

SENATE BILL 49

Introduced by Bianchi, et al.

12/23	Introduced
12/23	Referred to Local Government
1/04	First Reading
1/12	Hearing
1/20	Committee Report--Bill Passed as Amended
1/22	2nd Reading Passed as Amended
1/23	3rd Reading Passed

	Transmitted to House
1/25	First Reading
1/25	Referred to Local Government
3/11	Hearing
3/16	Tabled in Committee

1 SENATE BILL NO. 49

2 INTRODUCED BY BIANCHI

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING A COUNTY
5 ROAD; AND AMENDING SECTIONS 7-14-2101 AND 60-1-201, MCA."6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 7-14-2101, MCA, is amended to read:

9 "7-14-2101. General powers of county relating to roads
10 and bridges. (1) The board of county commissioners, under
11 such limitations and restrictions as are prescribed by law,
12 may:13 (a) (i) lay out, maintain, control, and manage county
14 roads and bridges within the county;15 (ii) levy taxes therefor for roads and bridges as
16 provided by law;17 (b) (i) in the exercise of sound discretion, jointly
18 with other counties, lay out, maintain, control, manage, and
19 improve county roads and bridges in adjacent counties,
20 wholly or in such part as may be agreed upon between the
21 boards of the counties concerned;22 (ii) levy taxes therefor for joint county roads and
23 bridges as provided by law;24 (c) (i) enter into agreements for adjusted annual
25 contributions over not more than 6 years toward the cost of1 joint highway or bridge construction projects entered into
2 in cooperation with other counties, the state, or the United
3 States;4 (ii) place ~~such~~ a project in the budget and levy taxes
5 therefor for it as provided by law.6 (2) (a) Unless the context requires otherwise, county
7 road means any a public highway opened, established,
8 constructed, maintained, abandoned, or discontinued by a
9 county in accordance with this chapter and a road that was
10 created:11 (i) by petition;12 (ii) by common-law dedication;13 (iii) by prescription; or14 (iv) in accordance with 43 U.S.C. 932, now repealed.15 (b) Unless the context requires otherwise, bridge
16 includes rights-of-way or other interest in land, abutments,
17 superstructures, piers, and approaches except dirt fills."

18 Section 2. Section 60-1-201, MCA, is amended to read:

19 "60-1-201. Classification -- highways and roads. (1)
20 Public highways of this state are classified as follows:

21 (a) federal-aid highways;

22 (b) state highways;

23 (c) county roads;

24 (d) city streets.

25 (2) All highways which that are not designated,

1 selected, or established by the commission or constructed or
2 maintained by the department are county roads or city
3 streets.

4 (3) County roads are those opened, established,
5 constructed, maintained, changed, abandoned, or discontinued
6 by a county in accordance with Title 7, chapter 14, and
7 those that were created:

8 (a) by petition;

9 (b) by common-law dedication;

10 (c) by prescription; or

11 (d) in accordance with 43 U.S.C. 932, now repealed.

12 (4) City streets are those public highways under the
13 jurisdiction of municipal officials."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 49

INTRODUCED BY BIANCHI, EWER, HARPER, MOLNAR, WATERMAN,
ECK, SWANSON, KENNEDY, WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING A COUNTY
ROAD; AND AMENDING SECTIONS 7-14-2101 AND 60-1-201, MCA."

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and bridges. (1) The board of county commissioners, under
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may:

(a) (i) lay out, maintain, control, and manage county
roads and bridges within the county;

(ii) levy taxes therefor for roads and bridges as
provided by law;

(b) (i) in the exercise of sound discretion, jointly
with other counties, lay out, maintain, control, manage, and
improve county roads and bridges in adjacent counties,
wholly or in such part as may be agreed upon between the
boards of the counties concerned;

(ii) levy taxes therefor for joint county roads and
bridges as provided by law;

(c) (i) enter into agreements for adjusted annual

contributions over not more than 6 years toward the cost of
joint highway or bridge construction projects entered into
in cooperation with other counties, the state, or the United
States;

(ii) place such a project in the budget and levy taxes
therefor for it as provided by law.

(2) (a) Unless the context requires otherwise, county
road means any a public highway opened, established,
constructed, maintained, abandoned, or discontinued by a
county in accordance with this chapter and a road that was
created:

(i) by petition AND ACCEPTANCE BY LOCAL AUTHORITIES;

(ii) by common-law dedication AND ACCEPTANCE BY LOCAL
AUTHORITIES;

(iii) by prescription AND ASSERTION OF CONTROL BY LOCAL
AUTHORITIES; or

(iv) in accordance with 43 U.S.C. 932, now repealed.

(b) Unless the context requires otherwise, bridge
includes rights-of-way or other interest in land, abutments,
superstructures, piers, and approaches except dirt fills."

Section 2. Section 60-1-201, MCA, is amended to read:

"60-1-201. Classification -- highways and roads. (1)
Public highways of this state are classified as follows:

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(b) state highways;

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2 (d) city streets.
3 (2) All highways which that are not designated,
4 selected, or established by the commission or constructed or
5 maintained by the department are county roads or city
6 streets.
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8 constructed, maintained, changed, abandoned, or discontinued
9 by a county in accordance with Title 7, chapter 14, and
10 those that were created:
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12 (b) by common-law dedication AND ACCEPTANCE BY LOCAL
13 AUTHORITIES;
14 (c) by prescription AND ASSERTION OF CONTROL BY LOCAL
15 AUTHORITIES; or
16 (d) in accordance with 43 U.S.C. 932, now repealed.
17 (4) City streets are those public highways under the
18 jurisdiction of municipal officials."

-End-

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roads and bridges within the county;

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provided by law;

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with other counties, lay out, maintain, control, manage, and
improve county roads and bridges in adjacent counties,
wholly or in such part as may be agreed upon between the
boards of the counties concerned;

(ii) levy taxes therefor for joint county roads and
bridges as provided by law;

(c) (i) enter into agreements for adjusted annual

contributions over not more than 6 years toward the cost of
joint highway or bridge construction projects entered into
in cooperation with other counties, the state, or the United
States;

(ii) place such a project in the budget and levy taxes
therefor for it as provided by law.

(2) (a) Unless the context requires otherwise, county
road means any a public highway opened, established,
constructed, maintained, abandoned, or discontinued by a
county in accordance with this chapter and a road that was
created:

(i) by petition AND ACCEPTANCE BY LOCAL AUTHORITIES;

(ii) by common-law dedication AND ACCEPTANCE BY LOCAL
AUTHORITIES; OR

(iii) by prescription, AS DETERMINED BY THE DISTRICT
COURT, AND ASSERTION OF CONTROL BY LOCAL AUTHORITIES; -or

~~(iv) in accordance with 43-8-87-932, now repealed.~~

(b) Unless the context requires otherwise, bridge
includes rights-of-way or other interest in land, abutments,
superstructures, piers, and approaches except dirt fills."

Section 2. Section 60-1-201, MCA, is amended to read:

"60-1-201. Classification -- highways and roads. (1)
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4 selected, or established by the commission or constructed or
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6 streets.

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8 constructed, maintained, changed, abandoned, or discontinued
9 by a county in accordance with Title 7, chapter 14, and
10 those that were created:

11 (a) by petition AND ACCEPTANCE BY LOCAL AUTHORITIES;

12 (b) by common-law dedication AND ACCEPTANCE BY LOCAL
13 AUTHORITIES; OR

14 (c) by prescription, AS DETERMINED BY THE DISTRICT
15 COURT, AND ASSERTION OF CONTROL BY LOCAL AUTHORITIES;-or

16 ~~(d)--in-accordance-with-43-U.S.C.-932,-now-repeated.~~

17 (4) City streets are those public highways under the
18 jurisdiction of municipal officials."

-End-