

Bridges—Counties—Tolls.

A proposed bill before congress contemplates authorizing the state of Montana and Valley and Garfield counties to cooperate in constructing a bridge across the Missouri river and to charge tolls for the use of same.

Held: That if the bill becomes a law it will be necessary for the legislature of Montana to enact a law authorizing such cooperation and the collection of tolls.

February 17, 1928.

Robert S. McKellar, Esq.,
County Attorney,
Glasgow, Montana.

My dear Mr. McKellar:

You have requested an opinion whether the state of Montana, Valley county and Garfield county can operate a toll bridge for rates, as contemplated by the bill which you sent me.

The only statute that I find bearing on the question is subdivision 4 of section 4465 of the code which gives county commissioners authority to lay out, maintain, control, and manage public bridges, and to levy such taxes therefore as required by law; also to cooperate with adjacent counties in such an enterprise.

I find no statute that authorizes a county to levy tolls for the use

of a public bridge, and in my opinion the authority to levy taxes as required by law would extend only to the imposition of taxes in accordance with our existing plan of taxation which does not include tolls.

It is therefore my opinion that if the bill which you sent me should be passed by congress it will be necessary for the legislature of Montana to enact a law authorizing the state to cooperate with counties in the operation of a toll bridge and authorizing the collection of tolls.

Very truly yours,

L. A. FOOT,
Attorney General.