

HOUSE BILL 140

Introduced by Vogel

1/11	Introduced
1/11	Referred to Highways & Transportation
1/11	First Reading
1/11	Fiscal Note Requested
1/16	Fiscal Note Received
1/18	Fiscal Note Printed
1/18	Hearing
1/25	Committee Report--Bill Passed as Amended
1/28	Revised Fiscal Note Requested
2/03	Revised Fiscal Note Received
2/03	Revised Fiscal Note Printed
2/06	2nd Reading Do Not Pass as Amended

1 House BILL NO. 140
 2 INTRODUCED BY Randy Vogel Stang
 3 Yellowtail Salvin's
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY
 5 FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT FROM \$5
 6 TO \$20; DEPOSITING \$15 OF EACH FINE TO THE CREDIT OF THE
 7 DEPARTMENT OF JUSTICE FOR ADMINISTRATIVE PURPOSES AND THE
 8 REMAINING \$5 OF EACH FINE IN THE MONTANA DRUG ABUSE
 9 RESISTANCE EDUCATION TRUST FUND ACCOUNT; AMENDING SECTIONS
 10 3-10-601 AND 61-8-718, MCA; AND PROVIDING AN EFFECTIVE
 11 DATE."

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

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

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

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

1 following month to the treasurer of the county in which the
 2 justice's court is situated, except that they may be
 3 distributed as provided in 44-12-206 if imposed, collected,
 4 or paid for a violation of Title 45, chapter 9 or 10.

5 (3) The Except as provided in subsection (5), the
 6 county treasurer shall, in the manner provided in 15-1-504,
 7 distribute money received under subsection (2) as follows:

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

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

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

12 (a) 27.88% to the state general fund;

13 (b) 9.09% to the fish and game account in the state
 14 special revenue fund;

15 (c) 11.76% to the state highway account in the state
 16 special revenue fund;

17 (d) 33.86% to the traffic education account in the
 18 state special revenue fund;

19 (e) 0.57% to the department of livestock account in the
 20 state special revenue fund;

21 (f) 15.9% to the crime victims compensation account in
 22 the state special revenue fund; and

23 (g) 0.94% to the department of family services special
 24 revenue account for the battered spouses and domestic
 25 violence grant program.

1 (5) The county treasurer shall transfer to the state
2 treasurer the fines for violations of 61-8-718. The state
3 treasurer shall deposit \$5 of each fine in the Montana drug
4 abuse resistance education trust fund account established in
5 44-2-701. The remaining \$15 of each fine must be deposited
6 in an account in the state special revenue fund to be used
7 by the department of justice for administrative purposes."

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

9 "61-8-718. Penalty for violation of fuel conservation
10 speed limit. (1) A person violating the speed limit imposed
11 pursuant to 61-8-304 is guilty of the offense of unnecessary
12 waste of a resource and upon conviction shall be fined \$5
13 \$20, and no jail sentence may be imposed. Bond for this
14 offense ~~shall be~~ \$5 is \$20.

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

17 (3) The fine imposed under subsection (1) must be
18 deposited as provided in 3-10-601(5)."

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0140, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act increasing the penalty for violation of the fuel conservation speed limit from \$5 to \$20; depositing \$15 of each fine to the credit of the Department of Justice for administrative purposes and the remaining \$5 of each fine in the Montana D.A.R.E. trust fund.

ASSUMPTIONS:

1. During the period 10/1/91 to 9/30/92, 72,000 fuel conservation violations were issued by the Highway Patrol. This number of violations is assumed to generate \$360,000 in revenue under current law. In FY94 and FY95, it is assumed that 30% fewer, or 50,000, will be issued due to the increased fine. Revenue will be \$1 million per year (50,000 X \$20).
2. The technical note below explains that the bill is unclear as to the use of the new state special revenue account by the Department of Justice for administrative purposes. Therefore, no change in current department expenditures is assumed.
3. The state general fund, traffic education, crime victims compensation and other entities shown below would lose current revenue.

FISCAL IMPACT:**Revenue:**

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
County governments	180,000	0	(180,000)	180,000	0	(180,000)
General Fund	50,184	0	(50,184)	50,184	0	(50,184)
Traffic Education (02)	60,948	0	(60,948)	60,948	0	(60,948)
Crime Victims Compensation (02)	28,620	0	(28,620)	28,620	0	(28,620)
Highways Special Revenue (02)	21,168	0	(21,168)	21,168	0	(21,168)
Other state special accounts (02)	19,080	0	(19,080)	19,080	0	(19,080)
Dept. of Justice state special (02)	0	750,000	750,000	0	750,000	750,000
D.A.R.E. account (02)	0	250,000	250,000	0	250,000	250,000
Total	\$360,000	\$1,000,000	\$640,000	\$360,000	\$1,000,000	\$640,000
GENERAL FUND IMPACT:			<u>(50,184)</u>			<u>(50,184)</u>

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: County general funds would directly lose half the current fine revenue of about \$180,000 per year. Local governments may recover some or all of this amount through grants from the D.A.R.E. trust account.

TECHNICAL NOTES: The bill is unclear whether the new funds provided to the Department of Justice for administrative purposes are meant as a new source of revenue with increased functions or replacement of current funds. Accordingly, no expenditure impact, or assumptions addressing expenditures, are noted above.

Dave Lewis 1-16-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Randy Vogel 1-18-93
RANDY VOGEL, PRIMARY SPONSOR DATE

Fiscal Note for HB0140, as introduced**HB 140**

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0140, second reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act increasing the penalty for violation of the fuel conservation speed limit from \$5 to \$10, and depositing \$5 of each fine to the D.A.R.E trust fund account.

ASSUMPTIONS:

1. During the period 10/1/91 to 9/30/92, 72,000 fuel conservation violations were issued by the Highway Patrol. It is assumed that volume will remain the same in FY94 and FY95 (the increase in fine will not reduce the number of violations).
2. The Crime Control Division administers the D.A.R.E. account and will amend the Administrative Rules of Montana (ARM) to provide for the equitable distribution of the increased funds to local programs.

FISCAL IMPACT:**Crime Control Division:**

	FY94			FY95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	18.00	18.00	0.00	18.00	18.00	0.00
Personal Services	581,042	581,042	0	582,908	582,908	0
Operating Expenses	184,887	184,887	0	187,848	187,848	0
Equipment	9,023	9,023	0	7,066	7,066	0
Grants	3,210,244	3,570,244	360,000	3,210,244	3,570,244	360,000
Benefits and Claims	<u>590,000</u>	<u>590,000</u>	<u>0</u>	<u>590,000</u>	<u>590,000</u>	<u>0</u>
Total	4,575,196	4,935,196	360,000	4,578,066	4,938,066	360,000

Funding:

General Fund	475,970	475,970	0	478,901	478,901	0
State Special Revenue	573,923	933,923	360,000	573,863	933,863	360,000
Federal Special Revenue	<u>3,525,303</u>	<u>3,525,303</u>	<u>0</u>	<u>3,525,302</u>	<u>3,525,302</u>	<u>0</u>
Total	4,575,196	4,935,196	360,000	4,578,066	4,938,066	360,000

Revenue:

General Fund	50,000	50,000	0	50,000	50,000	0
State Special Accounts	130,000	130,000	0	130,000	130,000	0
D.A.R.E. Trust (State Special)	<u>0</u>	<u>360,000</u>	<u>360,000</u>	<u>0</u>	<u>360,000</u>	<u>360,000</u>
Total	180,000	540,000	360,000	180,000	540,000	360,000

Net Impact:

Net General Fund impact	0	0
Net State Special Revenue impact	0	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Local governments and local D.A.R.E programs will share increased grant revenue of about \$360,000 per year.

Dave Lewis 2-2-93
DAVE LEWIS, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

Randy Vogel 2-3-93
RANDY VOGEL, PRIMARY SPONSOR

DATE

Fiscal Note for HB0140, second reading

HB 140-#2

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 140
INTRODUCED BY VOGEL, GALVIN,
PECK, STANG, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY
FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT FROM \$5
TO \$20 \$10; DEPOSITING ~~\$15-OF-EACH-FINE-TO-THE-CREDIT-OF-THE~~
~~DEPARTMENT-OF-JUSTICE-FOR-ADMINISTRATIVE--PURPOSES--AND--THE~~
REMAINING \$5 OF EACH FINE IN THE MONTANA DRUG ABUSE
RESISTANCE EDUCATION TRUST FUND ACCOUNT; AMENDING SECTIONS
3-10-601, 44-2-702, AND 61-8-718, 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. (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 in which the justice of the peace 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, except that they may be
distributed as provided in 44-12-206 if imposed, collected,
or paid for a violation of Title 45, chapter 9 or 10.

(3) The Except as provided in subsection (5), the
county treasurer shall, in the manner provided in 15-1-504,
distribute money received under subsection (2) as follows:

(a) 50% to the state treasurer; and

(b) 50% to the county general fund.

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

(a) 27.88% to the state general fund;

(b) 9.09% to the fish and game account in the state
special revenue fund;

(c) 11.76% to the state highway account in the state
special revenue fund;

(d) 33.86% to the traffic education account in the
state special revenue fund;

(e) 0.57% to the department of livestock account in the
state special revenue fund;

(f) 15.9% to the crime victims compensation account in
the state special revenue fund; and

(g) 0.94% to the department of family services special
revenue account for the battered spouses and domestic

1 violence grant program.

2 (5) The county treasurer shall transfer--to--the--state
3 treasurer DISTRIBUTE the fines for violations of 61-8-718.
4 The AS FOLLOWS:

5 (A) 25% TO THE COUNTY GENERAL FUND; AND

6 (B) 75% TO THE state treasurer, WHO shall deposit \$5 of
7 each fine in the Montana drug abuse resistance education
8 trust fund account established in 44-2-701. The remaining
9 \$15 of each fine must be deposited--in--an--account--in--the
10 state--special--revenue--fund--to--be--used--by--the--department--of
11 justice--for--administrative--purposes AND SHALL DISTRIBUTE THE
12 REMAINDER IN ACCORDANCE WITH SUBSECTION (4)."

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

14 **"61-8-718. Penalty for violation of fuel conservation**
15 **speed limit. (1) A person violating the speed limit imposed**
16 **pursuant to 61-8-304 is guilty of the offense of unnecessary**
17 **waste of a resource and upon conviction shall be fined \$5**
18 **~~\$20~~ \$10, and no jail sentence may be imposed. Bond for this**
19 **offense shall be \$5 is ~~\$20~~ \$10.**

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

22 **(3) The fine imposed under subsection (1) must be**
23 **deposited as provided in 3-10-601(5)."**

24 **SECTION 3. SECTION 44-2-702, MCA, IS AMENDED TO READ:**

25 **"44-2-702. Montana drug abuse resistance education**

1 **program. (1) The Montana board of crime control shall use**
2 **the money in the Montana drug abuse resistance education**
3 **trust fund account established by 44-2-701 to fund services**
4 **and activities operated by nonprofit, private,**
5 **community-based educational and service organizations, units**
6 **of local government, or school districts if those services**
7 **and activities relate solely to the development,**
8 **enhancement, and expansion of drug abuse resistance**
9 **education in Montana.**

10 **(2) In administering the Montana drug abuse resistance**
11 **education program, the Montana board of crime control shall:**

12 **(a) identify priorities for funding services,**
13 **activities, and criteria for the receipt of program funds;**

14 **(b) monitor the expenditure of funds by organizations**
15 **receiving funds under this section;**

16 **(c) evaluate the effectiveness of services and**
17 **activities under this section; and**

18 **(d) adopt rules necessary to implement 3-10-601(5),**
19 **44-2-703, 44-2-704, and this section."**

20 **NEW SECTION. Section 4. Effective date. [This act] is**
21 **effective July 1, 1993.**

-End-