

HOUSE BILL NO. 470

INTRODUCED BY SPAETH

IN THE HOUSE

January 24, 1985	Introduced and referred to Committee on Local Government.
February 11, 1985	Committee report bill with no recommendation. Bill printed and placed on members' desks.
February 13, 1985	Second reading, do pass as amended.
February 14, 1985	Correctly engrossed.
February 15, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1985	Introduced and referred to Committee on Local Government.
March 15, 1985	Committee recommend bill be concurrent in. Report adopted.
March 21, 1985	Second reading, concurred in.
March 23, 1985	Third reading, concurred in. Ayes, 48; Noes, 0. Returned to House.

IN THE HOUSE

March 25, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 470
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3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A TOWN TO
 5 SPEND 25 PERCENT OF ITS GASOLINE AND VEHICLE FUELS TAX
 6 ALLOCATION ON ROAD CONSTRUCTION AND MAINTENANCE EQUIPMENT;
 7 AMENDING SECTION 15-70-101, MCA; AND PROVIDING AN EFFECTIVE
 8 DATE."
 9

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

11 Section 1. Section 15-70-101, MCA, is amended to read:

12 "15-70-101. Disposition of funds. All taxes, interest,
 13 and penalties collected under this chapter shall be turned
 14 over promptly to the state treasurer who shall place the
 15 same in the state special revenue fund to the credit of the
 16 department of highways. Those funds hereinbelow allocated
 17 to cities, towns, and counties shall be paid by the
 18 department of highways from the state special revenue fund
 19 to such cities, towns, and counties.

20 (1) \$14,000,000 of the funds collected under this
 21 chapter shall be allocated each fiscal year on a monthly
 22 basis to the counties and incorporated cities and towns in
 23 Montana for construction, reconstruction, maintenance, and
 24 repair of rural roads and city or town streets and alleys,
 25 as provided in subsections (a) and (b) hereof:

1 (a) \$6,350,000 shall be divided among the various
 2 counties in the following manner:

3 (i) 40% in the ratio that the rural road mileage in
 4 each county, exclusive of the federal-aid interstate system
 5 and the federal-aid primary system, bears to the total rural
 6 road mileage in the state, exclusive of the federal-aid
 7 interstate system and the federal-aid primary system;

8 (ii) 40% in the ratio that the rural population in each
 9 county outside incorporated cities and towns bears to the
 10 total rural population in the state outside incorporated
 11 cities and towns;

12 (iii) 20% in the ratio that the land area of each
 13 county bears to the total land area of the state;

14 (b) \$7,650,000 shall be divided among the incorporated
 15 cities and towns in the following manner:

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

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

1 all cities and towns in Montana.

2 (2) All funds hereby allocated to counties, cities,
3 and towns shall be used exclusively for the construction,
4 reconstruction, maintenance, and repair of rural roads, city
5 or town streets and alleys or for the share which such city,
6 town, or county might otherwise expend for proportionate
7 matching of federal funds allocated for the construction of
8 roads or streets which are part of the federal-aid primary
9 or secondary highway system or urban extensions thereto,
10 except that the governing body of a town, as defined in
11 7-1-4111, may each year expend no more than 25% of the funds
12 allocated to that town for the purchase of capital equipment
13 to be used for the construction, reconstruction,
14 maintenance, and repair of town streets and alleys.

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

22 (4) All funds hereby allocated to counties, cities,
23 and towns shall be disbursed to the lowest responsible
24 bidder according to applicable bidding procedures followed
25 in all cases where the contract for construction,

1 reconstruction, maintenance, or repair is in excess of
2 \$4,000.

3 (5) For the purposes of this section where
4 distribution of funds is made on a basis related to
5 population, the population shall be determined by the last
6 preceding official federal census.

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

15 (7) None Except by a town as provided in subsection
16 (2), none of the funds authorized by this section shall be
17 used for the purchase of capital equipment.

18 (8) Funds authorized by this section shall be used for
19 construction and maintenance programs only."

20 NEW SECTION. Section 2. Extension of authority. Any
21 existing authority of the department of highways to make
22 rules on the subject of the provisions of this act is
23 extended to the provisions of this act.

24 NEW SECTION. Section 3. Effective date. This act is
25 effective July 1, 1985.

COMM.
ON LOCAL GOVERNMENT
WITHOUT RECOMMENDATION

1 HOUSE BILL NO. 470
2 INTRODUCED BY Spaeth

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A TOWN TO
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6 ALLOCATION ON ROAD CONSTRUCTION AND MAINTENANCE EQUIPMENT;
7 AMENDING SECTION 15-70-101, MCA; AND PROVIDING AN EFFECTIVE
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13 and penalties collected under this chapter shall be turned
14 over promptly to the state treasurer who shall place the
15 same in the state special revenue fund to the credit of the
16 department of highways. Those funds hereinbelow allocated
17 to cities, towns, and counties shall be paid by the
18 department of highways from the state special revenue fund
19 to such cities, towns, and counties.

20 (1) \$14,000,000 of the funds collected under this
21 chapter shall be allocated each fiscal year on a monthly
22 basis to the counties and incorporated cities and towns in
23 Montana for construction, reconstruction, maintenance, and
24 repair of rural roads and city or town streets and alleys,
25 as provided in subsections (a) and (b) hereof:

1 (a) \$6,350,000 shall be divided among the various
2 counties in the following manner:

3 (i) 40% in the ratio that the rural road mileage in
4 each county, exclusive of the federal-aid interstate system
5 and the federal-aid primary system, bears to the total rural
6 road mileage in the state, exclusive of the federal-aid
7 interstate system and the federal-aid primary system;

8 (ii) 40% in the ratio that the rural population in each
9 county outside incorporated cities and towns bears to the
10 total rural population in the state outside incorporated
11 cities and towns;

12 (iii) 20% in the ratio that the land area of each
13 county bears to the total land area of the state;

14 (b) \$7,650,000 shall be divided among the incorporated
15 cities and towns in the following manner:

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

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

1 all cities and towns in Montana.

2 (2) All funds hereby allocated to counties, cities,
3 and towns shall be used exclusively for the construction,
4 reconstruction, maintenance, and repair of rural roads, city
5 or town streets and alleys or for the share which such city,
6 town, or county might otherwise expend for proportionate
7 matching of federal funds allocated for the construction of
8 roads or streets which are part of the federal-aid primary
9 or secondary highway system or urban extensions thereto,
10 except that the governing body of a town, as defined in
11 7-1-4111, may each year expend no more than 25% of the funds
12 allocated to that town for the purchase of capital equipment
13 to be used for the construction, reconstruction,
14 maintenance, and repair of town streets and alleys.

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

22 (4) All funds hereby allocated to counties, cities,
23 and towns shall be disbursed to the lowest responsible
24 bidder according to applicable bidding procedures followed
25 in all cases where the contract for construction,

1 reconstruction, maintenance, or repair is in excess of
2 \$4,000.

3 (5) For the purposes of this section where
4 distribution of funds is made on a basis related to
5 population, the population shall be determined by the last
6 preceding official federal census.

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

15 (7) None Except by a town as provided in subsection
16 (2), none of the funds authorized by this section shall be
17 used for the purchase of capital equipment.

18 (8) Funds authorized by this section shall be used for
19 construction and maintenance programs only."

20 NEW SECTION. Section 2. Extension of authority. Any
21 existing authority of the department of highways to make
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-4-

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5 THIRD-CLASS CITY TO SPEND 25 PERCENT OF ITS GASOLINE AND
6 VEHICLE FUELS TAX ALLOCATION ON ROAD CONSTRUCTION
7 MAINTENANCE AND REPAIR, AND MAINTENANCE EQUIPMENT AND
8 SUPPLIES; AMENDING SECTION 15-70-101, MCA; AND PROVIDING AN
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3 counties in the following manner:

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9 roads or streets which are part of the federal-aid primary
10 or secondary highway system or urban extensions thereto,
11 except that the governing body of a town OR THIRD-CLASS
12 CITY, as defined in 7-1-4111, may each year expend no more
13 than 25% of the funds allocated to that town OR THIRD-CLASS
14 CITY for the purchase of capital equipment AND SUPPLIES to
15 be used for the construction, reconstruction, maintenance,
16 and repair of town OR THIRD-CLASS CITY streets and alleys.

17 (3) Upon receipt of the allocation provided herein,
18 the governing bodies of the recipient counties, cities, and
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HB 0470/02

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-End-