

SENATE BILL 411

Introduced by Harp

2/13	Introduced
2/13	Referred to Taxation
2/14	Fiscal Note Requested
2/20	Fiscal Note Received
2/20	Fiscal Note Printed
2/28	Hearing
3/03	Committee Report--Bill Passed as Amended
3/04	2nd Read Do Pass Motion Failed
3/04	2nd Reading Indefinitely Postponed

1 Senate BILL NO. 411
2 INTRODUCED BY HARP
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY
6 FOR A VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT;
7 ALLOCATING A PORTION OF FINES COLLECTED IN A JUSTICE'S COURT
8 TO A SPECIAL REVENUE ACCOUNT FOR USE BY THE DEPARTMENT OF
9 JUSTICE; DECREASING ALLOCATIONS TO CERTAIN OTHER FUNDS; AND
10 AMENDING SECTIONS 3-10-601 AND 61-8-718, MCA."
11

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

13 **Section 1.** Section 3-10-601, MCA, is amended to read:
14 "3-10-601. Collection and disposition of fines,
15 penalties, forfeitures, and fees. (1) Each justice of the
16 peace shall collect the fees prescribed by law for justices'
17 courts and shall pay them into the county treasury of the
18 county wherein in which he holds office, on or before the
19 10th day of each month, to be credited to the general fund
20 of the county.

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~~ Except as provided in 61-8-718(3), the county
3 treasurer shall, in the manner provided in 15-1-504,
4 distribute money received under subsection (2) as follows:

5 (a) ~~50%~~ 52.27% to the state treasurer; and

6 (b) ~~50%~~ 47.73% to the county general fund.

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

9 (a) ~~23%~~ 21% to the state general fund;

10 (b) ~~10%~~ 9.13% to the fish and game account in the state
11 special revenue fund;

12 (c) ~~12.5%~~ 11.42% to the state highway account in the
13 state special revenue fund;

14 (d) ~~36%~~ 32.87% to the traffic education account in the
15 state special revenue fund;

16 (e) ~~0.6%~~ 0.55 to the department of livestock account in
17 the state special revenue fund;

18 (f) ~~16.9%~~ 15.43% to the crime victims compensation
19 account in the state special revenue fund; and

20 (g) ~~1%~~ 0.91% to the department of family services
21 special revenue account for the battered spouses and
22 domestic violence grant program; and

23 (h) 8.69% to the motor vehicle special revenue account
24 for use by the department of justice."

25 **Section 2.** Section 61-8-718, MCA, is amended to read:

LC 1691/01

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 \$10, and no jail sentence may be imposed. Bond for this
6 offense shall be \$5 \$10.

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB411, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing the penalty for a violation of the fuel conservation speed limit; allocating a portion of fines collected in a Justice's Court to a special revenue account for use by the Department of Justice; decreasing allocations to certain other funds; and amending Sections 3-10-601 and 61-8-718, MCA.

ASSUMPTIONS:

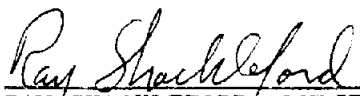
1. Assume there will be 68,000 fuel conservation violations in FY89, but 15% less, or 57,800, in FY90 and FY91 as a result of the increased fine.
2. Assume that \$5,000,000 of fines and forfeitures will be collected in FY90 and FY91 according to 3-10-601 under existing law.

FISCAL IMPACT:

	Current	FY90 Proposed		Current	FY91 Proposed	
Revenue:	Law	Law	Difference	Law	Law	Difference
General Fund	\$ 575,000	\$ 575,000	\$ -0-	\$ 575,000	\$ 575,000	\$ -0-
Motor Vehicle Account	-0-	238,000	238,000	-0-	238,000	238,000
Other Spec. Rev. Accounts	1,925,000	1,925,000	-0-	1,925,000	1,925,000	-0-
Total	\$2,500,000	\$2,738,000	\$ 238,000	\$2,500,000	\$2,738,000	\$ 238,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Counties' revenue for fines and forfeitures will be unaffected by this bill.


DATE 2/20/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING


DATE 2/20/89

JOHN G. HARP, PRIMARY SPONSOR

Fiscal Note for SB411, as introduced**SB 411**

APPROVED BY COMMITTEE
ON TAXATION

SENATE BILL NO. 411

INTRODUCED BY HARP

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR A VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT; ALLOCATING A PORTION OF FINES COLLECTED IN A JUSTICE'S COURT TO A SPECIAL REVENUE ACCOUNT FOR USE BY THE DEPARTMENT OF JUSTICE; DECREASING ALLOCATIONS TO CERTAIN OTHER FUNDS; AND AMENDING SECTIONS 3-10-601 AND 61-8-718, MCA."

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. (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 in which he holds office, on or before the 10th day of each month, to be credited to the general fund of the county.

(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

justice's court is situated.

(3) ~~The Except--as--provided--in-61-8-718(3), the~~ THE county treasurer shall, in the manner provided in 15-1-504, distribute money received under subsection (2) as follows:

(a) ~~50%~~ 52.27% to the state treasurer; and

(b) ~~50%~~ 47.73% to the county general fund.

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

(a) ~~23%~~ 21% to the state general fund;

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(e) ~~0.6%~~ 0.55 to the department of livestock account in the state special revenue fund;

(f) ~~16.9%~~ 15.43% to the crime victims compensation account in the state special revenue fund; and

(g) ~~1%~~ 0.91% to the department of family services special revenue account for the battered spouses and domestic violence grant program; and

(h) 8.69% to the motor vehicle special revenue account for use by the department of justice."

Section 2. Section 61-8-718, MCA, is amended to read:

SB 0411/02

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 **\$10, and no jail sentence may be imposed. Bond for this**
6 **offense shall be \$5 \$10.**

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

-End-