

HOUSE BILL NO. 369

INTRODUCED BY J. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COUNTY ROAD MAINTENANCE DISTRICT;
REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT UPON RECEIPT
OF A SUFFICIENT PETITION; ALLOWING FOR ASSESSMENT OF COSTS TO FUND THE DISTRICT;
REQUIRING THE COUNTY TO SUBTRACT THE COST OF THE DISTRICT FROM THE TOTAL COUNTY
GENERAL FUND; PROVIDING FOR CONTINGENT VOIDNESS; AND AMENDING SECTION 15-10-420,
MCA."

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

NEW SECTION. **Section 1. County road maintenance district authorized.** (1) If the board of
county commissioners has indicated by a vote of the board, correspondence, or other board action that the
board no longer intends to provide road maintenance services on roads previously maintained by the county
and owned by an entity other than the county, the board of county commissioners is authorized to create a
county road maintenance district pursuant to [section 2].

(2) The district may include road miles under the jurisdiction of an entity other than the county if the
entity and the county road maintenance district have entered into a memorandum of understanding that
provides authority to the county road maintenance district to maintain the road miles.

(3) Unless otherwise provided for in [sections 1 through 3], a county road maintenance district is
governed by the provisions of Title 7, chapter 12, part 21, for rural improvement districts that are applicable to
road maintenance.

(4) As used in [sections 1 through 3], "maintenance" includes but is not limited to sprinkling,
graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow
removal, leaf and debris removal, the operation, maintenance, and repair of traffic signal systems, the repair of
traffic signs, the placement and maintenance of pavement markings, and curb and gutter repair.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) In a county that contains a county road maintenance district created pursuant to [section 2], the amount of property taxes actually assessed pursuant to subsection (1) must be reduced by the total dollar amount assessed under [section 3].

~~(11)~~(12)The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit."

NEW SECTION. Section 5. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 7, chapter 12, and the provisions of Title 7, chapter 12, apply to [sections 1 through 3].

NEW SECTION. Section 6. Contingent voidness. If a county has announced plans to reduce road maintenance on roads previously maintained by the county and the county enters into a long-term agreement with a homeowners' association or other legal entity representing the property owners affected by the potential reduction in road maintenance and the agreement provides for the future reconstruction and maintenance, including snow plowing, of the roads, then [this act] is void.

- END -