

SENATE BILL 50

Introduced by Bianchi

12/23	Introduced
12/23	Referred to Local Government
1/04	First Reading
1/12	Hearing
1/20	Committee Report--Bill Not Passed
1/20	Adverse Committee Report Adopted
1/21	Motion Failed To Reconsider Adoption of Adverse Committee Report

SENATE BILL NO. 50  
INTRODUCED BY BIANCHI

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO COUNTY ROADS; PROVIDING FOR A PRIMITIVE COUNTY ROAD; REQUIRING A COUNTY TO OFFER CERTAIN ROADS TO OTHER PUBLIC AGENCIES BEFORE THE ROADS MAY BE ABANDONED; AND AMENDING SECTIONS 7-14-2101 AND 7-14-2603, MCA."

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

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

"7-14-2101. General powers of county relating to roads and bridges. (1) The board of county commissioners, under such limitations and restrictions as are prescribed by law, 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.

(b) A primitive county road is a road or any portion of a road that is in a condition that makes vehicular traffic difficult.

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

NEW SECTION. **Section 2.** Primitive county road designation -- maintenance. (1) A county may designate a county road or any portion of a county road as a primitive county road. Signs must be erected indicating the designation and warning of the road's condition.

(2) A county is not responsible for maintaining a primitive county road unless the county includes the road in

determining its portion of the gasoline tax allocation.

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

"7-14-2603. Investigation of request concerning road -- decision. (1) At its next regular or special meeting or in any case at a date within 30 days after filing of any a petition, the board shall ~~cause an investigation to be made~~ of investigate the feasibility, desirability, and cost of granting ~~the prayer of~~ the petition. The investigation shall ~~must~~ be sufficient to properly determine the merits or demerits of the petition.

(2) No more than one member of the board and the county surveyor shall make the investigation.

(3) If a road proposed for abandonment provides or has the potential to provide access to state or federal land or water, the board shall offer the road to the state or federal agency responsible for the management of the land or water in question.

~~(3)~~(4) After considering the petition and the results of the investigation, the board shall make an entry of its decision on the minutes. The entry must include evidence of the offer made pursuant to subsection (3) and any subsequent response."

**NEW SECTION. Section 4.** Codification instruction. [Section 2] is intended to be codified as an integral part of Title 7, chapter 14, part 21, and the provisions of Title

7, chapter 14, part 21, apply to [section 2].

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