

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	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 196
2 INTRODUCED BY Cobb
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 AMENDING 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 established -- funding. (1) ~~Out-of-the-funds-received-by-the~~
14 ~~The~~ highway commission or ~~by--any~~ a county or city may
15 expend out of funds received from the state highway
16 commission state special revenue fund; reasonable amounts
17 ~~shall--be--expended--as--necessary~~ for the establishment of
18 footpaths and bicycle trails. Footpaths and bicycle trails
19 may be established and extended to the nearest city or town
20 or termination point of the highway or road wherever a
21 highway, road, or street is being constructed,
22 reconstructed, or relocated. In addition, footpaths and
23 bicycle trails ~~shall~~ must be established along all streets
24 under state jurisdiction. Funds received from the state
25 special revenue fund may also be expended to maintain

1 footpaths and bicycle trails along other highways, roads,
2 and streets and in parks and recreation areas where if the
3 construction ~~would--enhance~~ enhances traffic safety and
4 convenience. Footpaths and bicycle trails ~~shall~~ must 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:

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

13 (b) where if sparsity of population, other available
14 ways, or other factors indicate an absence of any need for
15 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

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1 subsection."

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

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF HIGHWAYS FLEXIBILITY IN DOCUMENTING COMPLIANCE WITH EXPENDITURE REQUIREMENTS FOR FOOTPATHS AND BICYCLE TRAILS AND REVISING THOSE REQUIREMENTS; AND AMENDING SECTION 60-3-303, MCA."

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

Section 1. Section 60-3-303, MCA, is amended to read:

"60-3-303. Footpaths and bicycle trails to be established -- funding. (1) ~~Out-of-the-funds-received-by-the~~ The highway commission or ~~by--any a~~ county or city ~~may~~ expend-out-of WITH funds received from the state highway commission state special revenue fund, ~~reasonable-amounts shall-be-expended-as-necessary-for-the-establishment-of~~ MAY CONSTRUCT footpaths and bicycle trails. Footpaths and bicycle trails may be established and extended to the nearest city or town or termination point of the highway or road wherever a highway, road, or street is being constructed, reconstructed, or relocated. In addition, footpaths and bicycle trails ~~shall must~~ MAY be established along all streets under state jurisdiction. Funds received

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

(2) Footpaths and trails are MAY not required to be 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 if~~ sparsity of population, other available ways, or other factors indicate an absence of any need for the paths and trails.

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

1 FOOTPATHS AND BICYCLE TRAILS. The department shall establish
2 accounting procedures to document compliance with this
3 subsection."

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

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

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