



MARCH 20, 1987

THIRD READING, CONCURRED IN.  
AYES, 41; NOES, 8.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 21, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 359  
 2 INTRODUCED BY Donahoe, Trent Miles, Harry John Anderson  
 3 Brad Lewis, Hoffman, Jeff Cobb, Peter de...  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT \$54,000  
 5 OF THE FUEL TAX REVENUES APPROPRIATED FOR CITIES AND  
 6 COUNTIES BE DESIGNATED FOR THE MONTANA RURAL TECHNICAL  
 7 ASSISTANCE TRANSPORTATION PROGRAM; AMENDING SECTION  
 8 15-70-101, MCA; AND PROVIDING AN EFFECTIVE 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 is statutorily appropriated, as provided in  
 22 17-7-502, to the department of highways and shall be  
 23 allocated each fiscal year on a monthly basis to the  
 24 counties and incorporated cities and towns in Montana for  
 25 construction, reconstruction, maintenance, and repair of

1 rural roads and city or town streets and alleys, as provided  
 2 in subsections (1)(a) and (b) hereof through (1)(c):

3 (a) \$54,000 shall be designated for the purposes and  
 4 functions of the Montana rural technical assistance  
 5 transportation program in Bozeman.

6 ~~(a)(b)~~ \$6,323,000 shall be divided among  
 7 the various counties in the following manner:

8 (i) 40% in the ratio that the rural road mileage in  
 9 each county, exclusive of the federal-aid interstate system  
 10 and the federal-aid primary system, bears to the total rural  
 11 road mileage in the state, exclusive of the federal-aid  
 12 interstate system and the federal-aid primary system;

13 (ii) 40% in the ratio that the rural population in each  
 14 county outside incorporated cities and towns bears to the  
 15 total rural population in the state outside incorporated  
 16 cities and towns;

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

19 ~~(b)(c)~~ \$7,623,000 shall be divided among  
 20 the incorporated cities and towns in the following manner:

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

25 (ii) 50% in the ratio that the city or town street and



1 alley mileage, exclusive of the federal-aid interstate  
2 system and the federal-aid primary system, within corporate  
3 limits bears to the total street and alley mileage,  
4 exclusive of the federal-aid interstate system and  
5 federal-aid primary system, within the corporate limits of  
6 all cities and towns in Montana.

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

21 (3) Upon receipt of the allocation provided herein,  
22 the governing bodies of the recipient counties, cities, and  
23 towns shall inform the department of highways of the  
24 purposes for which the funds will be expended so that the  
25 county commissioners, the governing body, and the department

1 of highways may coordinate the expenditure of public funds  
2 for road improvements.

3 (4) All funds hereby allocated to counties, cities,  
4 and towns shall be disbursed to the lowest responsible  
5 bidder according to applicable bidding procedures followed  
6 in all cases where the contract for construction,  
7 reconstruction, maintenance, or repair is in excess of  
8 \$4,000.

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

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

21 (7) Except by a town or third-class city as provided  
22 in subsection (2), none of the funds authorized by this  
23 section shall be used for the purchase of capital equipment.

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

LC 0867/01

1        NEW SECTION. Section 2. Extension of authority. Any  
2 existing authority of the department of revenue to make  
3 rules on the subject of the provisions of this act is  
4 extended to the provisions of this act.

5        NEW SECTION. Section 3. Effective date. This act is  
6 effective July 1, 1987.

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 House BILL NO. 359  
 2 INTRODUCED BY Dandy Trent Miles Harold Johnson  
 3 Bruno Lewis-Huffman Boyer Cobb Montana Carroll  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT \$54,000  
 5 OF THE FUEL TAX REVENUES APPROPRIATED FOR CITIES AND  
 6 COUNTIES BE DESIGNATED FOR THE MONTANA RURAL TECHNICAL  
 7 ASSISTANCE TRANSPORTATION PROGRAM; AMENDING SECTION  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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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 is statutorily appropriated, as provided in  
 22 17-7-502, to the department of highways and shall be  
 23 allocated each fiscal year on a monthly basis to the  
 24 counties and incorporated cities and towns in Montana for  
 25 construction, reconstruction, maintenance, and repair of

1 rural roads and city or town streets and alleys, as provided  
 2 in subsections (1)(a) and (b)-hereof through (1)(c):

3 (a) \$54,000 shall be designated for the purposes and  
 4 functions of the Montana rural technical assistance  
 5 transportation program in Bozeman.

6 (b) ~~\$6,350,000~~ \$6,323,000 shall be divided among  
 7 the various counties in the following manner:

8 (i) 40% in the ratio that the rural road mileage in  
 9 each county, exclusive of the federal-aid interstate system  
 10 and the federal-aid primary system, bears to the total rural  
 11 road mileage in the state, exclusive of the federal-aid  
 12 interstate system and the federal-aid primary system;

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 14 county outside incorporated cities and towns bears to the  
 15 total rural population in the state outside incorporated  
 16 cities and towns;

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

19 (b)(c) ~~\$7,650,000~~ \$7,623,000 shall be divided among  
 20 the incorporated cities and towns in the following manner:

21 (i) 50% of the sum in the ratio that the population  
 22 within the corporate limits of the city or town bears to the  
 23 total population within corporate limits of all the cities  
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1 alley mileage, exclusive of the federal-aid interstate  
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 3 limits bears to the total street and alley mileage,  
 4 exclusive of the federal-aid interstate system and  
 5 federal-aid primary system, within the corporate limits of  
 6 all cities and towns in Montana.

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

21 (3) Upon receipt of the allocation provided herein,  
 22 the governing bodies of the recipient counties, cities, and  
 23 towns shall inform the department of highways of the  
 24 purposes for which the funds will be expended so that the  
 25 county commissioners, the governing body, and the department

1 of highways may coordinate the expenditure of public funds  
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3 (4) All funds hereby allocated to counties, cities,  
 4 and towns shall be disbursed to the lowest responsible  
 5 bidder according to applicable bidding procedures followed  
 6 in all cases where the contract for construction,  
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 8 \$4,000.

9 (5) For the purposes of this section where  
 10 distribution of funds is made on a basis related to  
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13 (6) For the purposes of this section where  
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 19 All mileage submitted shall be subject to review and  
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21 (7) Except by a town or third-class city as provided  
 22 in subsection (2), none of the funds authorized by this  
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 2 INTRODUCED BY Dorothy Sweet Miles *Harold John Anderson*  
 3 Brandon Lewis Huffman John Cobb *Robert L. Varney*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT \$54,000  
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2 INTRODUCED BY GRADY, TVEIT, MILES, HARP,  
3 ANDERSON, KOLSTAD, BRANDEWIE, HOFFMAN, SCHYE,  
4 COBB, WEEDING, DONALDSON, CORNE', VINCENT,  
5 BRADLEY, ECK

6  
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