

## 1 HOUSE BILL NO. 583

2 INTRODUCED BY R. BROWN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A COUNTY AND A MUNICIPALITY TO ESTABLISH  
5 A TRANSPORTATION IMPROVEMENT AUTHORITY."

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

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9 NEW SECTION. **Section 1. Purpose.** The purpose of a transportation improvement authority is to  
10 blend the interests of local, state, and federal governments with the interests of the general public and the  
11 business community to build, modify, or improve transportation facilities and systems within its jurisdiction.

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13 NEW SECTION. **Section 2. Transportation improvement authority.** (1) A county and a municipality  
14 within a county may, by joint resolution, create a transportation improvement authority authorized to exercise  
15 its functions upon the appointment and qualification of the first commissioners.16 (2) (a) Except as provided in subsection (3), the resolution creating the transportation improvement  
17 authority must create a board of nine commissioners appointed as follows:

18 (i) two county officials appointed by the county commissioners;

19 (ii) two public members appointed by the county commissioners;

20 (iii) two municipal officials appointed by the governing body of the municipality;

21 (iv) two public members appointed by the governing body of the municipality; and

22 (v) one member appointed by the governor.

23 (b) The public members must be knowledgeable about transportation issues.

24 (c) The resolution must state the terms of the commissioners and their compensation, if any.

25 (3) A transportation improvement authority may be increased to serve one or more additional counties  
26 or municipalities if each additional county or municipality, each county and municipality included in the authority,  
27 and the commissioners of the authority adopt a joint resolution consenting to the increase. The number of  
28 additional commissioners to be appointed must be provided for in the joint resolution.29 (4) A transportation improvement authority may be dissolved if each municipality and county included  
30 in the authority and the commissioners of the authority consent to the dissolution. Provisions must be made for

1 the retention or disposition of the authority's assets and liabilities.

2 (5) A county or municipality may not adopt a resolution authorized by this section without a public  
3 hearing. Notice must be given as provided in 7-1-2121 or 7-1-4127.

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5 **NEW SECTION. Section 3. Commissioners.** (1) The powers of each transportation improvement  
6 authority are vested in the commissioners. A majority of the commissioners of an authority constitute a quorum  
7 for the purpose of conducting the business of the authority and exercising its powers for all other purposes.  
8 Action may be taken by the authority upon a vote of the majority of the commissioners present.

9 (2) There must be elected a presiding officer and vice presiding officer from among the commissioners.  
10 An authority shall employ an executive director and may employ other personnel as necessary. An authority shall  
11 determine the qualifications, duties, and compensation of its employees.

12 (3) Each commissioner shall hold office until a successor is appointed and has qualified. The certificate  
13 of the appointment or reappointment of a commissioner must be filed with the authority.

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15 **NEW SECTION. Section 4. Cooperation of county and municipality.** For the purpose of cooperating  
16 in the planning, construction, or operation of transportation facilities, a county and a municipality for which a  
17 transportation improvement authority has been created may:

18 (1) lend or donate money to the authority;

19 (2) provide that all or a portion of the taxes or funds available or required by law to be used by the  
20 county or municipality for transportation purposes be transferred to the authority as the funds become available;

21 (3) furnish facilities or improvements that the county or municipality is empowered to provide in  
22 connection with the transportation facilities;

23 (4) dedicate, sell, convey, or lease an interest in property or grant easements, licenses, or other rights  
24 and privileges to the authority;

25 (5) do all things, whether or not specifically authorized in this section and not otherwise prohibited by  
26 law, that are necessary or convenient to aid and cooperate with the authority in the planning, construction, or  
27 operation of transportation facilities; and

28 (6) enter into agreements with the authority respecting action to be taken by the county and the  
29 municipality pursuant to the provisions of this section.

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1            **NEW SECTION. Section 5. General powers of the authority.** A transportation improvement authority  
 2 has all the powers necessary to carry out the purposes of [sections 1 through 7], including ~~but not limited to~~ the  
 3 power to:

4            (1) sue and be sued, have a seal, and have perpetual succession;

5            (2) execute contracts and other instruments and take other action as may be necessary to carry out the  
 6 purposes of [sections 1 through 7];

7            (3) receive and disburse federal, state, and other public or private funds made available by grant, loan,  
 8 contribution, ~~tax levy~~, or other source to accomplish the purposes of [sections 1 through 7]. Federal money must  
 9 be accepted and spent by the authority upon terms and conditions prescribed by the United States and  
 10 consistent with state law. All state money accepted under this section must be accepted and spent by the  
 11 authority upon terms and conditions prescribed by the state.

12            (4) acquire by purchase, gift, devise, lease, or other means real or personal property or any interest in  
 13 property; and

14            (5) sell, lease, or otherwise dispose of real or personal property acquired pursuant to [sections 1 through  
 15 7]. The disposal must be in accordance with the laws of this state governing the disposition of public property.  
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17            **NEW SECTION. Section 6. Rules.** (1) A transportation improvement authority may adopt, amend, and  
 18 repeal reasonable resolutions, rules, and orders as it considers necessary for its own administration,  
 19 management, and governance, as well as for the management, governance, and use of a transportation facility  
 20 owned by the authority or under its control.

21            (2) A rule, order, or standard prescribed by the authority may not be inconsistent with or contrary to an  
 22 act of the congress of the United States or a regulation promulgated or standard established pursuant to an act  
 23 of congress.

24            (3) The authority shall keep a copy of its rules on file for public inspection at the principal office of the  
 25 authority.  
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27            **NEW SECTION. Section 7. Tax exemption.** Property in this state acquired for a transportation  
 28 improvement authority for transportation purposes pursuant to the provisions of [sections 1 through 7] and  
 29 income derived by the authority from the ownership, operation, or control of property are exempt from taxation  
 30 to the same extent as other property used for public purposes.

