

SENATE BILL NO. 17

Introduced: 1/3/83

Referred to Committee on Finance & Claims: 1/3/83

Hearing: 2/17/83

Report: 02/18/83, Do Not Pass. Report Adopted.

Bill Killed.

SENATE BILL NO. 17

INTRODUCED BY STIMATZ, HARP, ELLIOTT, PISTORIA, LYNCH, TVEIT

BY REQUEST OF THE JOINT SUBCOMMITTEE ON HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING PAYMENT OF HIGHWAY PATROLMEN FROM THE HIGHWAY EARMARKED SPECIAL REVENUE FUND; AMENDING SECTIONS 15-70-101, 15-71-104, AND 61-10-126, MCA; REPEALING SECTION 44-1-501, MCA; AND PROVIDING AN 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 shall be turned over promptly to the state treasurer who shall place the same in the earmarked special revenue fund to the credit of the department of highways, except those funds hereinbelow allocated to cities, towns, and counties, which funds shall be paid by the state treasurer directly to such cities, towns, and counties.

(1) \$6,500,000 of the funds collected under this chapter shall 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 (a) and (b) hereof:

(a) \$2,950,000 shall 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;

(b) \$3,550,000 shall be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;

(ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the federal-aid interstate system and the federal-aid primary system, within corporate limits bears to the total street and alley mileage, exclusive of the federal-aid interstate system and

1 federal-aid primary system, within the corporate limits of
2 all cities and towns in Montana.

3 (2) All funds hereby allocated to counties, cities,
4 and towns shall be used exclusively for the construction,
5 reconstruction, maintenance, and repair of rural roads, city
6 or town streets and alleys or for the share which such city,
7 town, or county might otherwise expend for proportionate
8 matching of federal funds allocated for the construction of
9 roads or streets which are part of the federal-aid primary
10 or secondary highway system or urban extensions thereto.

11 (3) Upon receipt of the allocation provided herein,
12 the governing bodies of the recipient counties, cities, and
13 towns shall inform the department of highways of the
14 purposes for which the funds will be expended so that the
15 county commissioners, the governing body, and the department
16 of highways may coordinate the expenditure of public funds
17 for road improvements.

18 (4) All funds hereby allocated to counties, cities,
19 and towns shall be disbursed to the lowest responsible
20 bidder according to applicable bidding procedures followed
21 in all cases where the contract for construction,
22 reconstruction, maintenance, or repair is in excess of
23 \$4,000.

24 (5) For the purposes of this section where
25 distribution of funds is made on a basis related to

1 population, the population shall be determined by the last
2 preceding official federal census.

3 (6) For the purposes of this section where
4 determination of mileage is necessary for distribution of
5 funds, it shall be the responsibility of the cities, towns,
6 and counties to furnish to the department of highways and
7 state treasurer a yearly certified statement indicating the
8 total mileage within their respective areas applicable to
9 this chapter. All mileage submitted shall be subject to
10 review and approval by the department of highways.

11 (7) None of the funds authorized by this section shall
12 may be used for the purchase of capital equipment.

13 ~~(8) No money deposited to the credit of the department~~
14 ~~of highways pursuant to this section may be used to pay~~
15 ~~salaries or other benefits to members of the highway~~
16 ~~patrol."~~

17 Section 2. Section 15-71-104, MCA, is amended to read:
18 "15-71-104. Disposition of funds. All taxes collected
19 under this chapter shall be turned over promptly to the
20 state treasurer and the state treasurer shall place the same
21 in the earmarked special revenue fund to the credit of the
22 department of highways. Taxes collected under this chapter
23 may not be expended to pay salaries or benefits to members
24 of the highway patrol."

25 Section 3. Section 61-10-126, MCA, is amended to read:

1 "61-10-126. Deposit of fees. All fees collected under
2 61-10-101 through 61-10-125 shall be forwarded to the state
3 treasurer for deposit in the state highway account in the
4 earmarked special revenue fund and may not be expended to
5 pay salaries or benefits to members of the highway patrol."

6 NEW SECTION Section 4. Repealer. Section 44-1-501,
7 MCA, is repealed.

8 NEW SECTION Section 5. Effective date. This act is
9 effective on July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 005-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 4, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 17 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:

Senate Bill 17 is an act prohibiting payment of Highway Patrol salaries from the highway earmarked special revenue fund.

ASSUMPTIONS:

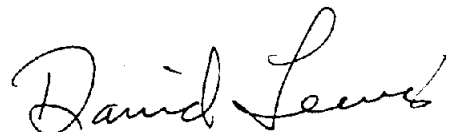
1. Highway Patrol salaries will be paid from the general fund.
2. Any salary increases approved by the 1983 Legislature would be funded from current level personal services budget.
3. One cent of tax on gasoline and diesel fuel yields approximately \$5.0 million per year.

FISCAL IMPACT:

Increase the expenditure from the general fund and decrease the expenditure from the highway earmarked special revenue fund:

	FY 84	FY 85
General	\$5,679,807	\$5,684,564
Highway Earmarked Fund	(5,679,807)	(5,684,564)

FISCAL NOTE1:BB/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-10-83