

1 *Senate* BILL NO. 184
 2 INTRODUCED BY Goodwin E. Smith Conner Greely
 3 Greene

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 32-2605, 32-2606, 32-2607, 32-2609, 32-2611, 32-2613,
 6 32-2618, 32-2622 AND 32-2623, R.C.M. 1947, TO CHANGE THE
 7 DATE ON WHICH STATE HIGHWAY CONSTRUCTION FUNDS WILL BE
 8 APPORTIONED."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 32-2605, R.C.M. 1947, is amended to
 12 read as follows:

13 "32-2605. Apportionment of state construction funds.
 14 ~~At--the--beginning--of--each~~ Each fiscal year the department
 15 shall apportion available state construction funds to the
 16 various federal-aid highway systems which are required to
 17 match the amounts of federal aid available for expenditure
 18 on each respective system. The state's share of the cost of
 19 final judgments in court awards made to construction
 20 contractors on state highway construction projects during
 21 the previous fiscal year may be deducted from funds
 22 available prior to the apportionments provided in this
 23 section and this cost shall be credited to the accounts of
 24 the highway system, financial district, county or urban city
 25 involved as an offset to the charges made to the accounts as

1 a result of the final judgment. The deductions may be made
 2 only when the amount of these judgments would prohibit or
 3 seriously impair the highway construction program in a
 4 financial district, county or urban city."

5 Section 2. Section 32-2606, R.C.M. 1947, is amended to
 6 read as follows:

7 "32-2606. Apportionment of state funds to federal-aid
 8 primary highway system. (1) ~~At-the-beginning-of-each~~ Each
 9 fiscal year the department shall determine the amount of
 10 incompletd mileage of the federal-aid primary system within
 11 each of the financial districts.

12 (a) As a basis for determination of incompletd
 13 mileage, the department shall compare the present condition
 14 of the system with the latest approved state standards. Any
 15 mileage failing to meet those standards shall be included in
 16 the determination as partially completed. The proportion of
 17 completion shall be determined by estimating the amount of
 18 work which must be performed to complete the highway.

19 (2) The department shall then compute the ratio
 20 between the incompletd mileage in each district and the
 21 total incompletd mileage of the federal-aid primary system
 22 in the state.

23 (3) The department shall then apportion available
 24 state construction funds to the federal-aid primary system
 25 in each district on the basis of the computed ratio."

1 Section 3. Section 32-2607, R.C.M. 1947, is amended to
2 read as follows:

3 *32-2607. Apportionment of state funds to federal-aid
4 secondary highway system. (1) ~~At-the-beginning-of-each~~ Each
5 fiscal year the department shall apportion available state
6 construction funds for the federal-aid secondary highway
7 system among the financial districts. The proportion which
8 each district shall receive shall be computed on the
9 following basis:

10 (a) One-fourth (1/4) in the ratio of land area in each
11 district to the total land area in the state.

12 (b) One-fourth (1/4) in the ratio of the rural
13 population in each district to the total rural population in
14 the state.

15 (c) One-fourth (1/4) in the ratio of the rural road
16 mileage in each district to the total rural road mileage in
17 the state.

18 (d) One-fourth (1/4) in the ratio of value of rural
19 lands in each district to the total value of rural lands in
20 the state.

21 (2) Funds apportioned to each district shall be
22 further apportioned to each county in the district on the
23 same basis, considering ratios of land area, rural
24 population, rural road mileage, and value of rural lands. To
25 the extent necessary to permit orderly programming and

1 construction of projects, expenditures in any county may
2 exceed the amount apportioned to that county to the extent
3 of three (3) times the amount of the last apportionment to
4 the county. The amount of any excess expenditures shall be
5 deducted from future apportionments to that county.

6 (3) For the purposes of this section, terms are
7 defined as follows:

8 (a) Rural population--Total population less the
9 population in cities over five thousand (5,000) persons and
10 their unincorporated fringe urban areas as reported in the
11 latest federal census.

12 (i) Federal census population figures shall be
13 adjusted in the interim between censuses in accordance with
14 the percentage of change in annual motor vehicle
15 registration figures for each county.

16 (b) Rural road mileage--All road mileage outside of
17 incorporated cities, exclusive of road mileage on the
18 federal-aid primary highway system and the federal-aid
19 interstate system.

20 (i) Rural road mileage reported by the road inventory
21 of the department shall be used in determining rural road
22 mileage.

23 (c) Value of rural lands--Includes the value of
24 state-owned lands from which the state derives grazing,
25 timber, and agricultural income.

1 (i) The basis for the value of rural lands shall be
2 computed from the latest biennial report of the department
3 of revenue.

4 (ii) The basis for the value of state-owned lands shall
5 be computed from the latest figures on the total grazing,
6 timber, and agricultural lands in each county contained in
7 the latest biennial report of the department of state lands.

8 (iii) The average value of privately owned lands shall
9 be the average value of state-owned lands, if the actual
10 value is not available."

11 Section 4. Section 32-2609, R.C.M. 1947, is amended to
12 read as follows:

13 "32-2609. Apportionment of state funds to federal-aid
14 interstate highway system. (1) ~~At-the-beginning-of-each~~ Each
15 fiscal year the department shall apportion available state
16 construction funds for the federal-aid interstate highway
17 system among the financial districts.

18 (2) The apportionment shall be based upon the ratio
19 between the estimated cost of constructing or reconstructing
20 the system in each district and the estimated cost of
21 constructing or reconstructing the entire system within the
22 state.

23 (3) The cost estimates to be used shall be those
24 developed by the department in accordance with the
25 Federal-Aid Highway Act of 1956, as amended."

1 Section 5. Section 32-2611, R.C.M. 1947, is amended to
2 read as follows:

3 "32-2611. Apportionment of state funds to federal-aid
4 urban highways. (1) ~~At--the-beginning-of-each~~ Each fiscal
5 year the department shall apportion state construction funds
6 available for matching federal-aid urban funds to the cities
7 in the state over five thousand (5,000) population in the
8 ratio of urban population in each city to the total urban
9 population in all cities over five thousand (5,000)
10 population in the state.

11 (2) For the purpose of this section, "urban
12 population" is defined as population within the incorporated
13 limits of cities over five thousand (5,000) population and
14 that population within unincorporated urban fringe areas
15 delineated and reported in the latest federal census.

16 (3) To the extent necessary to permit orderly
17 programming and construction of projects, expenditures in
18 any city may exceed the amount apportioned to that city. The
19 amount of any excess expenditures shall be deducted from
20 future apportionments to that city."

21 Section 6. Section 32-2613, R.C.M. 1947, is amended to
22 read as follows:

23 "32-2613. Allocation for safety construction programs.
24 ~~Annually--beginning--July--17--1974, and at the beginning of~~
25 ~~each~~ Each fiscal year ~~thereafter~~, the department of highways

1 shall allocate available state construction funds to match
 2 federal-aid highway funds made available by the Federal-Aid
 3 Highway Act of 1973 for the following safety construction
 4 programs: rail-highway crossings, high hazard locations,
 5 elimination of roadside obstacles, safer roads demonstration
 6 and pavement marking demonstration. Such allocation shall be
 7 made from available state construction moneys before the
 8 apportionments provided for in sections 32-2606, 32-2607 and
 9 32-2611, R.C.M. 1947."

10 Section 7. Section 32-2618, R.C.M. 1947, is amended to
 11 read as follows:

12 "32-2618. Apportionment of funds. ~~The department shall~~
 13 ~~at--the--beginning--of--each~~ Each fiscal year the department
 14 shall apportion available state construction funds among the
 15 approved priority primary routes. This apportionment shall
 16 be based on the ratio between the estimated cost of
 17 constructing or reconstructing each selected route and the
 18 estimated cost of constructing or reconstructing all then
 19 approved priority primary routes."

20 Section 8. Section 32-2622, R.C.M. 1947, is amended to
 21 read as follows:

22 "32-2622. Allocation of funds. ~~Annually--beginning~~
 23 ~~July--1--1974--and--at--the--beginning--of--each~~ Each fiscal year
 24 ~~thereafter~~, the department shall allocate available state
 25 construction funds to match federal-aid highway funds made

1 available for economic growth center development highways.
 2 Such allocation shall be made from available state
 3 construction moneys before the apportionments provided in
 4 sections 32-2606, 32-2607 and 32-2611, R.C.M. 1947."

5 Section 9. Section 32-2623, R.C.M. 1947, is amended to
 6 read as follows:

7 "32-2623. Apportionment of funds. ~~The department shall~~
 8 ~~at--the--beginning--of--each~~ Each fiscal year the department
 9 shall apportion state construction funds among the approved
 10 economic growth centers as follows:

11 (1) The allocation for the 1974 fiscal year shall be
 12 the ratio of the number of miles of highways that need
 13 upgrading in existence on July 1, 1973, on the primary and
 14 urban systems in each approved growth center's area of
 15 influence to the total number of miles in all approved
 16 growth centers' area of influence that need upgrading.

17 (2) Thereafter, the allocation shall be in the ratio
 18 of the number of miles in existence on July 1 of a fiscal
 19 year on the primary, secondary and urban systems in each
 20 approved growth center's area of influence that need
 21 upgrading to the total number of miles in all approved
 22 growth centers' area of influence that need upgrading.

23 (3) To the extent necessary to permit orderly
 24 programming and construction of projects, expenditures in
 25 any approved growth center may exceed the amount apportioned

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1 to the growth center. The amount of any such excess
2 expenditures shall be deducted from future apportionments to
3 that growth center."

-End-

Approved by Committee
on Highways & Transportation

SENATE BILL NO. 184

INTRODUCED BY GOODOVER, E. SMITH, CONOVER, GRELLY, DEVINE
(BY REQUEST OF DEPARTMENT OF HIGHWAYS)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
32-2605, 32-2606, 32-2607, 32-2609, 32-2611, 32-2613,
32-2618, 32-2622 AND 32-2623, R.C.M. 1947, TO CHANGE THE
DATE ON WHICH STATE HIGHWAY CONSTRUCTION FUNDS WILL BE
APPORTIONED."

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

Section 1. Section 32-2605, R.C.M. 1947, is amended to
read as follows:

"32-2605. Apportionment of state construction funds.
~~At--the--beginning--of--each~~ Each fiscal year the department
shall apportion available state construction funds to the
various federal-aid highway systems which are required to
match the amounts of federal aid available for expenditure
on each respective system. The state's share of the cost of
final judgments in court awards made to construction
contractors on state highway construction projects during
the previous fiscal year may be deducted from funds
available prior to the apportionments provided in this
section and this cost shall be credited to the accounts of
the highway system, financial district, county or urban city

involved as an offset to the charges made to the accounts as
a result of the final judgment. The deductions may be made
only when the amount of these judgments would prohibit or
seriously impair the highway construction program in a
financial district, county or urban city."

Section 2. Section 32-2606, R.C.M. 1947, is amended to
read as follows:

"32-2606. Apportionment of state funds to federal-aid
primary highway system. (1) ~~At-the-beginning-of-each~~ Each
fiscal year the department shall determine the amount of
incompleted mileage of the federal-aid primary system within
each of the financial districts.

(a) As a basis for determination of incompleted
mileage, the department shall compare the present condition
of the system with the latest approved state standards. Any
mileage failing to meet those standards shall be included in
the determination as partially completed. The proportion of
completion shall be determined by estimating the amount of
work which must be performed to complete the highway.

(2) The department shall then compute the ratio
between the incompleted mileage in each district and the
total incompleted mileage of the federal-aid primary system
in the state.

(3) The department shall then apportion available
state construction funds to the federal-aid primary system

1 in each district on the basis of the computed ratio."

2 Section 3. Section 32-2607, R.C.M. 1947, is amended to
3 read as follows:

4 "32-2607. Apportionment of state funds to federal-aid
5 secondary highway system. (1) ~~At-the-beginning-of-each~~ Each
6 fiscal year the department shall apportion available state
7 construction funds for the federal-aid secondary highway
8 system among the financial districts. The proportion which
9 each district shall receive shall be computed on the
10 following basis:

11 (a) One-fourth (1/4) in the ratio of land area in each
12 district to the total land area in the state.

13 (b) One-fourth (1/4) in the ratio of the rural
14 population in each district to the total rural population in
15 the state.

16 (c) One-fourth (1/4) in the ratio of the rural road
17 mileage in each district to the total rural road mileage in
18 the state.

19 (d) One-fourth (1/4) in the ratio of value of rural
20 lands in each district to the total value of rural lands in
21 the state.

22 (2) Funds apportioned to each district shall be
23 further apportioned to each county in the district on the
24 same basis, considering ratios of land area, rural
25 population, rural road mileage, and value of rural lands. To

1 the extent necessary to permit orderly programming and
2 construction of projects, expenditures in any county may
3 exceed the amount apportioned to that county to the extent
4 of three (3) times the amount of the last apportionment to
5 the county. The amount of any excess expenditures shall be
6 deducted from future apportionments to that county.

7 (3) For the purposes of this section, terms are
8 defined as follows:

9 (a) Rural population--Total population less the
10 population in cities over five thousand (5,000) persons and
11 their unincorporated fringe urban areas as reported in the
12 latest federal census.

13 (i) Federal census population figures shall be
14 adjusted in the interim between censuses in accordance with
15 the percentage of change in annual motor vehicle
16 registration figures for each county.

17 (b) Rural road mileage--All road mileage outside of
18 incorporated cities, exclusive of road mileage on the
19 federal-aid primary highway system and the federal-aid
20 interstate system.

21 (i) Rural road mileage reported by the road inventory
22 of the department shall be used in determining rural road
23 mileage.

24 (c) Value of rural lands--Includes the value of
25 state-owned lands from which the state derives grazing,

1 timber, and agricultural income.

2 (i) The basis for the value of rural lands shall be
3 computed from the latest biennial report of the department
4 of revenue.

5 (ii) The basis for the value of state-owned lands shall
6 be computed from the latest figures on the total grazing,
7 timber, and agricultural lands in each county contained in
8 the latest biennial report of the department of state lands.

9 (iii) The average value of privately owned lands shall
10 be the average value of state-owned lands, if the actual
11 value is not available."

12 Section 4. Section 32-2609, R.C.M. 1947, is amended to
13 read as follows:

14 "32-2609. Apportionment of state funds to federal-aid
15 interstate highway system. (1) ~~At-the-beginning-of-each~~ Each
16 fiscal year the department shall apportion available state
17 construction funds for the federal-aid interstate highway
18 system among the financial districts.

19 (2) The apportionment shall be based upon the ratio
20 between the estimated cost of constructing or reconstructing
21 the system in each district and the estimated cost of
22 constructing or reconstructing the entire system within the
23 state.

24 (3) The cost estimates to be used shall be those
25 developed by the department in accordance with the

1 Federal-Aid Highway Act of 1956, as amended."

2 Section 5. Section 32-2611, R.C.M. 1947, is amended to
3 read as follows:

4 "32-2611. Apportionment of state funds to federal-aid
5 urban highways. (1) ~~At--the-beginning-of-each~~ Each fiscal
6 year the department shall apportion state construction funds
7 available for matching federal-aid urban funds to the cities
8 in the state over five thousand (5,000) population in the
9 ratio of urban population in each city to the total urban
10 population in all cities over five thousand (5,000)
11 population in the state.

12 (2) For the purpose of this section, "urban
13 population" is defined as population within the incorporated
14 limits of cities over five thousand (5,000) population and
15 that population within unincorporated urban fringe areas
16 delineated and reported in the latest federal census.

17 (3) To the extent necessary to permit orderly
18 programming and construction of projects, expenditures in
19 any city may exceed the amount apportioned to that city. The
20 amount of any excess expenditures shall be deducted from
21 future apportionments to that city."

22 Section 6. Section 32-2613, R.C.M. 1947, is amended to
23 read as follows:

24 "32-2613. Allocation for safety construction programs.
25 ~~Annually--beginning--July--17--19747--and-at-the-beginning-of~~

1 ~~each~~ Each fiscal year ~~thereafter~~, the department of highways
 2 shall allocate available state construction funds to match
 3 federal-aid highway funds made available by the Federal-Aid
 4 Highway Act of 1973 for the following safety construction
 5 programs: rail-highway crossings, high hazard locations,
 6 elimination of roadside obstacles, safer roads demonstration
 7 and pavement marking demonstration. Such allocation shall be
 8 made from available state construction moneys before the
 9 apportionments provided for in sections 32-2606, 32-2607 and
 10 32-2611, R.C.M. 1947."

11 Section 7. Section 32-2618, R.C.M. 1947, is amended to
 12 read as follows:

13 "32-2618. Apportionment of funds. ~~The department shall~~
 14 ~~at--the--beginning--of--each~~ Each fiscal year the department
 15 shall apportion available state construction funds among the
 16 approved priority primary routes. This apportionment shall
 17 be based on the ratio between the estimated cost of
 18 constructing or reconstructing each selected route and the
 19 estimated cost of constructing or reconstructing all then
 20 approved priority primary routes."

21 Section 8. Section 32-2622, R.C.M. 1947, is amended to
 22 read as follows:

23 "32-2622. Allocation of funds. ~~Annually,--beginning~~
 24 ~~July--1,--1974,--and--at--the--beginning--of--each~~ Each fiscal year
 25 ~~thereafter~~, the department shall allocate available state

1 construction funds to match federal-aid highway funds made
 2 available for economic growth center development highways.
 3 Such allocation shall be made from available state
 4 construction moneys before the apportionments provided in
 5 sections 32-2606, 32-2607 and 32-2611, R.C.M. 1947."

6 Section 9. Section 32-2623, R.C.M. 1947, is amended to
 7 read as follows:

8 "32-2623. Apportionment of funds. ~~The department shall~~
 9 ~~at--the--beginning--of--each~~ Each fiscal year the department
 10 shall apportion state construction funds among the approved
 11 economic growth centers as follows:

12 (1) The allocation for the 1974 fiscal year shall be
 13 the ratio of the number of miles of highways that need
 14 upgrading in existence on July 1, 1973, on the primary and
 15 urban systems in each approved growth center's area of
 16 influence to the total number of miles in all approved
 17 growth centers' area of influence that need upgrading.

18 (2) Thereafter, the allocation shall be in the ratio
 19 of the number of miles in existence on July 1 of a fiscal
 20 year on the primary, secondary and urban systems in each
 21 approved growth center's area of influence that need
 22 upgrading to the total number of miles in all approved
 23 growth centers' area of influence that need upgrading.

24 (3) To the extent necessary to permit orderly
 25 programming and construction of projects, expenditures in

1 any approved growth center may exceed the amount apportioned
2 to the growth center. The amount of any such excess
3 expenditures shall be deducted from future apportionments to
4 that growth center."

-End-

1 SENATE BILL NO. 184
 2 INTRODUCED BY GOODOVER, E. SMITH, CONOVER, GREELY, DEVINE
 3 (BY REQUEST OF DEPARTMENT OF HIGHWAYS)
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 6 32-2605, 32-2606, 32-2607, 32-2609, 32-2611, 32-2613,
 7 32-2618, 32-2622 AND 32-2623, R.C.M. 1947, TO CHANGE THE
 8 DATE ON WHICH STATE HIGHWAY CONSTRUCTION FUNDS WILL BE
 9 APPORTIONED."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 32-2605, R.C.M. 1947, is amended to
 13 read as follows:
 14 "32-2605. Apportionment of state construction funds.
 15 ~~At--the--beginning--of--each~~ Each fiscal year the department
 16 shall apportion available state construction funds to the
 17 various federal-aid highway systems which are required to
 18 match the amounts of federal aid available for expenditure
 19 on each respective system. The state's share of the cost of
 20 final judgments in court awards made to construction
 21 contractors on state highway construction projects during
 22 the previous fiscal year may be deducted from funds
 23 available prior to the apportionments provided in this
 24 section and this cost shall be credited to the accounts of
 25 the highway system, financial district, county or urban city

1 involved as an offset to the charges made to the accounts as
 2 a result of the final judgment. The deductions may be made
 3 only when the amount of these judgments would prohibit or
 4 seriously impair the highway construction program in a
 5 financial district, county or urban city."
 6 Section 2. Section 32-2606, R.C.M. 1947, is amended to
 7 read as follows:
 8 "32-2606. Apportionment of state funds to federal-aid
 9 primary highway system. (1) ~~At-the-beginning-of-each~~ Each
 10 fiscal year the department shall determine the amount of
 11 incompletd mileage of the federal-aid primary system within
 12 each of the financial districts.
 13 (a) As a basis for determination of incompletd
 14 mileage, the department shall compare the present condition
 15 of the system with the latest approved state standards. Any
 16 mileage failing to meet those standards shall be included in
 17 the determination as partially completed. The proportion of
 18 completion shall be determined by estimating the amount of
 19 work which must be performed to complete the highway.
 20 (2) The department shall then compute the ratio
 21 between the incompletd mileage in each district and the
 22 total incompletd mileage of the federal-aid primary system
 23 in the state.
 24 (3) The department shall then apportion available
 25 state construction funds to the federal-aid primary system

1 in each district on the basis of the computed ratio."

2 Section 3. Section 32-2607, R.C.M. 1947, is amended to
3 read as follows:

4 "32-2607. Apportionment of state funds to federal-aid
5 secondary highway system. (1) ~~At-the-beginning-of-each~~ Each
6 fiscal year the department shall apportion available state
7 construction funds for the federal-aid secondary highway
8 system among the financial districts. The proportion which
9 each district shall receive shall be computed on the
10 following basis:

11 (a) One-fourth (1/4) in the ratio of land area in each
12 district to the total land area in the state.

13 (b) One-fourth (1/4) in the ratio of the rural
14 population in each district to the total rural population in
15 the state.

16 (c) One-fourth (1/4) in the ratio of the rural road
17 mileage in each district to the total rural road mileage in
18 the state.

19 (d) One-fourth (1/4) in the ratio of value of rural
20 lands in each district to the total value of rural lands in
21 the state.

22 (2) Funds apportioned to each district shall be
23 further apportioned to each county in the district on the
24 same basis, considering ratios of land area, rural
25 population, rural road mileage, and value of rural lands. To

1 the extent necessary to permit orderly programming and
2 construction of projects, expenditures in any county may
3 exceed the amount apportioned to that county to the extent
4 of three (3) times the amount of the last apportionment to
5 the county. The amount of any excess expenditures shall be
6 deducted from future apportionments to that county.

7 (3) For the purposes of this section, terms are
8 defined as follows:

9 (a) Rural population--Total population less the
10 population in cities over five thousand (5,000) persons and
11 their unincorporated fringe urban areas as reported in the
12 latest federal census.

13 (i) Federal census population figures shall be
14 adjusted in the interim between censuses in accordance with
15 the percentage of change in annual motor vehicle
16 registration figures for each county.

17 (b) Rural road mileage--All road mileage outside of
18 incorporated cities, exclusive of road mileage on the
19 federal-aid primary highway system and the federal-aid
20 interstate system.

21 (i) Rural road mileage reported by the road inventory
22 of the department shall be used in determining rural road
23 mileage.

24 (c) Value of rural lands--Includes the value of
25 state-owned lands from which the state derives grazing,

1 timber, and agricultural income.

2 (i) The basis for the value of rural lands shall be
3 computed from the latest biennial report of the department
4 of revenue.

5 (ii) The basis for the value of state-owned lands shall
6 be computed from the latest figures on the total grazing,
7 timber, and agricultural lands in each county contained in
8 the latest Biennial report of the department of state lands.

9 (iii) The average value of privately owned lands shall
10 be the average value of state-owned lands, if the actual
11 value is not available."

12 Section 4. Section 32-2609, R.C.M. 1947, is amended to
13 read as follows:

14 "32-2609. Apportionment of state funds to federal-aid
15 interstate highway system. (1) ~~At-the-beginning-of-each~~ Each
16 fiscal year the department shall apportion available state
17 construction funds for the federal-aid interstate highway
18 system among the financial districts.

19 (2) The apportionment shall be based upon the ratio
20 between the estimated cost of constructing or reconstructing
21 the system in each district and the estimated cost of
22 constructing or reconstructing the entire system within the
23 state.

24 (3) The cost estimates to be used shall be those
25 developed by the department in accordance with the

1 Federal-Aid Highway Act of 1956, as amended."

2 Section 5. Section 32-2611, R.C.M. 1947, is amended to
3 read as follows:

4 "32-2611. Apportionment of state funds to federal-aid
5 urban highways. (1) ~~At--the-beginning-of-each~~ Each fiscal
6 year the department shall apportion state construction funds
7 available for matching federal-aid urban funds to the cities
8 in the state over five thousand (5,000) population in the
9 ratio of urban population in each city to the total urban
10 population in all cities over five thousand (5,000)
11 population in the state.

12 (2) For the purpose of this section, "urban
13 population" is defined as population within the incorporated
14 limits of cities over five thousand (5,000) population and
15 that population within unincorporated urban fringe areas
16 delineated and reported in the latest federal census.

17 (3) To the extent necessary to permit orderly
18 programming and construction of projects, expenditures in
19 any city may exceed the amount apportioned to that city. The
20 amount of any excess expenditures shall be deducted from
21 future apportionments to that city."

22 Section 6. Section 32-2613, R.C.M. 1947, is amended to
23 read as follows:

24 "32-2613. Allocation for safety construction programs.
25 ~~Annually--beginning--July--17--1974, and-at-the-beginning-of~~

1 ~~each~~ Each fiscal year ~~thereafter~~, the department of highways
 2 shall allocate available state construction funds to match
 3 federal-aid highway funds made available by the Federal-Aid
 4 Highway Act of 1973 for the following safety construction
 5 programs: rail-highway crossings, high hazard locations,
 6 elimination of roadside obstacles, safer roads demonstration
 7 and pavement marking demonstration. Such allocation shall be
 8 made from available state construction moneys before the
 9 apportionments provided for in sections 32-2606, 32-2607 and
 10 32-2611, R.C.M. 1947."

11 Section 7. Section 32-2618, R.C.M. 1947, is amended to
 12 read as follows:

13 "32-2618. Apportionment of funds. ~~The department shall~~
 14 ~~at--the--beginning--of--each~~ Each fiscal year the department
 15 shall apportion available state construction funds among the
 16 approved priority primary routes. This apportionment shall
 17 be based on the ratio between the estimated cost of
 18 constructing or reconstructing each selected route and the
 19 estimated cost of constructing or reconstructing all then
 20 approved priority primary routes."

21 Section 8. Section 32-2622, R.C.M. 1947, is amended to
 22 read as follows:

23 "32-2622. Allocation of funds. ~~Annually,--beginning~~
 24 ~~July--17--1974,--and--at--the--beginning--of--each~~ Each fiscal year
 25 ~~thereafter~~, the department shall allocate available state

1 construction funds to match federal-aid highway funds made
 2 available for economic growth center development highways.
 3 Such allocation shall be made from available state
 4 construction moneys before the apportionments provided in
 5 sections 32-2606, 32-2607 and 32-2611, R.C.M. 1947."

6 Section 9. Section 32-2623, R.C.M. 1947, is amended to
 7 read as follows:

8 "32-2623. Apportionment of funds. ~~The department shall~~
 9 ~~at--the--beginning--of--each~~ Each fiscal year the department
 10 shall apportion state construction funds among the approved
 11 economic growth centers as follows:

12 (1) The allocation for the 1974 fiscal year shall be
 13 the ratio of the number of miles of highways that need
 14 upgrading in existence on July 1, 1973, on the primary and
 15 urban systems in each approved growth center's area of
 16 influence to the total number of miles in all approved
 17 growth centers' area of influence that need upgrading.

18 (2) Thereafter, the allocation shall be in the ratio
 19 of the number of miles in existence on July 1 of a fiscal
 20 year on the primary, secondary and urban systems in each
 21 approved growth center's area of influence that need
 22 upgrading to the total number of miles in all approved
 23 growth centers' area of influence that need upgrading.

24 (3) To the extent necessary to permit orderly
 25 programming and construction of projects, expenditures in

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1 any approved growth center may exceed the amount apportioned
2 to the growth center. The amount of any such excess
3 expenditures shall be deducted from future apportionments to
4 that growth center."

-End-

1 SENATE BILL NO. 184

2 INTRODUCED BY GOODOVER, E. SMITH, CONOVER, GREELY, DEVINE

3 (BY REQUEST OF DEPARTMENT OF HIGHWAYS)

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
6 32-2605, 32-2606, 32-2607, 32-2609, 32-2611, 32-2613,
7 32-2618, 32-2622 AND 32-2623, R.C.M. 1947, TO CHANGE THE
8 DATE ON WHICH STATE HIGHWAY CONSTRUCTION FUNDS WILL BE
9 APPORTIONED."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 Section 1. Section 32-2605, R.C.M. 1947, is amended to
13 read as follows:

14 "32-2605. Apportionment of state construction funds.
15 ~~At--the--beginning--of--each~~ Each fiscal year the department
16 shall apportion available state construction funds to the
17 various federal-aid highway systems which are required to
18 match the amounts of federal aid available for expenditure
19 on each respective system. The state's share of the cost of
20 final judgments in court awards made to construction
21 contractors on state highway construction projects during
22 the previous fiscal year may be deducted from funds
23 available prior to the apportionments provided in this
24 section and this cost shall be credited to the accounts of
25 the highway system, financial district, county or urban city

1 involved as an offset to the charges made to the accounts as
2 a result of the final judgment. The deductions may be made
3 only when the amount of these judgments would prohibit or
4 seriously impair the highway construction program in a
5 financial district, county or urban city."

6 Section 2. Section 32-2606, R.C.M. 1947, is amended to
7 read as follows:8 "32-2606. Apportionment of state funds to federal-aid
9 primary highway system. (1) ~~At-the-beginning-of-each~~ Each
10 fiscal year the department shall determine the amount of
11 incompletd mileage of the federal-aid primary system within
12 each of the financial districts.13 (a) As a basis for determination of incompletd
14 mileage, the department shall compare the present condition
15 of the system with the latest approved state standards. Any
16 mileage failing to meet those standards shall be included in
17 the determination as partially completed. The proportion of
18 completion shall be determined by estimating the amount of
19 work which must be performed to complete the highway.20 (2) The department shall then compute the ratio
21 between the incompletd mileage in each district and the
22 total incompletd mileage of the federal-aid primary system
23 in the state.24 (3) The department shall then apportion available
25 state construction funds to the federal-aid primary system

1 in each district on the basis of the computed ratio."

2 Section 3. Section 32-2607, R.C.M. 1947, is amended to
3 read as follows:

4 "32-2607. Apportionment of state funds to federal-aid
5 secondary highway system. (1) ~~At-the-beginning-of-each~~ Each
6 fiscal year the department shall apportion available state
7 construction funds for the federal-aid secondary highway
8 system among the financial districts. The proportion which
9 each district shall receive shall be computed on the
10 following basis:

11 (a) One-fourth (1/4) in the ratio of land area in each
12 district to the total land area in the state.

13 (b) One-fourth (1/4) in the ratio of the rural
14 population in each district to the total rural population in
15 the state.

16 (c) One-fourth (1/4) in the ratio of the rural road
17 mileage in each district to the total rural road mileage in
18 the state.

19 (d) One-fourth (1/4) in the ratio of value of rural
20 lands in each district to the total value of rural lands in
21 the state.

22 (2) Funds apportioned to each district shall be
23 further apportioned to each county in the district on the
24 same basis, considering ratios of land area, rural
25 population, rural road mileage, and value of rural lands. To

1 the extent necessary to permit orderly programming and
2 construction of projects, expenditures in any county may
3 exceed the amount apportioned to that county to the extent
4 of three (3) times the amount of the last apportionment to
5 the county. The amount of any excess expenditures shall be
6 deducted from future apportionments to that county.

7 (3) For the purposes of this section, terms are
8 defined as follows:

9 (a) Rural population--Total population less the
10 population in cities over five thousand (5,000) persons and
11 their unincorporated fringe urban areas as reported in the
12 latest federal census.

13 (i) Federal census population figures shall be
14 adjusted in the interim between censuses in accordance with
15 the percentage of change in annual motor vehicle
16 registration figures for each county.

17 (b) Rural road mileage--All road mileage outside of
18 incorporated cities, exclusive of road mileage on the
19 federal-aid primary highway system and the federal-aid
20 interstate system.

21 (i) Rural road mileage reported by the road inventory
22 of the department shall be used in determining rural road
23 mileage.

24 (c) Value of rural lands--Includes the value of
25 state-owned lands from which the state derives grazing,

1 timber, and agricultural income.

2 (i) The basis for the value of rural lands shall be
3 computed from the latest biennial report of the department
4 of revenue.

5 (ii) The basis for the value of state-owned lands shall
6 be computed from the latest figures on the total grazing,
7 timber, and agricultural lands in each county contained in
8 the latest biennial report of the department of state lands.

9 (iii) The average value of privately owned lands shall
10 be the average value of state-owned lands, if the actual
11 value is not available."

12 Section 4. Section 32-2609, R.C.M. 1947, is amended to
13 read as follows:

14 "32-2609. Apportionment of state funds to federal-aid
15 interstate highway system. (1) ~~At-the-beginning-of-each~~ Each
16 fiscal year the department shall apportion available state
17 construction funds for the federal-aid interstate highway
18 system among the financial districts.

19 (2) The apportionment shall be based upon the ratio
20 between the estimated cost of constructing or reconstructing
21 the system in each district and the estimated cost of
22 constructing or reconstructing the entire system within the
23 state.

24 (3) The cost estimates to be used shall be those
25 developed by the department in accordance with the

1 Federal-Aid Highway Act of 1956, as amended."

2 Section 5. Section 32-2611, R.C.M. 1947, is amended to
3 read as follows:

4 "32-2611. Apportionment of state funds to federal-aid
5 urban highways. (1) ~~At--the-beginning-of-each~~ Each fiscal
6 year the department shall apportion state construction funds
7 available for matching federal-aid urban funds to the cities
8 in the state over five thousand (5,000) population in the
9 ratio of urban population in each city to the total urban
10 population in all cities over five thousand (5,000)
11 population in the state.

12 (2) For the purpose of this section, "urban
13 population" is defined as population within the incorporated
14 limits of cities over five thousand (5,000) population and
15 that population within unincorporated urban fringe areas
16 delineated and reported in the latest federal census.

17 (3) To the extent necessary to permit orderly
18 programming and construction of projects, expenditures in
19 any city may exceed the amount apportioned to that city. The
20 amount of any excess expenditures shall be deducted from
21 future apportionments to that city."

22 Section 6. Section 32-2613, R.C.M. 1947, is amended to
23 read as follows:

24 "32-2613. Allocation for safety construction programs.
25 ~~Annually--beginning--July--17--19747--and-at-the-beginning-of~~

1 ~~each~~ Each fiscal year ~~thereafter~~, the department of highways
 2 shall allocate available state construction funds to match
 3 federal-aid highway funds made available by the Federal-Aid
 4 Highway Act of 1973 for the following safety construction
 5 programs: rail-highway crossings, high hazard locations,
 6 elimination of roadside obstacles, safer roads demonstration
 7 and pavement marking demonstration. Such allocation shall be
 8 made from available state construction moneys before the
 9 apportionments provided for in sections 32-2606, 32-2607 and
 10 32-2611, R.C.M. 1947."

11 Section 7. Section 32-2618, R.C.M. 1947, is amended to
 12 read as follows:

13 "~~32-2618. Apportionment of funds. The department shall~~
 14 ~~at--the--beginning--of--each~~ Each fiscal year the department
 15 shall apportion available state construction funds among the
 16 approved priority primary routes. This apportionment shall
 17 be based on the ratio between the estimated cost of
 18 constructing or reconstructing each selected route and the
 19 estimated cost of constructing or reconstructing all then
 20 approved priority primary routes."

21 Section 8. Section 32-2622, R.C.M. 1947, is amended to
 22 read as follows:

23 "~~32-2622. Allocation of funds. Annually,--beginning~~
 24 ~~July--1,--1974,--and--at--the--beginning--of--each~~ Each fiscal year
 25 ~~thereafter~~, the department shall allocate available state

1 construction funds to match federal-aid highway funds made
 2 available for economic growth center development highways.
 3 Such allocation shall be made from available state
 4 construction moneys before the apportionments provided in
 5 sections 32-2606, 32-2607 and 32-2611, R.C.M. 1947."

6 Section 9. Section 32-2623, R.C.M. 1947, is amended to
 7 read as follows:

8 "~~32-2623. Apportionment of funds. The department shall~~
 9 ~~at--the--beginning--of--each~~ Each fiscal year the department
 10 shall apportion state construction funds among the approved
 11 economic growth centers as follows:

12 (1) The allocation for the 1974 fiscal year shall be
 13 the ratio of the number of miles of highways that need
 14 upgrading in existence on July 1, 1973, on the primary and
 15 urban systems in each approved growth center's area of
 16 influence to the total number of miles in all approved
 17 growth centers' area of influence that need upgrading.

18 (2) Thereafter, the allocation shall be in the ratio
 19 of the number of miles in existence on July 1 of a fiscal
 20 year on the primary, secondary and urban systems in each
 21 approved growth center's area of influence that need
 22 upgrading to the total number of miles in all approved
 23 growth centers' area of influence that need upgrading.

24 (3) To the extent necessary to permit orderly
 25 programming and construction of projects, expenditures in

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1 any approved growth center may exceed the amount apportioned
2 to the growth center. The amount of any such excess
3 expenditures shall be deducted from future apportionments to
4 that growth center."

-End-