

HOUSE BILL 415

Introduced by Knox, et al.

1/30	Introduced
1/30	Referred to Local Government
1/30	First Reading
2/11	Hearing
2/11	Tabled in Committee

1 House BILL NO. 415
 2 INTRODUCED BY Knox-Gardner Larson Rehbein
 3 M. Hanson Peter Swanson Richard William David Clayton
 4 Mason Keller L. Nelson Chitel Scott Brink Mason
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF
 6 COUNTY COMMISSIONERS TO ABANDON A COUNTY ROAD BY RESOLUTION;
 7 AND AMENDING SECTIONS 7-14-2103, 7-14-2601, 7-14-2603, AND
 8 7-14-2604, MCA."

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

10 **Section 1.** Section 7-14-2103, MCA, is amended to read:

11 "7-14-2103. Duties of county commissioners concerning
 12 county roads. (1) Each board of county commissioners has
 13 general supervision over the county roads within the county.

14 (2) Each board shall survey, view, lay out, record,
 15 open, work, and maintain county roads which that are
 16 petitioned for by freeholders. Guideposts shall must be
 17 erected.

18 (3) Each board shall discontinue or abandon county
 19 roads when freeholders properly petition therefor for
 20 discontinuance or abandonment.

21 (4) Notwithstanding other provisions of law, a board
 22 may discontinue or abandon a county road that has not been
 23 maintained by the county for at least 20 years."

24 **Section 2.** Section 7-14-2601, MCA, is amended to read:

25 "7-14-2601. Petition to establish, alter, or abandon a

1 county road -- abandonment by county commissioners. (1) (a)
 2 Any 10, or a majority, of the freeholders of a road district
 3 taxable therein for road purposes may petition the board in
 4 writing to open, establish, construct, change, abandon, or
 5 discontinue any county road in the district.

6 †2†(b) When the road petitioned for is on the dividing
 7 line between two counties, the same procedure must be
 8 followed except that a copy of the petition must be
 9 presented to each board. The two boards shall act jointly.

10 (2) (a) The board may by resolution abandon a county
 11 road that has not been maintained by the county for at least
 12 20 years.

13 (b) When the road that the board seeks to abandon is on
 14 the dividing line between two counties, the board shall give
 15 written notice of its intent to abandon the road to the
 16 board of the adjacent county, and the two boards shall act
 17 jointly. The road may not be abandoned without the
 18 concurrence of the board of the adjacent county.

19 (3) As used in this part, unless the context requires
 20 otherwise:

21 (a) "board" means the board of county commissioners;

22 (b) "abandonment" means cessation of use of
 23 right-of-way (easement) or activity thereon on the
 24 right-of-way with no intention to reclaim or use again and
 25 is sometimes called "vacation".

1 **Section 3.** Section 7-14-2603, MCA, is amended to read:

2 "7-14-2603. Investigation of-request concerning road --
3 decision. (1) At its next regular or special meeting or in
4 any case at a date within 30 days after filing of any
5 petition or after passage of a resolution to abandon a road,
6 the board shall cause an investigation to be made of the
7 feasibility, desirability, and cost of granting the-prayer
8 of the petition or the proposed abandonment. At the same
9 time, the board shall by certified mail notify the owners of
10 the land abutting on the road proposed for abandonment. The
11 owners must be those listed on the last county assessment
12 roll. The investigation ~~shall~~ must be sufficient to properly
13 determine the merits or demerits of the petition proposal.

14 (2) ~~No--more--than--one~~ One member of the board and the
15 county surveyor shall make the investigation.

16 (3) After considering the-petition-and the results of
17 the investigation, the board shall make an entry of its
18 decision on the minutes."

19 **Section 4.** Section 7-14-2604, MCA, is amended to read:

20 "7-14-2604. Notice of decision on-petition. Within 10
21 days thereafter after a decision, the board shall cause
22 notice of its decision to be sent by certified mail to all
23 owners of land abutting on the road petitioned-for affected
24 by the decision. The owners ~~shall~~ must be those listed on
25 the last county assessment roll."

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