

HOUSE BILL NO. 774

INTRODUCED BY DEBRUYCKER, JENKINS, HAMMOND, DEVLIN,  
CAMPBELL, KASTEN, ZOOK, IVERSON, AKLESTAD, COMPTON,  
ABRAMS, PHILLIPS, STEPPLER, HANSON, JOHNSON,  
DEMARS, GERVAIS, STICKNEY

IN THE HOUSE

MARCH 11, 1989

INTRODUCED AND REFERRED TO COMMITTEE  
ON APPROPRIATIONS.

FIRST READING.

MARCH 16, 1989

ON MOTION, REREFERRED TO COMMITTEE  
ON APPROPRIATIONS.

MARCH 23, 1989

TAKEN FROM THE TABLE BY COMMITTEE

COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON SECOND READING THIS DAY.

SECOND READING, DO PASS.

ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED.  
AYES, 58; NOES, 35.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 31, 1989

INTRODUCED AND REFERRED TO COMMITTEE  
ON RULES.

FIRST READING.

APRIL 6, 1989

ON MOTION, REREFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

COMMITTEE RECOMMEND BILL BE

CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

APRIL 8, 1989

SECOND READING, CONCURRED IN.

APRIL 10, 1989

THIRD READING, CONCURRED IN.  
AYES, 44; NOES, 5.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 11, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 12, 1989

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 774  
 2 INTRODUCED BY Rep. Bruce Jensen, Chairman  
 3 Co-Sponsored by Rep. ARRESTAD, Rep. Hansen, Rep. Johnson,  
 4 Rep. Jensen, Rep. Phillips, Rep. Staples, Rep. Thayer  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO  
 6 THE DEPARTMENT OF HIGHWAYS FOR MAINTENANCE OF CERTAIN COUNTY  
 7 ROADS DESIGNATED BY THE DEPARTMENT FOR MAINTENANCE  
 8 ASSUMPTION IF THE ROADS MEET OILED STANDARDS."  
 9

10 WHEREAS, the State of Montana established a state  
 11 secondary road system in 1961 in which county roads of  
 12 identified statewide importance would be constructed or  
 13 reconstructed to oiled standards by counties at their  
 14 expense, and when the standards were met, the state would  
 15 assume the maintenance responsibility for the road; and

16 WHEREAS, four county roads that were originally  
 17 identified as eligible for state maintenance upon reaching  
 18 oiled standards are not being maintained by the state; and

19 WHEREAS, although section 60-2-203, MCA, enacted in  
 20 1977, prohibits the Department of Highways from abandoning  
 21 maintenance obligations it had assumed by that date, it  
 22 should not be construed to prohibit assumption of later  
 23 maintenance obligations; and

24 WHEREAS, if a county has constructed or  
 25 reconstructed a designated road to oiled standards, it is  
 incumbent upon the state to assume the responsibility for

1 the maintenance of the road.

2  
 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 NEW SECTION. **Section 1.** Appropriation for maintenance  
 5 of roads. There is appropriated for each year of the  
 6 biennium ending June 30, 1991, from the highways state  
 7 special revenue fund to the department of highways the  
 8 following funds for state assumption of maintenance of the  
 9 roads listed below if the roads have been constructed and  
 10 maintained by the appropriate county to the oiled standards  
 11 contemplated by agreement between the department and the  
 12 counties in 1961:

13 <u>Route No.</u>	<u>Location</u>	<u>Amount</u>
14 FAS 242	Malta - North	\$247,590
15 FAS 223	Ft. Benton - Chester	242,546
16 FAS 323	Ekalaka - Alzada	328,744
17 FAS 253	Terry - Brockway	213,661

-End-

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

## HOUSE BILL NO. 774

INTRODUCED BY DEBRUYCKER, JENKINS, HAMMOND, DEVLIN,  
CAMPBELL, KASTEN, ZOOK, IVERSON, AKLESTAD, COMPTON,  
ABRAMS, PHILLIPS, STEPPLER, HANSON, JOHNSON,  
DEMARS, GERVAIS, STICKNEY

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY--TO  
THE DEPARTMENT OF HIGHWAYS FOR MAINTENANCE OF CERTAIN COUNTY  
ROADS---DESIGNATED---BY---THE---DEPARTMENT---FOR---MAINTENANCE  
ASSUMPTION IF THE ROADS MEET OILED STANDARDS; REQUIRING THE  
DEPARTMENT OF HIGHWAYS TO ASSUME THE MAINTENANCE OF CERTAIN  
ROADS."

WHEREAS, the State of Montana established a state  
secondary road system in 1961 in which county roads of  
identified statewide importance would be constructed or  
reconstructed to oiled standards by counties at their  
expense, and when the standards were met, the state would  
assume the maintenance responsibility for the road; and

WHEREAS, four county roads that were originally  
identified as eligible for state maintenance upon reaching  
oiled standards are not being maintained by the state; and

WHEREAS, although section 60-2-203, MCA, enacted in  
1977, prohibits the Department of Highways from abandoning  
maintenance obligations it had assumed by that date, it

should not be construed to prohibit assumption of later  
maintenance obligations; and

WHEREAS, if a county has constructed or reconstructed a  
designated road to oiled standards, it is incumbent upon the  
state to assume the responsibility for the maintenance of  
the road.

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

NEW SECTION. Section 1. Appropriation for maintenance  
of--roads---There--is--appropriated--for--each--year--of--the  
biennium--ending--June--30--1991--from--the--highways--state  
special--revenue--fund--to--the--department--of--highways--the  
following--funds--for--state--assumption--of--maintenance--of--the  
roads--listed--below--if--the--roads--have--been--constructed--and  
maintained--by--the--appropriate--county--to--the--oiled--standards  
contemplated--by--agreement--between--the--department--and--the  
counties--in--1961:

Route-Not	Location	Amount
PAS-242	Malta---North	\$247,590
PAS-223	Ft.-Benton---Chester	242,546
PAS-323	Bkaiaka---Alzada	320,744
PAS-253	Terry---Brockway	213,661

ASSUMPTION OF MAINTENANCE. THE DEPARTMENT OF HIGHWAYS SHALL,  
AS OF JULY 1, 1989, ASSUME MAINTENANCE OF THE FOLLOWING  
ROAD:

HB 0774/02

1	<u>ROUTE NO.</u>	<u>LOCATION</u>
2	<u>FAS 223</u>	<u>FT. BENTON-CHESTER</u>

-End-

## HOUSE BILL NO. 774

INTRODUCED BY DEBRUYCKER, JENKINS, HAMMOND, DEVLIN,  
CAMPBELL, KASTEN, ZOOK, IVERSON, AKLESTAD, COMPTON,  
ABRAMS, PHILLIPS, STEPLER, HANSON, JOHNSON,  
DEMARS, GERVAIS, STICKNEY

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY--TO  
THE DEPARTMENT OF HIGHWAYS FOR MAINTENANCE OF CERTAIN COUNTY  
ROADS---DESIGNATED---BY---THE---DEPARTMENT---FOR---MAINTENANCE  
ASSUMPTION IF THE ROADS MEET OILED STANDARDS: REQUIRING THE  
DEPARTMENT OF HIGHWAYS TO ASSUME THE MAINTENANCE OF CERTAIN  
ROADS."

WHEREAS, the State of Montana established a state  
secondary road system in 1961 in which county roads of  
identified statewide importance would be constructed or  
reconstructed to oiled standards by counties at their  
expense, and when the standards were met, the state would  
assume the maintenance responsibility for the road; and

WHEREAS, four county roads that were originally  
identified as eligible for state maintenance upon reaching  
oiled standards are not being maintained by the state; and

WHEREAS, although section 60-2-203, MCA, enacted in  
1977, prohibits the Department of Highways from abandoning  
maintenance obligations it had assumed by that date, it

should not be construed to prohibit assumption of later  
maintenance obligations; and

WHEREAS, if a county has constructed or reconstructed a  
designated road to oiled standards, it is incumbent upon the  
state to assume the responsibility for the maintenance of  
the road.

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

NEW SECTION. Section 1. Appropriation for maintenance  
of roads.---There---is---appropriated---for---each---year---of---the  
biennium ending June 30, 1991, from the highways state  
special revenue fund to the department of highways the  
following funds for state assumption of maintenance of the  
roads listed below if the roads have been constructed and  
maintained by the appropriate county to the oiled standards  
contemplated by agreement between the department and the  
counties in 1961:

Route No.	Location	Amount
PAS-242	Malta---North	\$247,590
PAS-223	Pt.-Benton---Chester	242,546
PAS-323	Ekaiaka---Aizada	320,744
PAS-253	Terry---Brockway	213,661

ASSUMPTION OF MAINTENANCE. THE DEPARTMENT OF HIGHWAYS SHALL,  
AS OF JULY 1, 1989, ASSUME MAINTENANCE OF THE FOLLOWING  
ROAD:

HB 0774/02

1	<u>ROUTE NO.</u>	<u>LOCATION</u>
2	<u>FAS 223</u>	<u>FT. BENTON-CHESTER</u>

-End-

SENATE STANDING COMMITTEE REPORT

April 6, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 774 (third reading copy -- blue), respectfully report that HB 774 be amended and as amended be concurred in.

Sponsor: DeBruycker (Jenkins)

1. Title, line 11.

Strike: "ASSUME"

Insert: "ASSIST IN"

Following: "MAINTENANCE OF"

Insert: "A"

2. Title, line 12.

Strike: "ROAD"

Insert: "ROADS; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2.

Strike: lines 23 through 25 in their entirety

Insert: "Maintenance assistance. The department of highways shall assist in the maintenance of FAS 223, Fort Benton -- Chester."

4. Page 3.

Strike: lines 1 and 2 in their entirety.

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on July 1, 1989."

AND AS AMENDED BE CONCURRED IN

Signed: *Sen. Tveit*  
Larry J. Tveit, Chairman

SENATE  
HB 774



## 1 HOUSE BILL NO. 774

2 INTRODUCED BY DEBRUYCKER, JENKINS, HAMMOND, DEVLIN,  
3 CAMPBELL, KASTEN, ZOOK, IVERSON, AKLESTAD, COMPTON,  
4 ABRAMS, PHILLIPS, STEPPLER, HANSON, JOHNSON,  
5 DEMARS, GERVAIS, STICKNEY

6  
7 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY--TO  
8 THE DEPARTMENT OF HIGHWAYS FOR MAINTENANCE OF CERTAIN COUNTY  
9 ROADS---DESIGNATED---BY---THE---DEPARTMENT---FOR---MAINTENANCE  
10 ASSUMPTION IF THE ROADS MEET OILED STANDARDS; REQUIRING THE  
11 DEPARTMENT OF HIGHWAYS TO ASSUME ASSIST IN THE MAINTENANCE  
12 OF A CERTAIN ROADS ROAD; AND PROVIDING AN EFFECTIVE DATE."

13  
14 WHEREAS, the State of Montana established a state  
15 secondary road system in 1961 in which county roads of  
16 identified statewide importance would be constructed or  
17 reconstructed to oiled standards by counties at their  
18 expense, and when the standards were met, the state would  
19 assume the maintenance responsibility for the road; and

20 WHEREAS, four county roads that were originally  
21 identified as eligible for state maintenance upon reaching  
22 oiled standards are not being maintained by the state; and

23 WHEREAS, although section 60-2-203, MCA, enacted in  
24 1977, prohibits the Department of Highways from abandoning  
25 maintenance obligations it had assumed by that date, it

1 should not be construed to prohibit assumption of later  
2 maintenance obligations; and

3 WHEREAS, if a county has constructed or reconstructed a  
4 designated road to oiled standards, it is incumbent upon the  
5 state to assume the responsibility for the maintenance of  
6 the road.

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. Section 1. Appropriation for maintenance  
10 of roads;--There--is--appropriated--for--each--year--of--the  
11 biennium--ending--June--30,--1991--from--the--highways--state  
12 special--revenue--fund--to--the--department--of--highways--the  
13 following--funds--for--state--assumption--of--maintenance--of--the  
14 roads--listed--below--if--the--roads--have--been--constructed--and  
15 maintained--by--the--appropriate--county--to--the--oiled--standards  
16 contemplated--by--agreement--between--the--department--and--the  
17 counties--in--1961:

Route-No.	Location	Amount
PAS-242	Malta---North	\$247,590
PAS-223	Pt.-Benton---Chester	242,546
PAS-323	Ekakaka---Aizada	328,744
PAS-253	Terry---Brockway	213,661

23 ASSUMPTION--OF--MAINTENANCE; MAINTENANCE ASSISTANCE. THE  
24 DEPARTMENT OF HIGHWAYS SHALL, AS OF--JULY--1,--1989,--ASSUME  
25 MAINTENANCE OF THE FOLLOWING ROAD:

HB 0774/03

<u>ROUTE-NO.</u>	<u>LOCATION</u>
<u>PAS-223</u>	<u>PT.-BENTON-CHESTER</u>
<u>THE DEPARTMENT OF HIGHWAYS SHALL ASSIST IN THE</u>	
<u>MAINTENANCE OF PAS 223, FORT BENTON -- CHESTER.</u>	
<u>NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT]</u>	
<u>IS EFFECTIVE JULY 1, 1989.</u>	

-End-