HOUSE BILL NO. 196

INTRODUCED BY COBB, JACOBSON

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE HOUSE

JANUARY 16, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

- FEBRUARY 3, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 4, 1989 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 6, 1989 ENGROSSING REPORT.

FEBRUARY 7, 1989 THIRD READING, PASSED. AYES, 96; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

FEBRUARY 15, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

FEBRUARY 28, 1989 SECOND READING, CONCURRED IN.

MARCH 2, 1989 THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 3, 1989

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RECEIVED FROM SENATE.

SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.

LC 0741/01

Hause BILL NO. 196 1 INTRODUCED BY Cabb Strenden 2 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT 5 OF HIGHWAYS FLEXIBILITY IN DOCUMENTING COMPLIANCE WITH б EXPENDITURE REQUIREMENTS FOR FOOTPATHS AND BICYCLE TRAILS; 7 AND AMENDING SECTION 60-3-303, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 60-3-303, MCA, is amended to read: 11 "60-3-303. Footpaths and bicycle trails to be 12 established -- funding. (1) Out-of-the-funds-received-by-the 13 The highway commission or by--any a county or city may 14 expend out of funds received from the state highway 15 16 commission state special revenue fund7 reasonable amounts shall--be--expended--as--necessary for the establishment of 17 footpaths and bicycle trails. Footpaths and bicycle trails 18 may be established and extended to the nearest city or town 19 or termination point of the highway or road wherever a 20 or street is being constructed, 21 highway, road, 22 reconstructed, or relocated. In addition, footpaths and 23 bicycle trails shall must be established along all streets under state jurisdiction. Funds received from the state 24 special revenue fund may also be expended to maintain 25

tana Legislative council

1 footpaths and bicycle trails along other highways, roads,
2 and streets and in parks and recreation areas where <u>if</u> the
3 construction would--enhance <u>enhances</u> traffic safety and
4 convenience. Footpaths and bicycle trails shall <u>must</u> be
5 constructed along all sections of the national defense
6 interstate highway system within a reasonable time after the
7 completion of that system.

8 (2) Footpaths and trails are not required to be
9 established under subsection (1) of this section:

(a) if the cost of establishing the paths and trails
 would--be is excessively disproportionate to the need or
 probable use; or

(b) where <u>if</u> sparsity of population, other available
ways, or other factors indicate an absence of any need for
the paths and trails.

16 (3) The amount expended by the state highway 17 commission or by a city or county as required or permitted 18 by this section shall-never-in-any-one-fiscal--year in any 19 period of 5 consecutive fiscal years may not be less than 20 3/4 of 1% of the amount appropriated to the department of 21 highways from the state special revenue fund for the 22 construction program, maintenance program, and 23 preconstruction program during the same period of 5 24 consecutive fiscal years. The department shall establish 25 accounting procedures to document compliance with this

> -2- INTRODUCED BILL HB 196

LC_0741/01

1 subsection."

NEW SECTION. Section 2. Extension of authority. Any
existing authority to make rules on the subject of the
provisions of [this act] is extended to the provisions of
[this act].

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+End-

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APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

1	HOUSE BILL NO. 196
2	INTRODUCED BY COBB, JACOBSON
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT
6	OF HIGHWAYS FLEXIBILITY IN DOCUMENTING COMPLIANCE WITH
7	EXPENDITURE REQUIREMENTS FOR FOOTPATHS AND BICYCLE TRAILS
8	AND REVISING THOSE REQUIREMENTS; AND AMENDING SECTION
9	60-3-303, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 60-3-303, MCA, is amended to read:
13	"60-3-303. Footpaths and bicycle trails to be

æ established -- funding. (1) Out-of-the-funds-received-by-the 14 15 The highway commission or by--any a county or city may expend-out-of WITH funds received from the state highway 16 commission state special revenue fund7 reasonable-amounts 17 shall-be-expended-as-necessary for-the-establishment-of MAY 18 CONSTRUCT footpaths and bicycle trails. Footpaths and 19 bicycle trails may be established and extended to the 20 nearest city or town or termination point of the highway or 21 road wherever a highway, road, or street is being 22 constructed, reconstructed, or relocated. In addition, 23 footpaths and bicycle trails shall must MAY be established 24 along all streets under state jurisdiction. Funds received 25

1 from the state special revenue fund may also be expended to 2 maintain CONSTRUCT footpaths and bicycle trails along other 3 highways, roads, and streets and in parks and recreation 4 areas where if the construction would--enhance enhances 5 traffic safety and convenience. Footpaths and bicycle б trails shall must MAY be constructed along all sections of 7 the national defense interstate highway system within--a 8 reasonable-time-after-the-completion-of-that-system.

9 (2) Footpaths and trails are MAY not required-to be
10 established under subsection (1) of this section:

11 (a) if the cost of establishing the paths and trails 12 would--be is excessively disproportionate to the need or 13 probable use; or

(b) where if sparsity of population, other available
ways, or other factors indicate an absence of any need for
the paths and trails.

17 (3) The amount--expended---by---the state highway 18 commission or--by-a-city-or-county-as-required-or-permitted 19 by-this-section shall-never-in-any-one-fiscal-year SHALL LET 20 TO CONTRACT in any period of 5 consecutive fiscal years may 21 not be less than 3/4-of-1%-of-the-amount-appropriated-to-the 22 department--of--highways-from-the-state-special-revenue-fund 23 for--the--construction--program7--maintenance--program7--and 24 preconstruction---program during--the--same--period--of--5 consecutive-fiscal-years AN AVERAGE OF \$200,000 PER YEAR FOR 25

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SECOND READING

HB 196

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FOOTPATHS AND BICYCLE TRAILS. The department shall establish
 accounting procedures to document compliance with this
 subsection."
 <u>NEW SECTION.</u> Section 2. Extension of authority. Any

5 existing authority to make rules on the subject of the 6 provisions of [this act] is extended to the provisions of 7 [this act].

-End-

HOUSE BILL NO. 196 1 INTRODUCED BY COBB, JACOBSON 2 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT 5 OF HIGHWAYS FLEXIBILITY IN DOCUMENTING COMPLIANCE WITH 6 7 EXPENDITURE REQUIREMENTS FOR FOOTPATHS AND BICYCLE TRAILS AND REVISING THOSE REQUIREMENTS; AND AMENDING 8 SECTION 60-3-303, MCA." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 60-3-303, MCA, is amended to read: 12 •60-3-303. Footpaths and bicycle trails to be 13 14 established -- funding. (1) Out-of-the-funds-received-by-the The highway commission or by--any a county or city may 15 expend-out-of WITH funds received from the state highway 16 17 commission state special revenue fund; reasonable-amounts shall-be-expended-as-necessary for-the-establishment-of MAY 18 CONSTRUCT footpaths and bicycle trails. Footpaths and 19 bicycle trails may be established and extended to the 20 nearest city or town or termination point of the highway or 21 road wherever a highway, road, or street is being 22 constructed, reconstructed, or relocated. In addition, 23 footpaths and bicycle trails shall must MAY be established 24 along all streets under state jurisdiction. Funds received 25



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10 established under subsection (1) of this section:

11 (a) if the cost of establishing the paths and trails
12 would--be is excessively disproportionate to the need or
13 probable use; or

14 (b) where if sparsity of population, other available
15 ways, or other factors indicate an absence of any need for
16 the paths and trails.

17 (3) The amount--expended---by---the state highway 18 commission or--by-a-city-or-county-as-required-or-permitted 19 by-this-section shall-never-in-any-one-fiscal-year SHALL LET 20 TO CONTRACT in any period of 5 consecutive fiscal years may 21 not be less than 3/4-of-14-of-the-amount-appropriated-to-the 22 department--of--highways-from-the-state-special-revenue-fund 23 for--the--construction--program7--maintenance--program7--and 24 preconstruction---program during--the--same--period--of--5 25 consecutive-fiscal-years AN AVERAGE OF \$200,000 PER YEAR FOR

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-End-

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51st Legislature

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19	CONSTRUCT footpaths and bicycle trails. Footpaths and
20	bicycle trails may be established and extended to the
21	nearest city or town or termination point of the highway or
22	road wherever a highway, road, or street is being
23	constructed, reconstructed, or relocated. In addition,
24	footpaths and bicycle trails shall must MAY be established
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