

HOUSE BILL NO. 322

INTRODUCED BY MEYER

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE HOUSE

January 19, 1981	Introduced and referred to Committee on Highways and Transportation.
January 31, 1981	Committee recommended bill do pass and be placed on Consent Calendar. Report adopted.
February 2, 1981	Considered correctly engrossed.
February 3, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 4, 1981	Introduced and referred to Committee on Highways and Transportation.
February 12, 1981	Committee recommend bill be concurred in. Report adopted.
February 14, 1981	Second reading, concurred in.
February 17, 1981	Third reading, concurred in. Ayes, 50; Nays, 0.

IN THE HOUSE

February 18, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
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HOUSE BILL NO. 322

INTRODUCED BY *Meyer*

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE APPORTIONMENT OF HIGHWAY FUNDS BASED ON THE AMOUNT AVAILABLE FOR OBLIGATION AND TO CHANGE THE DATE WHEN INFORMATION CONCERNING ALLOCATIONS MUST BE FURNISHED TO THE COUNTY COMMISSIONERS; AMENDING SECTIONS 60-3-204, 60-3-206, 60-3-207, 60-3-208, 60-3-210, 60-3-211, 60-3-214, 60-3-225, AND 60-3-234, MCA."

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

Section 1. Section 60-3-204, MCA, is amended to read:

"60-3-204. Apportionment of state construction funds.

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 obligation 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 60-3-206, MCA, is amended to read:

"60-3-206. Apportionment of state funds to federal-aid secondary highway system. (1) Each fiscal year the department shall apportion available state construction funds for the federal-aid secondary highway system among the financial districts. The proportion which each district shall receive shall be computed on the following basis:

(a) one-fourth in the ratio of land area in each district to the total land area in the state;

(b) one-fourth in the ratio of the rural population in each district to the total rural population in the state;

(c) one-fourth in the ratio of the rural road mileage in each district to the total rural road mileage in the state;

(d) one-fourth in the ratio of value of rural lands in each district to the total value of rural lands in the state.

(2) Funds apportioned to each district shall be further apportioned to each county in the district on the

1 same basis, considering ratios of land area, rural
 2 population, rural road mileage, and value of rural lands. To
 3 the extent necessary to permit orderly programming and
 4 construction of projects, expenditures obligations in any
 5 county may exceed the amount apportioned to that county to
 6 the extent of three times the amount of the last
 7 apportionment to the county. The amount of any excess
 8 expenditures obligations shall be deducted from future
 9 apportionments to that county.

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

12 (a) "Rural population" means total population less the
 13 population in cities over 5,000 persons and their
 14 unincorporated fringe urban areas as reported in the latest
 15 federal census. Federal census population figures shall be
 16 adjusted in the interim between censuses in accordance with
 17 the percentage of change in annual motor vehicle
 18 registration figures for each county.

19 (b) "Rural road mileage" means all road mileage
 20 outside of incorporated cities, exclusive of road mileage on
 21 the federal-aid primary highway system and the federal-aid
 22 interstate system. Rural road mileage reported by the road
 23 inventory of the department shall be used in determining
 24 rural road mileage.

25 (c) "Value of rural lands" includes the value of

1 state-owned lands from which the state derives grazing,
 2 timber, and agricultural income.

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

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

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

13 Section 3. Section 60-3-207, MCA, is amended to read:
 14 "60-3-207. Secondary highway information. On or before
 15 ~~August~~ ~~November~~ 30 of each year, the department shall inform
 16 each board of county commissioners of:

17 (1) the total amount of secondary highway funds and
 18 the amount apportioned to each county;

19 (2) the location of proposed secondary highway
 20 projects, when the information is available;

21 (3) any other matters regarding secondary highway
 22 construction which the department considers advisable and of
 23 interest to the counties."

24 Section 4. Section 60-3-208, MCA, is amended to read:
 25 "60-3-208. Apportionment of state funds to federal-aid

1 off-system roads. (1) Each fiscal year the department of
 2 highways shall apportion to each county available state
 3 construction funds for the purpose of matching federal-aid
 4 off-system road funds. Such apportionment shall be made in
 5 the same manner and on the same basis as provided in
 6 60-3-206.

7 (2) The board of county commissioners shall, in
 8 proposing projects to be constructed with off-system road
 9 funds, consult with the governing body of those cities with
 10 a population under 5,000 persons located within the county.

11 (3) To permit orderly programming and construction of
 12 projects, ~~expenditures obligations~~ by a county may exceed
 13 the amount of off-system road funds available to that county
 14 by no more than 300%. The amount of the excess expenditures
 15 shall be deducted from the future off-system road funds
 16 available to that county."

17 Section 5. Section 60-3-210, MCA, is amended to read:

18 "60-3-210. Increases in ~~expenditures obligations~~. (1)
 19 The department may increase the ~~expenditures obligations~~
 20 made in a financial district to the extent of:

21 (a) 25% more than the amount of money allocated to the
 22 district in the latest year for the federal-aid primary
 23 system or the federal-aid secondary system;

24 (b) 300% more than the amount of money allocated to
 25 the district in the latest year for the federal-aid

1 interstate highway system.

2 (2) The allocation of available state construction
 3 funds to a district for the next succeeding fiscal year
 4 shall be decreased by an amount equal to any increased
 5 ~~expenditures obligations~~."

6 Section 6. Section 60-3-211, MCA, is amended to read:

7 "60-3-211. Apportionment of state funds to federal-aid
 8 urban highways. (1) Each fiscal year the department shall
 9 apportion state construction funds available for matching
 10 federal-aid urban funds to the cities in the state over
 11 5,000 population in the ratio of urban population in each
 12 city to the total urban population in all cities in the
 13 state over 5,000 population.

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

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

24 Section 7. Section 60-3-214, MCA, is amended to read:

25 "60-3-214. Construction or reconstruction of bridges.

1 (1) The department may allocate from state construction
 2 moneys available for the federal-aid highway system up to \$1
 3 million in any fiscal year for the construction or
 4 reconstruction of any major bridge or system of bridges on
 5 the primary or secondary highway systems. This may be done
 6 only when the use of regularly apportioned funds would
 7 prohibit or seriously delay the orderly and necessary
 8 highway construction program in the financial districts.

9 (2) When the department, as a part of its finding of
 10 public necessity, declares that a particular bridge should
 11 be constructed or reconstructed on a designated portion of
 12 the primary or secondary highway, the allocation may be
 13 made. The allocation may be expended obligated to:

14 (a) on primary bridges when the department's estimate
 15 of the cost of construction or reconstruction is in excess
 16 of \$500,000;

17 (b) on secondary bridges when the department's
 18 estimate of the state's share of the cost of construction or
 19 reconstruction is in excess of the total estimated future
 20 regular apportionment of state construction moneys to the
 21 federal-aid secondary system of the county or counties for a
 22 period of 3 years.

23 (3) The allocation shall be made from available state
 24 construction moneys for the primary system before the
 25 apportionment in 60-3-205 and for the secondary system

1 before the apportionment in 60-3-206."

2 Section 8. Section 60-3-225, MCA, is amended to read:
 3 "60-3-225. Excess expenditures obligations. To the
 4 extent necessary to permit orderly programming and
 5 construction of projects, expenditures obligations on any
 6 route may exceed the amount apportioned to that route. The
 7 amount of any such excess expenditures obligations shall be
 8 deducted from future apportionments to that route."

9 Section 9. Section 60-3-234, MCA, is amended to read:
 10 "60-3-234. Apportionment of funds. Each fiscal year
 11 the department shall apportion state construction funds
 12 among the approved economic growth centers as follows:

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

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

25 (3) To the extent necessary to permit orderly

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1 programming and construction of projects, expenditures
2 obligations in any approved growth center may exceed the
3 amount apportioned to the growth center. The amount of any
4 such excess expenditures obligations shall be deducted from
5 future apportionments to that growth center."

-End-

SECOND READING BILL
WAS NOT PRINTED.

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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."

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(b) one-fourth in the ratio of the rural population in each district to the total rural population in the state;

(c) one-fourth in the ratio of the rural road mileage in each district to the total rural road mileage in the state;

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CONSENT CALENDAR

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22 district in the latest year for the federal-aid primary
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8 urban highways. (1) Each fiscal year the department shall
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15 population" is defined as population within the incorporated
16 limits of cities over 5,000 population and that population
17 within unincorporated urban fringe areas delineated and
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24 Section 7. Section 60-3-214, MCA, is amended to read:

25 "60-3-214. Construction or reconstruction of bridges.

1 (1) The department may allocate from state construction
 2 moneys available for the federal-aid highway system up to \$1
 3 million in any fiscal year for the construction or
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 5 the primary or secondary highway systems. This may be done
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9 (2) When the department, as a part of its finding of
 10 public necessity, declares that a particular bridge should
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 12 the primary or secondary highway, the allocation may be
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 3 "60-3-225. Excess expenditures obligations. To the
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 6 route may exceed the amount apportioned to that route. The
 7 amount of any such excess expenditures obligations shall be
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9 Section 9. Section 60-3-234, MCA, is amended to read:
 10 "60-3-234. Apportionment of funds. Each fiscal year
 11 the department shall apportion state construction funds
 12 among the approved economic growth centers as follows:

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 14 the ratio of the number of miles of highways that need
 15 upgrading in existence on July 1, 1973, on the primary and
 16 urban systems in each approved growth center's area of
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19 (2) Thereafter, the allocation shall be in the ratio
 20 of the number of miles that need upgrading in existence on
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1 programming and construction of projects, expenditures
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5 future apportionments to that growth center."

-End-

1 HOUSE BILL NO. 322

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE
6 APPORTIONMENT OF HIGHWAY FUNDS BASED ON THE AMOUNT AVAILABLE
7 FOR OBLIGATION AND TO CHANGE THE DATE WHEN INFORMATION
8 CONCERNING ALLOCATIONS MUST BE FURNISHED TO THE COUNTY
9 COMMISSIONERS; AMENDING SECTIONS 60-3-204, 60-3-206,
10 60-3-207, 60-3-208, 60-3-210, 60-3-211, 60-3-214, 60-3-225,
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19 in each district to the total rural road mileage in the
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23 (3) The allocation shall be made from available state
 24 construction moneys for the primary system before the
 25 apportionment in 60-3-205 and for the secondary system

1 before the apportionment in 60-3-206."

2 Section 8. Section 60-3-225, MCA, is amended to read:
 3 "60-3-225. Excess expenditures obligations. To the
 4 extent necessary to permit orderly programming and
 5 construction of projects, expenditures obligations on any
 6 route may exceed the amount apportioned to that route. The
 7 amount of any such excess expenditures obligations shall be
 8 deducted from future apportionments to that route."

9 Section 9. Section 60-3-234, MCA, is amended to read:
 10 "60-3-234. Apportionment of funds. Each fiscal year
 11 the department shall apportion state construction funds
 12 among the approved economic growth centers as follows:

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

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

25 (3) To the extent necessary to permit orderly

1 programming and construction of projects, expenditures
2 obligations in any approved growth center may exceed the
3 amount apportioned to the growth center. The amount of any
4 such excess expenditures obligations shall be deducted from
5 future apportionments to that growth center."

-End-