

SENATE BILL NO. 92

INTRODUCED BY BRUSKI, KOEHNKE, REA
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

JANUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

JANUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 24, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

JANUARY 25, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 48; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 25, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

JANUARY 26, 1991 FIRST READING.

MARCH 6, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

MARCH 7, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 8, 1991 THIRD READING, CONCURRED IN.
AYES, 97; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 9, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 **Senate** BILL NO. **92**
 2 INTRODUCED BY Sen. F. H. ... Pea
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT DELETING REQUIREMENTS
 6 FOR LOCAL GOVERNMENTS TO REPORT THE USE OF MOTOR FUEL TAX
 7 FUNDS AND OF THE DEPARTMENT OF HIGHWAYS TO REPORT MONTHLY
 8 CONSTRUCTION PLANS AND PROJECTS; AMENDING SECTIONS 15-70-101
 9 AND 60-2-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 10 DATE."
 11

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

13 **Section 1.** Section 15-70-101, MCA, is amended to read:

14 "15-70-101. **Disposition of funds.** All taxes, interest,
 15 and penalties collected under this chapter, except those
 16 collected by a justice's court, shall must be turned over
 17 promptly to the state treasurer, who shall place the same
 18 money in the state special revenue fund to the credit of the
 19 department of highways. Those funds ~~hereinbelow~~ allocated to
 20 cities, towns, and counties shall in this section must be
 21 paid by the department of highways from the state special
 22 revenue fund to such the cities, towns, and counties.

23 (1) \$14,000,000 of the funds collected under this
 24 chapter, except those collected by a justice's court, is
 25 statutorily appropriated, as provided in 17-7-502, to the

1 department of highways and shall must be allocated each
 2 fiscal year on a monthly basis to the counties and
 3 incorporated cities and towns in Montana for construction,
 4 reconstruction, maintenance, and repair of rural roads and
 5 city or town streets and alleys, as provided in subsections
 6 (1)(a) through (1)(c):

7 (a) \$54,000 shall must be designated for the purposes
 8 and functions of the Montana rural technical assistance
 9 transportation program in Bozeman;

10 (b) \$6,323,000 shall must be divided among the various
 11 counties in the following manner:

12 (i) 40% in the ratio that the rural road mileage in
 13 each county, exclusive of the federal-aid interstate system
 14 and the federal-aid primary system, bears to the total rural
 15 road mileage in the state, exclusive of the federal-aid
 16 interstate system and the federal-aid primary system;

17 (ii) 40% in the ratio that the rural population in each
 18 county outside incorporated cities and towns bears to the
 19 total rural population in the state outside incorporated
 20 cities and towns;

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

23 (c) \$7,623,000 shall must be divided among the
 24 incorporated cities and towns in the following manner:

25 (i) 50% of the sum in the ratio that the population



1 within the corporate limits of the city or town bears to the
2 total population within corporate limits of all the cities
3 and towns in Montana;

4 (ii) 50% in the ratio that the city or town street and
5 alley mileage, exclusive of the federal-aid interstate
6 system and the federal-aid primary system, within corporate
7 limits bears to the total street and alley mileage,
8 exclusive of the federal-aid interstate system and
9 federal-aid primary system, within the corporate limits of
10 all cities and towns in Montana.

11 (2) All funds hereby allocated by this section to
12 counties, cities, and towns shall must be used for the
13 construction, reconstruction, maintenance, and repair of
14 rural roads, or city or town streets and alleys or for the
15 share ~~which-such~~ that the city, town, or county might
16 otherwise expend for proportionate matching of federal funds
17 allocated for the construction of roads or streets which
18 that are part of the federal-aid primary or secondary
19 highway system or urban extensions thereto to those systems,
20 except that the governing body of a town or third-class
21 city, as defined in 7-1-4111, may each year expend no more
22 than 25% of the funds allocated to that town or third-class
23 city for the purchase of capital equipment and supplies to
24 be used for the maintenance and repair of town or
25 third-class city streets and alleys.

1 ~~(3)--Upon receipt of the allocation provided herein, the~~
2 ~~governing bodies of the recipient counties, cities, and~~
3 ~~towns shall inform the department of highways of the~~
4 ~~purposes for which the funds will be expended so that the~~
5 ~~county commissioners, the governing body, and the department~~
6 ~~of highways may coordinate the expenditure of public funds~~
7 ~~for road improvements.~~

8 ~~(4)(3)~~ All funds hereby allocated by this section to
9 counties, cities, and towns shall must be disbursed to the
10 lowest responsible bidder according to applicable bidding
11 procedures followed in all cases where in which the contract
12 for construction, reconstruction, maintenance, or repair is
13 in excess of \$4,000.

14 ~~(5)(4)~~ For the purposes of this section where in which
15 distribution of funds is made on a basis related to
16 population, the population shall must be determined by the
17 last preceding official federal census.

18 ~~(6)(5)~~ For the purposes of this section where in which
19 determination of mileage is necessary for distribution of
20 funds, it shall ~~be~~ is the responsibility of the cities,
21 towns, and counties to furnish to the department of highways
22 a yearly certified statement indicating the total mileage
23 within their respective areas applicable to this chapter.
24 All mileage submitted shall be is subject to review and
25 approval by the department of highways.

1 ~~{7}~~(6) Except by a town or third-class city as provided
2 in subsection (2), ~~none--of~~ the funds authorized by this
3 section ~~shall~~ may not be used for the purchase of capital
4 equipment.

5 ~~{8}~~(7) Funds authorized by this section ~~shall~~ must be
6 used for construction and maintenance programs only."

7 **Section 2.** Section 60-2-202, MCA, is amended to read:

8 "60-2-202. Duties of department. The department shall:

9 (1) maintain and preserve the records of the commission
10 in its office at Helena; and

11 (2) file and preserve copies of all plans,
12 specifications, contracts, estimates, and official acts
13 taken by it or by the commission;

14 ~~{3}--prepare-and-submit-to-the-governor-on-or-before-the~~
15 ~~15th--day--of--each--month--a--report--of--work--constructed--under~~
16 ~~construction--and--proposed--for--construction--the--progress~~
17 ~~made--during--the--preceding--month--and--recommendations--for~~
18 ~~improvements--and--their--estimated--costs."~~

19 NEW SECTION. **Section 3.** Effective date. [This act] is
20 effective on passage and approval.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

Senate BILL NO. 92

INTRODUCED BY Sen. Lehman Pea
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT DELETING REQUIREMENTS FOR LOCAL GOVERNMENTS TO REPORT THE USE OF MOTOR FUEL TAX FUNDS AND OF THE DEPARTMENT OF HIGHWAYS TO REPORT MONTHLY CONSTRUCTION PLANS AND PROJECTS; AMENDING SECTIONS 15-70-101 AND 60-2-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 15-70-101, MCA, is amended to read:

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

(1) \$14,000,000 of the funds collected under this chapter, except those collected by a justice's court, is statutorily appropriated, as provided in 17-7-502, to the

department of highways and shall must be allocated each fiscal year on a monthly basis to the counties and incorporated cities and towns in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (1)(a) through (1)(c):

(a) \$54,000 shall must be designated for the purposes and functions of the Montana rural technical assistance transportation program in Bozeman;

(b) \$6,323,000 shall must be divided among the various counties in the following manner:

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

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

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

(c) \$7,623,000 shall must be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population

1 within the corporate limits of the city or town bears to the
2 total population within corporate limits of all the cities
3 and towns in Montana;

4 (ii) 50% in the ratio that the city or town street and
5 alley mileage, exclusive of the federal-aid interstate
6 system and the federal-aid primary system, within corporate
7 limits bears to the total street and alley mileage,
8 exclusive of the federal-aid interstate system and
9 federal-aid primary system, within the corporate limits of
10 all cities and towns in Montana.

11 (2) All funds hereby allocated by this section to
12 counties, cities, and towns shall must be used for the
13 construction, reconstruction, maintenance, and repair of
14 rural roads, or city or town streets and alleys or for the
15 share ~~which-such~~ that the city, town, or county might
16 otherwise expend for proportionate matching of federal funds
17 allocated for the construction of roads or streets ~~which~~
18 that are part of the federal-aid primary or secondary
19 highway system or urban extensions ~~thereto~~ to those systems,
20 except that the governing body of a town or third-class
21 city, as defined in 7-1-4111, may each year expend no more
22 than 25% of the funds allocated to that town or third-class
23 city for the purchase of capital equipment and supplies to
24 be used for the maintenance and repair of town or
25 third-class city streets and alleys.

1 ~~{3}--Upon receipt of the allocation provided herein, the~~
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9 counties, cities, and towns shall must be disbursed to the
10 lowest responsible bidder according to applicable bidding
11 procedures followed in all cases where in which the contract
12 for construction, reconstruction, maintenance, or repair is
13 in excess of \$4,000.

14 ~~{5}{4}~~ For the purposes of this section where in which
15 distribution of funds is made on a basis related to
16 population, the population shall must be determined by the
17 last preceding official federal census.

18 ~~{6}{5}~~ For the purposes of this section where in which
19 determination of mileage is necessary for distribution of
20 funds, it shall ~~be~~ is the responsibility of the cities,
21 towns, and counties to furnish to the department of highways
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23 within their respective areas applicable to this chapter.
24 All mileage submitted shall ~~be~~ is subject to review and
25 approval by the department of highways.

1 ~~{7}~~(6) Except by a town or third-class city as provided
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8 "60-2-202. Duties of department. The department shall:

9 (1) maintain and preserve the records of the commission
10 in its office at Helena; and

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20 effective on passage and approval.

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19 NEW SECTION. **Section 3. Effective date.** [This act] is
20 effective on passage and approval.

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