

HOUSE BILL NO. 198

Introduced: 01/13/83

Referred to Committee on Highways & Transportation: 01/13/83

Hearing: 1/20/83

Report: 01/26/83, Do Pass, As Amended

2nd Reading: 01/28/83, Do Pass

3rd Reading: 01/31/83, Do Pass

Transmitted to Senate: 1/31/83

Referred to Committee on Highways & Transportation: 02/01/83

Hearing: 2/8/83

Report: 2/16/83, Be Not Concurred In
Bill Killed

1 ~~House~~ BILL NO. 198
2 INTRODUCED BY HARP, Walden
3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EMPOWER THE
6 DEPARTMENT OF HIGHWAYS TO SET FEES FOR THE ISSUANCE OF
7 PERMITS FOR THE USE OR OCCUPANCY OF STATE HIGHWAY
8 RIGHTS-OF-WAY; AMENDING SECTION 60-2-201, MCA."
9

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

11 Section 1. Section 60-2-201, MCA, is amended to read:

12 "60-2-201. General powers of department. (1) The
13 department may plan, lay out, alter, construct, reconstruct,
14 improve, repair, and maintain highways on the federal-aid
15 systems and state highways.

16 (2) The department may cooperate and contract with
17 counties and municipalities to provide assistance in
18 performing these functions on other highways and streets.

19 (3) The department may review and approve projects for
20 the installation of public works on state highway
21 rights-of-way and authorize a county or municipality to let
22 contracts related to such improvements.

23 (4) The department shall adopt necessary rules for the
24 construction, repair, maintenance, and marking of state
25 highways and bridges.

1 ~~(5) The department may adopt rules setting fees for~~
2 ~~the issuance of permits to use or occupy state highway~~
3 ~~rights-of-way."~~

-End-

INTRODUCED BILL

STATE OF MONTANA

REQUEST NO. 111-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 198 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

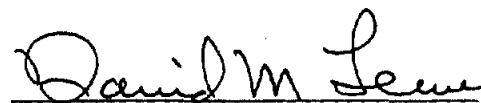
DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 198 empowers the Department of Highways to set fees for the issuance of permits for the use or occupancy of state highway rights-of-way.

FISCAL IMPACT:

The amount of revenue collected will depend on the fees set by the department. Any fees collected would be deposited in the highway earmarked fund.

FISCAL NOTE 5:F/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-20-83

1 STATEMENT OF INTENT

2 HOUSE BILL 198

3 House Highways and Transportation Committee

1 use this rulemaking authority as a revenue measure.

4
5 A statement of intent is required for this bill because
6 it grants rulemaking authority to the Department of Highways
7 to adopt rules setting fees for the issuance of permits to
8 use or occupy state highway rights-of-way.

9 The Legislature intends that the Department have
10 discretion to set such fees. Use of highway right-of-way is
11 a benefit to adjoining landowners as well as other private
12 users. The costs involved in issuing those permits should be
13 borne by those who have the benefit rather than the public
14 at large.

15 In exercising its discretion the Department should
16 consider such factors as administrative costs, necessary
17 inspections to insure compliance with the conditions under
18 which such permits are issued, and value of the use of which
19 a permit is issued.

20 The Department should also address whether the permit
21 allows utilization of excess right-of-way or right-of-way
22 along the roadway, and the purpose for which the permit is
23 issued.

24 The Legislature intends that the fees for permits
25 issued apply only to new permits. The Department shall not

Approved by Committee
on Highways & Transportation

HOUSE BILL NO. 198

INTRODUCED BY HARP, WALDRON

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO EMPOWER THE
DEPARTMENT OF HIGHWAYS TO SET FEES FOR THE ISSUANCE OF
PERMITS FOR THE USE OR OCCUPANCY OF STATE HIGHWAY
RIGHTS-OF-WAY; AMENDING SECTION 60-2-201, MCA."

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

Section 1. Section 60-2-201, MCA, is amended to read:

"60-2-201. General powers of department. (1) The
department may plan, lay out, alter, construct, reconstruct,
improve, repair, and maintain highways on the federal-aid
systems and state highways.

(2) The department may cooperate and contract with
counties and municipalities to provide assistance in
performing these functions on other highways and streets.

(3) The department may review and approve projects for
the installation of public works on state highway
rights-of-way and authorize a county or municipality to let
contracts related to such improvements.

(4) The department shall adopt necessary rules for the
construction, repair, maintenance, and marking of state
highways and bridges.

~~(5) The department may adopt rules setting fees for TO
RECOVER THE COST OF the issuance of permits to use or occupy
state highway rights-of-way."~~

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 198

3 House Highways and Transportation Committee

4
5 A statement of intent is required for this bill because
6 it grants rulemaking authority to the Department of Highways
7 to adopt rules setting fees for the issuance of permits to
8 use or occupy state highway rights-of-way.

9 The Legislature intends that the Department have
10 discretion to set such fees. Use of highway right-of-way is
11 a benefit to adjoining landowners as well as other private
12 users. The costs involved in issuing those permits should be
13 borne by those who have the benefit rather than the public
14 at large.

15 In exercising its discretion the Department should
16 consider such factors as administrative costs, necessary
17 inspections to insure compliance with the conditions under
18 which such permits are issued, and value of the use of which
19 a permit is issued.

20 The Department should also address whether the permit
21 allows utilization of excess right-of-way or right-of-way
22 along the roadway, and the purpose for which the permit is
23 issued.

24 The Legislature intends that the fees for permits
25 issued apply only to new permits. The Department shall not

1 use this rulemaking authority as a revenue measure.

1 HOUSE BILL NO. 198

2 INTRODUCED BY HARP, WALDRON

3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EMPOWER THE
6 DEPARTMENT OF HIGHWAYS TO SET FEES FOR THE ISSUANCE OF
7 PERMITS FOR THE USE OR OCCUPANCY OF STATE HIGHWAY
8 RIGHTS-OF-WAY; AMENDING SECTION 60-2-201, MCA."

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

11 Section 1. Section 60-2-201, MCA, is amended to read:

12 "60-2-201. General powers of department. (1) The
13 department may plan, lay out, alter, construct, reconstruct,
14 improve, repair, and maintain highways on the federal-aid
15 systems and state highways.

16 (2) The department may cooperate and contract with
17 counties and municipalities to provide assistance in
18 performing these functions on other highways and streets.

19 (3) The department may review and approve projects for
20 the installation of public works on state highway
21 rights-of-way and authorize a county or municipality to let
22 contracts related to such improvements.

23 (4) The department shall adopt necessary rules for the
24 construction, repair, maintenance, and marking of state
25 highways and bridges.

1 ~~(5) The department may adopt rules setting fees for TO~~
2 ~~RECOVER THE COST OF the issuance of permits to use or occupy~~
3 ~~state highway rights-of-way."~~

-End-