2 deposit of fines. (1) State and local health officers shall
 3 enforce this chapter.

4 (2) A person who violates this chapter or a rule of
 5 the department is guilty of a misdemeanor and upon
 6 conviction shall be fined not more than \$500.

7 (3) All fines collected under this section, except
 8 those collected by a justice's court, shall be deposited in
 9 the general fund of the county in which the action is
 10 brought."

11 Section 28. Section 39-71-201, MCA, is amended to
 12 read:

13 "39-71-201. Administration fund. (1) A workers'
 14 compensation administration fund is established out of which
 15 all costs of administering the Workers' Compensation and
 16 Occupational Disease Acts and the various occupational
 17 safety acts the division must administer are to be paid upon
 18 lawful appropriation. The following moneys collected by the
 19 division shall be deposited in the state treasury to the
 20 credit of the workers' compensation administrative fund and
 21 shall be used for the administrative expenses of the
 22 division:

23 (a) all fees and finer penalties provided in 39-71-205
 24 and 39-71-304;

25 (b) all fees paid for inspection of boilers and

1 issuance of licenses to operating engineers as required by
 2 law;

3 (c) all fees paid from an assessment on each plan No.
 4 1 employer, plan No. 2 insurer, and plan No. 3, the state
 5 insurance fund. The assessments shall be levied against the
 6 preceding calendar year's gross annual payroll of the plan
 7 No. 1 employers and the gross annual direct premiums
 8 collected in Montana on the policies of the plan No. 2
 9 insurers, insuring employers covered under the chapter,
 10 during the preceding calendar year. However, no assessment
 11 of the plan No. 1 employer or plan No. 2 insurer shall be
 12 less than \$200. The assessments shall be sufficient to fund
 13 the direct costs identified to the three plans and an
 14 equitable portion of the indirect costs based on the ratio
 15 of the preceding fiscal year's indirect costs distributed to
 16 the plans using proper accounting and cost allocation
 17 procedures. Plan No. 3 shall be assessed an amount
 18 sufficient to fund its direct costs and an equitable portion
 19 of the indirect costs as referred to above. Other sources
 20 of revenue, including unexpended funds from the preceding
 21 fiscal year, shall be used to reduce the costs before
 22 levying the assessments.

23 (2) The administration fund shall be debited with
 24 expenses incurred by the division in the general
 25 administration of the provisions of this chapter, including

1 the salaries of its members, officers, and employees and the
 2 travel expenses of the members, officers, and employees, as
 3 provided for in 2-18-501 through 2-18-503, as amended,
 4 incurred while on the business of the division either within
 5 or without the state.

6 (3) Disbursements from the administration money shall
 7 be made after being approved by the division upon claim
 8 therefor."

9 Section 29. Section 46-17-303, MCA, is amended to
 10 read:

11 "46-17-303. Deposit of fines. All fines imposed and
 12 collected by a justice's or city court must be paid to the
 13 treasurer of the county, city, or town, as the case may be,
 14 within 30 days after the receipt of the same. The justice or
 15 city judge must take duplicate receipts therefor, one of
 16 which he must deposit with the county, city, or town clerk,
 17 as the case may be."

18 Section 30. Section 46-18-235, MCA, is amended to
 19 read:

20 "46-18-235. Disposition of money collected as fines
 21 and costs. The money collected by a court, except money
 22 collected by a justice's court, as a result of the
 23 imposition of fines or assessment of costs under the
 24 provisions of 46-18-231 and 46-18-232 shall be paid to the
 25 county general fund of the county in which the court is

1 held, except that:

2 (1) if the costs assessed include any district court
 3 expense listed in 3-5-901, the money collected from
 4 assessment of these costs must be paid to the department of
 5 commerce for deposit into the state general fund to the
 6 extent the expenses were paid by the state; and

7 (2) if the fine was imposed for a violation of Title
 8 45, chapter 9, the court may order the money paid into the
 9 drug forfeiture fund maintained under 44-12-206 for the law
 10 enforcement agency which made the arrest from which the
 11 conviction and fine arose."

12 Section 31. Section 46-18-236, MCA, is amended to
 13 read:

14 "46-18-236. Imposition of charge upon conviction or
 15 forfeiture -- administration. (1) Except as provided in
 16 subsection (2), there must be imposed by all courts of
 17 original jurisdiction on a defendant upon his conviction for
 18 any conduct made criminal by state statute or upon
 19 forfeiture of bond or bail a charge that is in addition to
 20 other taxable court costs, fees, or fines, as follows:

21 (a) \$10 for each misdemeanor charge; and
 22 (b) the greater of \$20 or 10% of the fine levied for
 23 each felony charge.

24 (2) If a convicting court determines under 46-18-231
 25 and 46-18-232 that the defendant is not able to pay the fine

1 and costs or that he is unable to pay within a reasonable
2 time, the court must waive payment of the charge imposed by
3 this section.

4 (3) The charge imposed by this section is not a fine
5 and must be imposed in addition to any fine and may not be
6 used in determining the jurisdiction of any court.

7 (4) When the payment of a fine is to be made in
8 installments over a period of time, the charge imposed by
9 this section must be collected from the first payment made
10 and each subsequent payment as necessary if the first
11 payment is not sufficient to cover the charge.

12 (5) The charges collected under subsection (1), except
13 those collected by a justice's court, must be deposited with
14 the appropriate local government finance officer or
15 treasurer. If a city municipal court or city or town court
16 is the court of original jurisdiction, the charges collected
17 under subsection (1) must be deposited with the city or town
18 finance officer or treasurer. If a ~~justice's court~~ or
19 district court is the court of original jurisdiction, the
20 charges collected under subsection (1) must be deposited
21 with the county finance officer or treasurer. If the court
22 of original jurisdiction is a court within a consolidated
23 city-county government within the meaning of Title 7,
24 chapter 3, the charges collected under subsection (1) must
25 be deposited with the finance officer or treasurer of the

1 consolidated government.

2 (6) (a) A city or town finance officer or treasurer
3 may retain the charges collected under subsection (1) by a
4 city municipal court or a city or town court and may use
5 that money for the payment of salaries of the city or town
6 attorney and his deputies.

7 (b) Each county finance officer or treasurer may
8 retain the charges collected under subsection (1) by
9 district ~~or justices'~~ courts for crimes committed or alleged
10 to have been committed within that county. The county
11 finance officer or treasurer shall use the money for the
12 payment of salaries of its deputy county attorneys and for
13 the payment of other salaries in the office of the county
14 attorney, and any funds not needed for such salaries may be
15 used for the payment of any other county salaries."

16 Section 32. Section 46-18-603, MCA, is amended to
17 read:

18 "46-18-603. Disposition of fines and forfeitures. All
19 fines and forfeitures collected in any court except city
20 courts must be applied to the payment of the costs of the
21 case in which the fine is imposed or the forfeiture
22 incurred. After such costs are paid, the residue, if not
23 paid to a justice's court or otherwise provided by law, must
24 be paid to the county treasurer of the county in which the
25 court is held and by him credited as provided by law. If the

1 fine or forfeiture is paid to the county treasurer, at the
 2 time of such payment there shall be filed with the county
 3 treasurer a complete statement showing the total of the fine
 4 or forfeiture received or incurred with an itemized
 5 statement of the costs incurred by the county in such
 6 action. The statement shall give the title of the cause and
 7 be subscribed by the person or officer making such payment."

8 Section 33. Section 50-1-204, MCA, is amended to read:
 9 "50-1-204. Quarantine measures. The department may
 10 adopt and enforce quarantine measures against a state,
 11 county, or municipality to prevent the spread of
 12 communicable disease. A person who does not comply with
 13 quarantine measures shall, on conviction, be fined not less
 14 than \$10 or more than \$100. Receipts from fines, except
 15 justice's court fines, shall be deposited in the state
 16 general fund."

17 Section 34. Section 50-2-124, MCA, is amended to read:
 18 "50-2-124. Penalties for violations. (1) A person who
 19 does not comply with rules adopted by a local board is
 20 guilty of a misdemeanor. On conviction, he shall be fined
 21 not less than \$10 or more than \$200.

22 (2) Except as provided in subsection (1) of this
 23 section and 50-2-123, a person who violates the provisions
 24 of this chapter or rules adopted by the department under the
 25 provisions of this chapter is guilty of a misdemeanor. On

1 conviction, he shall be fined not less than \$10 or more than
 2 \$500, imprisoned for not more than 90 days, or both.

3 (3) Each day of violation constitutes a separate
 4 offense.

5 (4) Fines, except justice's court fines, shall be paid
 6 to the county treasurer of the county in which the violation
 7 occurs."

8 Section 35. Section 50-52-105, MCA, is amended to
 9 read:

10 "50-52-105. Violation of chapter a misdemeanor. (1) A
 11 person violating a provision of this chapter or a rule made
 12 under it shall be guilty of a misdemeanor and upon
 13 conviction shall be fined not less than \$50 or more than
 14 \$100 for the first offense and not less than \$75 or more
 15 than \$200 for the second offense, and for the third and
 16 subsequent offenses, he shall be punished by a fine of not
 17 less than \$200 and imprisonment in the county jail not to
 18 exceed 90 days.

19 (2) Fines, except justice's court fines, shall be paid
 20 to the county treasurer of the county in which the
 21 establishment is located. The county treasurer shall send
 22 all fines collected to the state treasurer for deposit in
 23 the state general fund."

24 Section 36. Section 50-70-118, MCA, is amended to
 25 read:

1 "50-70-118. Penalty. (1) A person who violates this
 2 chapter relating to limitations of levels, concentrations,
 3 or quantities of emissions of various pollutants from a
 4 source determined to be necessary to prevent, abate, or
 5 control occupational diseases (unless in compliance with
 6 this chapter) is guilty of an offense and subject to a fine
 7 not to exceed \$1,000. Each day of violation constitutes a
 8 separate offense.

9 (2) Proceedings under this section are not a bar to
 10 enforcement of this chapter or of rules or orders made under
 11 it by injunction or other appropriate remedy. The department
 12 may institute and maintain in the name of the state these
 13 enforcement proceedings.

14 (3) This chapter does not abridge, limit, impair,
 15 create, enlarge, or otherwise affect substantively or
 16 procedurally the right of a person to damage or other relief
 17 on account of injury to persons or property and to maintain
 18 an action or other appropriate proceeding.

19 (4) Fines collected, except those collected by a
 20 justice's court, shall be deposited to the state general
 21 fund."

22 Section 37. Section 53-9-109, MCA, is amended to read:

23 "53-9-109. Crime victims compensation account. There
 24 is a crime victims compensation account in the state special
 25 revenue fund. There shall be paid into this account 18% of

1 the fines assessed and bails forfeited, except those paid to
 2 a justice's court, on all offenses involving a violation of
 3 chapter 3, part 1 of chapter 4, or chapters 5 through 10 of
 4 Title 61, that are a result of citations or tickets issued
 5 by the highway patrol."

6 Section 38. Section 61-8-718, MCA, is amended to read:

7 "61-8-718. Penalty for violation of fuel conservation
 8 speed limit. (1) A person violating the speed limit imposed
 9 pursuant to 61-8-304 is guilty of the offense of unnecessary
 10 waste of a resource and upon conviction shall be fined \$5,
 11 and no jail sentence may be imposed. Bond for this offense
 12 shall be \$5.

13 ~~(2)--For the purpose of this section only, the fees of~~
 14 ~~the--justice's--court--shall--be--the--balance--of--the--fine--not~~
 15 ~~otherwise--allocated--by--law--and--shall--be--remitted--as--set~~
 16 ~~forth--in--3-10-603(3)-~~

17 ~~(3)}~~(2) A violation of 61-8-304 is not a misdemeanor
 18 pursuant to 45-2-101, 61-8-104, or 61-8-711."

19 Section 39. Section 61-10-148, MCA, is amended to
 20 read:

21 "61-10-148. Disposition of fines and forfeited bonds.
 22 Except as provided in 61-12-701, one-half of all the money
 23 collected as fines and forfeited bonds for violations of
 24 Title 61, chapter 10, must be remitted monthly by the county
 25 treasurer to the state treasurer for deposit in the state

1 highway account in the state special revenue fund. The
 2 remaining half, less the deductions required by law, must be
 3 deposited in the county road fund. This section does not
 4 apply to fines and forfeited bonds paid to justices'
 5 courts."

6 Section 40. Section 61-11-104, MCA, is amended to
 7 read:

8 "61-11-104. Reports by justices of the peace and
 9 county--treasurers. Justices of the peace and---county
 10 treasurers shall furnish make available to the department
 11 statements-of-all-fees,-fines,-and-forfeitures--and records
 12 of cases which involve the state highway patrol as the
 13 department may request."

14 Section 41. Section 61-12-701, MCA, is amended to
 15 read:

16 "61-12-701. Disposition of fines and forfeitures. (1)
 17 All fines and forfeitures collected in any court, except a
 18 justice's court, for violation of the laws and regulations
 19 relating to the use of state highways and the operation of
 20 vehicles thereon, if the apprehension or arrest was by a
 21 highway patrolman, must be paid to the state treasurer and
 22 by him credited to the general fund of the state or, if the
 23 apprehension or arrest was by a sheriff or deputy sheriff,
 24 must be paid to the county treasurer for deposit in the
 25 county general fund, except for that portion of the fines

1 otherwise allocated by law which must be paid into the
 2 appropriate accounts in the state special revenue fund.

3 (2)--~~At the time of payment of the fine or forfeiture,~~
 4 ~~there must be filed with the appropriate treasurer a~~
 5 ~~complete statement showing the total of the fines or~~
 6 ~~forfeitures received or incurred, giving the title of the~~
 7 ~~court and cause, and subscribed to by the person or officer~~
 8 ~~making the payments."~~

9 Section 42. Section 75-2-412, MCA, is amended to read:

10 "75-2-412. Criminal penalties -- injunction preserved.

11 (1) A person who violates this chapter or a rule, order, or
 12 permit made or issued under it, other than 75-2-105, is
 13 guilty of an offense and subject to a fine not to exceed
 14 \$1,000. Each day of violation constitutes a separate
 15 offense.

16 (2) A person who willfully violates 75-2-105 is guilty
 17 of an offense and subject to a fine not to exceed \$1,000.

18 (3) Fines collected, except those collected in a
 19 justice's court, shall be deposited to the state general
 20 fund.

21 (4) Action under this section is not a bar to
 22 enforcement of this chapter or of a rule, order, or permit
 23 made or issued under it by injunction or other appropriate
 24 remedy. The department may institute and maintain in the
 25 name of the state any enforcement proceedings."

1 Section 43. Section 75-5-634, MCA, is amended to read:
 2 "75-5-634. Fines to go to general fund. Fines
 3 collected, except those collected in a justice's court,
 4 shall be deposited to the state general fund."

5 Section 44. Section 75-7-216, MCA, is amended to read:
 6 "75-7-216. Penalty. (1) A person who violates an order
 7 issued under this part or who knowingly violates a
 8 regulation made under this part commits a misdemeanor and on
 9 conviction may be sentenced to 30 days in the county jail or
 10 fined \$500, or both.

11 (2) Fines collected under this section, except those
 12 collected in a justice's court, shall be paid to the general
 13 fund of the county where the offense was committed for the
 14 purpose of administering this part."

15 Section 45. Section 75-10-418, MCA, is amended to
 16 read:

17 "75-10-418. Criminal penalties. (1) Any person who
 18 knowingly transports any hazardous waste to an unpermitted
 19 facility; who treats, stores, or disposes of hazardous waste
 20 without a permit; or who makes any false statement or
 21 representation in any application, label, manifest, record,
 22 report, permit, or other document filed or maintained as
 23 required by the provisions of this part or rules made under
 24 this part is subject to a fine not to exceed \$10,000 for
 25 each violation or imprisonment not to exceed 6 months, or

1 both. A person convicted for a violation of this section
 2 after a first conviction under this section is subject to a
 3 fine not to exceed \$20,000 for each violation or
 4 imprisonment not to exceed 1 year, or both. Each day of
 5 violation constitutes a separate violation.

6 (2) Action under this section does not bar enforcement
 7 of this part, rules made under this part, orders of the
 8 department or the board, or permits by injunction or other
 9 appropriate remedy.

10 (3) Money collected under this section, except money
 11 collected in a justice's court, shall be deposited in the
 12 state general fund."

13 Section 46. Section 75-20-112, MCA, is amended to
 14 read:

15 "75-20-112. Money to state special revenue fund. All
 16 fees, taxes, fines, and penalties collected under this
 17 chapter, except those collected by a justice's court, shall
 18 be deposited in the state special revenue fund for use by
 19 the department in carrying out its functions and
 20 responsibilities under this chapter."

21 Section 47. Section 76-13-111, MCA, is amended to
 22 read:

23 "76-13-111. Permissible expenditures. (1) The
 24 following funds may be expended as directed by the
 25 department for fire prevention, detection, suppression and

1 for forest range, water, and soil conservation:

2 (a) all moneys collected by county treasurers as
3 assessments on forest lands for forest protection;

4 (b) moneys collected for the abatement of public
5 nuisances;

6 (c) all fines collected, except those collected in a
7 justice's court, for violations of this part or part 2;

8 (d) the state's share of the cooperative fire
9 protection funds allocated by the federal government;

10 (e) any other funds provided for the purposes herein
11 indicated.

12 (2) All other cooperative funds collected,
13 appropriated, or allocated for the use of the department,
14 including funds for the removal of slash hazards resulting
15 from logging or other wood operations on state and private
16 forest lands, those provided for the purpose of helping to
17 maintain the maximum productivity of the forests of the
18 state, those provided for purposes designed to assist the
19 farmers of the state in the establishment of windbreaks and
20 woodlots in localities where those forest plantings are
21 helpful, and funds for other cooperative work, may not be
22 expended except for the specific purposes for which they
23 were collected, appropriated, or allocated."

24 Section 48. Section 76-13-114, MCA, is amended to
25 read:

1 "76-13-114. Disposition of fines. Fines collected in a
2 court of the state under this part or part 2, except those
3 collected in a justice's court, shall be transferred to the
4 state treasurer for deposit in the agency fund. Whenever a
5 person is convicted in any court of a violation of this part
6 or part 2, the court may levy and collect as costs in the
7 case the amount necessary to compensate the county for the
8 expenditures made in and for the prosecution of the
9 offender. These costs when collected, except those collected
10 in a justice's court, shall be deposited by the court with
11 the proper county treasurer for the benefit of the county."

12 Section 49. Section 77-1-117, MCA, is amended to read:

13 "77-1-117. Disposition of fines. Unless otherwise
14 provided, all money received as fines, fees, and forfeitures
15 under this title or as penalties for the violation of any of
16 the land laws of this state, except money received by a
17 justice's court, shall be paid to the state treasurer and by
18 him deposited to the credit of the general fund."

19 Section 50. Section 80-3-613, MCA, is amended to read:

20 "80-3-613. Violation -- penalty. A person who violates
21 this part, fails to comply with rules adopted under this
22 part, or fails to obey an order of the department made under
23 this part is guilty of a misdemeanor and shall be fined not
24 less than \$25 or more than \$500, imprisoned in the county
25 jail for not more than 6 months, or both fined and

1 imprisoned. The fine, except a fine paid to a justice's
 2 court, shall be paid into the state treasury and deposited
 3 as provided in 80-3-612."

4 Section 51. Section 80-7-704, MCA, is amended to read:

5 "80-7-704. Disposition of fines and inspection fees.
 6 All fines levied as provided in 80-7-703, except fines paid
 7 to a justice's court, and all fees collected from
 8 inspections shall be deposited with the state treasurer to
 9 the credit of the state special revenue fund for the use of
 10 the department for the purpose of administering and
 11 enforcing 80-7-701 through 80-7-704."

12 Section 52. Section 80-11-313, MCA, is amended to
 13 read:

14 "80-11-313. Penalty. In addition to the penalty
 15 specified in 80-11-312, any person who violates or aids in a
 16 violation of any of the provisions of this part or any of
 17 the rules or orders of the department adopted under this
 18 part, upon conviction thereof, is punishable by a fine not
 19 to exceed \$500. All fines collected, except fines collected
 20 by a justice's court, shall be deposited as provided in
 21 80-11-310."

22 Section 53. Section 81-3-231, MCA, is amended to read:

23 "81-3-231. Penalties. (1) A person is guilty of a
 24 misdemeanor and is punishable as provided in subsection (6)
 25 of this section if he removes livestock or causes livestock

1 to be removed from a county in this state:

2 (a) without having the livestock inspected before
 3 removal if an inspection is required by law;

4 (b) without obtaining a market consignment permit or
 5 transportation permit if the permits are required by law;

6 (c) and does obtain a market consignment permit for
 7 livestock but does not deliver the livestock transported
 8 thereunder to the livestock market designated in the market
 9 consignment permit;

10 (d) and does obtain a transportation permit for the
 11 livestock but does not deliver the livestock transported
 12 thereunder to the destination as shown on the transportation
 13 permit and fails to have the livestock so transported
 14 inspected at the point of destination or does not file a
 15 loading tally with the carrier as provided in 81-4-607.

16 (2) A person who sells livestock or offers livestock
 17 for sale at a livestock market without having the livestock
 18 inspected or removes livestock or causes livestock to be
 19 removed from a livestock market without obtaining a release
 20 is guilty of a misdemeanor and is punishable as provided in
 21 subsection (6) of this section.

22 (3) A person who ships by railroad carrier and the
 23 railroad carrier transporting livestock for which a loading
 24 tally has been filed as provided by 81-4-607 and for which
 25 shipment of livestock an inspection has not been made which

1 after shipment causes or permits the livestock to leave the
 2 custody of the railroad carrier at a place other than where
 3 this state regularly maintains a stock inspector is guilty
 4 of a misdemeanor and is punishable as provided in subsection
 5 (6) of this section.

6 (4) A person who has in his charge livestock being
 7 removed from a county in the state for which an inspection
 8 certificate, a market consignment permit, or a market
 9 release certificate has been issued and fails to have in his
 10 possession accompanying the livestock the inspection
 11 certificate, market consignment permit, or a market release
 12 certificate as issued for the livestock, or who, having the
 13 certificate of inspection, market consignment permit, or
 14 market release certificate, fails to exhibit it to a
 15 sheriff, deputy sheriff, constable, gross vehicle weight
 16 enforcement officer, highway patrolman, state stock
 17 inspector, or deputy state stock inspector at his request is
 18 guilty of a misdemeanor and is punishable as provided in
 19 subsection (6) of this section.

20 (5) Except as specifically otherwise provided, a
 21 person violating any of the provisions of this part is
 22 guilty of a misdemeanor and is punishable as provided in
 23 subsection (6) of this section.

24 (6) Upon conviction under this section, a person,
 25 firm, association, or corporation shall be fined not less

1 than \$50 or more than \$500 or imprisoned in the county jail
 2 for a period of not more than 6 months or both fined and
 3 imprisoned. Of all fines assessed and collected under this
 4 section, except those assessed and collected in a justice's
 5 court, 50% shall be paid into the state treasury and
 6 credited to the state special revenue fund for the use of
 7 the department and 50% shall be paid into the general fund
 8 of the county in which the conviction occurred."

9 Section 54. Section 81-4-202, MCA, is amended to read:

10 "81-4-202. Penalties. (1) Any person violating
 11 81-4-201 shall be deemed guilty of a misdemeanor, and upon
 12 conviction thereof shall be fined in the sum of \$10 for the
 13 first offense and in the sum of \$20 for each subsequent
 14 offense and shall be liable in damage to any party injured
 15 thereby, to be recovered in any court having competent
 16 jurisdiction.

17 (2) All fines collected under the provisions of this
 18 section, except those collected in a justice's court, shall
 19 be paid into the county treasury for the use and benefit of
 20 the public schools."

21 Section 55. Section 81-4-621, MCA, is amended to read:

22 "81-4-621. Penalties. (1) Any person who shall, for
 23 his own use or benefit and without the owner's consent, take
 24 into his possession any estray shall be guilty of a
 25 misdemeanor and shall be punishable by a fine of not less

1 than \$25 or more than \$100 or by imprisonment in the county
 2 jail not exceeding 60 days or by both such fine and
 3 imprisonment.

4 (2) Every person, agent, firm, or corporation
 5 violating the provisions of 81-4-607 shall be deemed guilty
 6 of a misdemeanor and upon conviction thereof shall be fined
 7 in any sum not exceeding \$300 or imprisoned in the county
 8 jail not to exceed 6 months or both fined and imprisoned.

9 (3) Any person, agent, firm, corporation, pool, or
 10 roundup association who shall ship cattle from this state
 11 and shall fail to make such inspection or tally at point of
 12 loading or who shall fail to file a true and correct tally,
 13 to the best of his knowledge and belief, of all the brands
 14 of cattle in such shipment with the railroad agent at the
 15 point of shipment or who shall fail to forward a true and
 16 correct copy, duly signed by him as party making the
 17 shipment, to the stock inspector at point of destination or
 18 any person who shall accompany a shipment of cattle as the
 19 shipper in charge from this state and shall fail to take a
 20 description of any and every animal taken out in transit and
 21 hand such description to the stock inspector at point of
 22 destination or any stock inspector at market points who
 23 shall fail to make inspection as provided in 81-4-609 shall
 24 be deemed guilty of a misdemeanor and shall be subject to a
 25 fine of not less than \$50 or more than \$500 for each and

1 every offense. The fines so collected, except those
 2 collected in a justice's court, shall be turned into the
 3 general fund of the county where conviction is had, and any
 4 stock inspector, sheriff, or other police officer shall have
 5 power to make arrests to enforce the provisions of this
 6 part."

7 Section 56. Section 81-8-216, MCA, is amended to read:
 8 "81-8-216. Penalties. (1) A person who violates any
 9 provision of 81-8-214, 81-8-215, and 81-8-251 through
 10 81-8-263 or rules adopted by the department under 81-8-231
 11 is guilty of a misdemeanor and upon conviction shall be
 12 fined not less than \$100 or more than \$600, imprisoned in
 13 the county jail not less than 30 days or more than 6 months,
 14 or both. A person convicted of a subsequent violation of
 15 81-8-214, 81-8-215, and 81-8-251 through 81-8-263 or rules
 16 adopted to implement those sections shall be fined not less
 17 than \$200 or more than \$1,000, imprisoned in the county jail
 18 for not less than 3 months or more than 6 months, or both,
 19 and the department may cancel his certificate.

20 (2) Of all fines assessed and collected under this
 21 section, except those assessed and collected in a justice's
 22 court, 50% shall be paid into the state treasury and
 23 credited to the special revenue fund for the use of the
 24 department and 50% shall be paid into the general revenue
 25 fund of the county in which the conviction occurred."

1 Section 57. Section 81-8-279, MCA, is amended to read:

2 "81-8-279. Penalties. (1) A person who violates any
3 provision of 81-8-271 through 81-8-273 and 81-8-276 through
4 81-8-278 or rules adopted by the department to implement
5 those sections is guilty of a misdemeanor and upon
6 conviction shall be fined not less than \$250 or more than
7 \$1,000 or imprisoned for not more than 6 months, or both.

8 (2) Of all fines assessed and collected under this
9 section, except those assessed and collected in a justice's
10 court, 50% shall be paid into the state treasury and
11 credited to the special revenue fund for the use of the
12 department and 50% shall be paid into the general revenue
13 fund of the county in which the conviction occurred."

14 Section 58. Section 81-23-403, MCA, is amended to
15 read:

16 "81-23-403. Disposition of fines. (1) All fines
17 assessed by a court other than a justice's court for
18 violation of this chapter shall be paid by the court to the
19 department.

20 (2) All fines received by the department shall be
21 deposited with the state treasurer and shall be placed by
22 him in the state special revenue fund. Fines assessed for
23 violations of this chapter are earmarked for the purposes of
24 this chapter."

25 Section 59. Section 85-2-123, MCA, is amended to read:

1 "85-2-123. Deposit of fees and penalties. Except as
2 provided in 85-2-124 and 85-2-241, all fees and penalties
3 collected under this chapter shall be deposited in the water
4 right appropriation account established in 85-2-318. All
5 penalties or fines imposed by any court other than a
6 justice's court for a violation of this chapter shall be
7 deposited in the general fund of the county where the court
8 presides and shall be disposed of in the same manner as any
9 other penalty or fine."

10 Section 60. Section 85-3-213, MCA, is amended to read:

11 "85-3-213. State special revenue fund. All license and
12 permit fees and fines collected under this chapter, other
13 than those collected in a justice's court, shall be
14 deposited in the state special revenue fund for use by the
15 department in the administration of this chapter."

16 Section 61. Section 85-15-502, MCA, is amended to
17 read:

18 "85-15-502. Deposit of penalties and costs. All
19 penalties and costs collected under this chapter, other than
20 those collected in a justice's court, must be deposited in
21 the state general fund."

22 Section 62. Section 87-1-601, MCA, is amended to read:

23 "87-1-601. Use of fish and game money. (1) All money
24 collected or received from the sale of hunting and fishing
25 licenses or permits, from the sale of seized game or hides,

1 or from damages collected for violations of the fish and
 2 game laws of this state, from appropriations, or received by
 3 the department from any other state source shall be turned
 4 over to the state treasurer and placed by him in the state
 5 special revenue fund to the credit of the department. Any
 6 money received from federal sources shall be deposited in
 7 the federal special revenue fund to the credit of the
 8 department.

9 (2) That money shall be exclusively set apart and made
 10 available for the payment of all salaries, per diem, fees,
 11 expenses, and expenditures authorized to be made by the
 12 department under the terms of this title. That money shall
 13 be spent for those purposes by the department, subject to
 14 appropriation by the legislature.

15 (3) Any reference to the fish and game fund in this
 16 code means fish and game money in the state special revenue
 17 fund and the federal special revenue fund.

18 (4) All money collected or received from fines and
 19 forfeited bonds, except money collected or received by a
 20 justice's court, relating to violations of state fish and
 21 game laws under Title 87 shall be deposited by the state
 22 treasurer and credited to the department of fish, wildlife,
 23 and parks in a state special revenue fund account for this
 24 purpose. Out of any fine imposed by a court for the
 25 violation of the fish and game laws, the costs of

1 prosecution shall be paid to the county where the trial was
 2 held in any case where the fine is not imposed in addition
 3 to the costs of prosecution.

4 (5) Money received by the department from the sale of
 5 surplus real property; exploration or development of oil,
 6 gas, or mineral deposits from lands acquired by the
 7 department except royalties or other compensation based on
 8 production; and from leases of interests in department real
 9 property not contemplated at the time of acquisition shall
 10 be deposited in an account within the nonexpendable trust
 11 fund of the state treasury. The interest derived therefrom,
 12 but not the principal, may be used only for the purpose of
 13 operation, development, and maintenance of real property of
 14 the department, and only upon appropriation by the
 15 legislature. If the use of money as set forth herein would
 16 result in violation of applicable federal laws or state
 17 statutes specifically naming the department or money
 18 received by the department, then the use of this money must
 19 be limited in the manner, method, and amount to those uses
 20 that do not result in such violation."

21 Section 63. Section 87-4-808, MCA, is amended to read:
 22 "87-4-808. Fines, bonds, penalties, and fees. Fines,
 23 bonds, or penalties, except those obtained by a justice's
 24 court, shall be administered and disposed of in accordance
 25 with the provisions of 87-1-601. Fees obtained under this

1 part shall be deposited with the state treasurer and
 2 credited to the state special revenue fund, fish and game
 3 account."

4 NEW SECTION. Section 64. Repealer. Section 3-10-603,
 5 MCA, is repealed.

6 NEW SECTION. Section 65. Extension of authority. Any
 7 existing authority of any department or other executive
 8 branch office or entity to make rules on the subject of the
 9 provisions of this act is extended to the provisions of this
 10 act.

11 NEW SECTION. SECTION 66. COORDINATION INSTRUCTION.

12 (1) IF HOUSE BILL NO. 679, INCLUDING THE SECTION OF THAT
 13 BILL AMENDING 46-18-235, IS NOT PASSED AND APPROVED,
 14 SUBSECTION (4)(G) OF 3-10-601, AS AMENDED BY THIS BILL, IS
 15 VOID AND SUBSECTION (4) OF 3-10-601 SHALL READ AS FOLLOWS:

16 "(4) THE STATE TREASURER SHALL DISTRIBUTE MONEY
 17 RECEIVED UNDER SUBSECTION (3) AS FOLLOWS:

18 (A) 23% TO THE STATE GENERAL FUND;

19 (B) 10% TO THE FISH AND GAME ACCOUNT IN THE STATE
 20 SPECIAL REVENUE FUND;

21 (C) 13% TO THE STATE HIGHWAY ACCOUNT IN THE STATE
 22 SPECIAL REVENUE FUND;

23 (D) 36% TO THE TRAFFIC EDUCATION ACCOUNT IN THE STATE
 24 SPECIAL REVENUE FUND;

25 (E) 1% TO THE DEPARTMENT OF LIVESTOCK ACCOUNT IN THE

1 STATE SPECIAL REVENUE FUND; AND

2 (F) 17% TO THE CRIME VICTIMS COMPENSATION ACCOUNT IN
 3 THE STATE SPECIAL REVENUE FUND."

4 (2) IF HOUSE BILL NO. 28, INCLUDING THE SECTION OF
 5 THAT BILL AMENDING 61-10-148, IS PASSED AND APPROVED, THE
 6 AMENDMENT TO 61-10-148 IN THIS BILL SHALL READ: "THIS
 7 SUBSECTION DOES NOT APPLY TO FINES AND FORFEITED BONDS PAID
 8 TO JUSTICES' COURTS."

9 NEW SECTION. Section 67. Effective date. This act is
 10 effective July 1, 1987.

-End-

STANDING COMMITTEE REPORT

SENATE

SCRHB740

SCRHB740.SCR

Page 2 of 2
SCRHB740

March 27, 1987

MR. PRESIDENT

Judiciary

We, your committee on
House Bill 740
having had under consideration..... No.....
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ACCOUNTING FOR AND DISTRIBUTING FINES, ETC. IN JUSTICE COURTS

Cobb (Neuman)

Respectfully report as follows: That House Bill No. 740.....
BE AMENDED AS FOLLOWS:

1. Page 3, line 13.
Strike: "13%"
Insert: "12.5%"

2. Page 3, line 17.
Strike: "1%"
Insert: "0.6%"

3. Page 3, line 18.
Strike: "and"

4. Page 3, line 19.
Strike: "17%"
Insert: "16.9%"

5. Page 3, line 20.
Following: "fund"
Strike: "."
Insert: "; and
(g) 1% to the department of social and rehabilitation services special revenue account for the battered spouses and domestic violence grant program."

6. Page 49, line 8.
Following: line 7
Insert: "NEW SECTION. Section 66. Coordination instruction.
(1) If House Bill No. 679, including the section of that bill amending 46-18-235, is not passed and approved, subsection (4)(g) of 3-10-601, as amended by this bill, is void and subsection (4) of 3-10-601 shall read as follows:
"(4) The state treasurer shall distribute money received under subsection (3) as follows:
(a) 23% to the state general fund;
(b) 10% to the fish and game account in the state special revenue fund;
(c) 13% to the state highway account in the state special revenue fund;
(d) 36% to the traffic education account in the state special revenue fund;
(e) 1% to the department of livestock account in the state special revenue fund; and
(f) 17% to the crime victims compensation account in the state special revenue fund."
(2) If House Bill No. 28, including the section of that bill amending 61-10-148, is passed and approved, the amendment to 61-10-148 in this bill shall read: "This subsection does not apply to fines and forfeited bonds paid to justices' courts." "
Renumber: subsequent section

C:\LANE\WP\AMDHB740.

AND AS AMENDED
BE CONCURRED IN

CONTINUED

XXXXXX

XXXXXXXXXX

[Handwritten signature]
CONTINUED Chairman

[Handwritten signature]
Senator Mazurek