

HOUSE BILL NO. 583
INTRODUCED BY R. BROWN

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

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

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

NEW SECTION. **Section 2. Transportation improvement authority.** (1) A county and a municipality within a county may, by joint resolution, create a transportation improvement authority authorized to exercise its functions upon the appointment and qualification of the first commissioners.

(2) (a) Except as provided in subsection (3), the resolution creating the transportation improvement authority must create a board of nine commissioners appointed as follows:

- (i) two county officials appointed by the county commissioners;
- (ii) two public members appointed by the county commissioners;
- (iii) two municipal officials appointed by the governing body of the municipality;
- (iv) two public members appointed by the governing body of the municipality; and
- (v) one member appointed by the governor.

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

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

(3) A transportation improvement authority may be increased to serve one or more additional counties or municipalities if each additional county or municipality, each county and municipality included in the authority, and the commissioners of the authority adopt a joint resolution consenting to the increase. The number of additional commissioners to be appointed must be provided for in the joint resolution.

(4) A transportation improvement authority may be dissolved if each municipality and county included in the authority and the commissioners of the authority consent to the dissolution. Provisions must be made for the retention or disposition of the authority's assets and liabilities.

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

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

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

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

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

- (1) lend or donate money to the authority;
- (2) provide that all or a portion of the taxes or funds available or required by law to be used by the county or municipality for transportation purposes be transferred to the authority as the funds become available;
- (3) furnish facilities or improvements that the county or municipality is empowered to provide in connection with the transportation facilities;
- (4) dedicate, sell, convey, or lease an interest in property or grant easements, licenses, or other rights and privileges to the authority;
- (5) do all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, construction, or operation of transportation facilities; and
- (6) enter into agreements with the authority respecting action to be taken by the county and the municipality pursuant to the provisions of this section.

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

power to:

- (1) sue and be sued, have a seal, and have perpetual succession;
- (2) execute contracts and other instruments and take other action as may be necessary to carry out the purposes of [sections 1 through 7];
- (3) receive and disburse federal, state, and other public or private funds made available by grant, loan, contribution, ~~tax levy~~, or other source to accomplish the purposes of [sections 1 through 7]. Federal money must be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this section must be accepted and spent by the authority upon terms and conditions prescribed by the state.
- (4) acquire by purchase, gift, devise, lease, or other means real or personal property or any interest in property; and
- (5) sell, lease, or otherwise dispose of real or personal property acquired pursuant to [sections 1 through 7]. The disposal must be in accordance with the laws of this state governing the disposition of public property.

NEW SECTION. Section 6. Rules. (1) A transportation improvement authority may adopt, amend, and repeal reasonable resolutions, rules, and orders as it considers necessary for its own administration, management, and governance, as well as for the management, governance, and use of a transportation facility owned by the authority or under its control.

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

(3) The authority shall keep a copy of its rules on file for public inspection at the principal office of the authority.

NEW SECTION. Section 7. Tax exemption. Property in this state acquired for a transportation improvement authority for transportation purposes pursuant to the provisions of [sections 1 through 7] and income derived by the authority from the ownership, operation, or control of property are exempt from taxation to the same extent as other property used for public purposes.

NEW SECTION. Section 8. Codification instruction. [Sections 1 through 7] are intended to be codified as an integral part of Title 7, chapter 14, and the provisions of Title 7, chapter 14, apply to [sections 1 through 7].

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