

1 *House* BILL NO. *316*
 2 INTRODUCED BY *Turk* *Lockren* *FARR*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 82A-901, R.C.M. 1947; TO CHANGE THE TITLE OF DEPARTMENT OF
 6 INTERGOVERNMENTAL RELATIONS TO THAT OF THE DEPARTMENT OF
 7 COMMUNITY AFFAIRS IN ALL PERTINENT STATUTES; AND PROVIDING
 8 AN EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 82A-901, R.C.M. 1947, is amended to
 12 read as follows:

13 "82A-901. Department of ~~intergovernmental--relations~~
 14 community affairs -- creation -- head. There is created a
 15 department of ~~intergovernmental-relations~~ community affairs.
 16 The department head is a director of ~~intergovernmental~~
 17 ~~relations~~ community affairs appointed by the governor in
 18 accordance with section 82A-106 of this act."

19 Section 2. Section 1-102, R.C.M. 1947, is amended to
 20 read as follows:

21 "1-102. Definitions. Unless the context requires
 22 otherwise, in this title:

23 (1) "Department" means the department of
 24 ~~intergovernmental--relations~~ community affairs provided for
 25 in Title 82A, chapter 9.

1 (2) "Aeronautics" means transportation by aircraft;
 2 the operation, construction, repair, or maintenance of
 3 aircraft, aircraft power plants and accessories, including
 4 the repair, packing, and maintenance of parachutes; the
 5 design, establishment, construction, extension, operation,
 6 improvement, repair, or maintenance of airports, restricted
 7 landing areas, or other air navigation facilities; and air
 8 instruction.

9 (3) "Aircraft" means a contrivance used or designed
 10 for navigation of or flight in the air.

11 (4) "Public aircraft" means an aircraft used
 12 exclusively in the service of any government or of a
 13 political subdivision of a government, including the
 14 government of a state, territory, or possession of the
 15 United States, or the District of Columbia, but not
 16 including a government-owned aircraft engaged in carrying
 17 persons or property for commercial purposes.

18 (5) "Civil aircraft" means an aircraft other than a
 19 public aircraft.

20 (6) "Airport" means an area of land or water, except a
 21 restricted landing area, which is designed for the landing
 22 and take-off of aircraft, whether or not facilities are
 23 provided for the shelter, servicing, or repair of aircraft,
 24 or for receiving or discharging passengers or cargo, and all
 25 appurtenant areas used or suitable for airport buildings or

1 other airport facilities, and all appurtenant rights of way.

2 (7) "Restricted landing area" means an area of land,
3 water, or both, which is used or is made available for the
4 landing and take-off of aircraft, the use of which shall,
5 except in case of emergency, be only as provided by the
6 department.

7 (8) "Air navigation facility" means a facility used in,
8 available for use in, or designed for use in, aid of air
9 navigation, including airports, restricted landing areas,
10 and structures, mechanisms, lights, beacons, marks,
11 communicating systems, or other instrumentalities or devices
12 used or useful as an aid, or constituting an advantage or
13 convenience, to the safe taking-off, navigation, and landing
14 of aircraft, or the safe and efficient operation or
15 maintenance of an airport or restricted area, and any
16 combination of these facilities.

17 (9) "Air navigation" means the operation or navigation
18 of aircraft in the air space over this state, or upon an
19 airport or restricted landing area within this state.

20 (10) "Operation of aircraft" or "operate aircraft"
21 means the use of aircraft for the purpose of air navigation,
22 and includes the navigation or piloting of aircraft. A
23 person who causes or authorizes the operation of aircraft,
24 whether with or without the right of legal control (in the
25 capacity of owner, lessee, or otherwise) of the aircraft,

1 operates the aircraft.

2 (11) "Airman" means an individual who engages, as the
3 person in command, or as pilot, mechanic, or member of the
4 crew, in the navigation of aircraft while under way and
5 (excepting individuals employed outside the United States,
6 an individual employed by a manufacturer of aircraft,
7 aircraft engines, propellers, or appliances to perform
8 duties as inspector or mechanic in connection with them, and
9 an individual performing inspection or mechanical duties in
10 connection with aircraft owned or operated by him) an
11 individual who is directly in charge of the inspection,
12 maintenance, overhauling, or repair of aircraft engines,
13 propellers, or appliances; and an individual who serves in
14 the capacity of aircraft dispatcher or air-traffic
15 control-tower operator.

16 (12) "Air instruction" means the imparting of
17 aeronautical information by an aeronautics instructor or in
18 or by an air school or flying club.

19 (13) "Air school" means a person engaged in giving or
20 offering to give instruction in aeronautics, either in
21 flying or ground subjects, or both, for or without hire or
22 reward, and advertising, representing, or holding himself
23 out as giving or offering to give that instruction. It does
24 not include a public school or university of this state, or
25 an institution of higher learning accredited and approved

1 for carrying on collegiate work.

2 (14) "Aeronautics instructor" means an individual
3 engaged in giving instruction or offering to give
4 instruction in aeronautics, either in flying or ground
5 subjects, or both, for hire or reward, without advertising
6 that occupation, without calling his facilities an "air
7 school" or anything equivalent to an "air school", and
8 without employing or using other instructors. It does not
9 include an instructor in a public school or university of
10 this state, or an institution of higher learning accredited
11 and approved for carrying on collegiate work, while engaged
12 in his duties as an instructor.

13 (15) "Flying club" means a person other than an
14 individual, which, neither for profit nor reward, owns,
15 leases, or uses one or more aircraft for the purpose of
16 instruction or pleasure or both.

17 (16) "Person" means an individual, firm, partnership,
18 private, municipal, or public corporation, company,
19 association, joint stock association, or body politic; and
20 includes a trustee, receiver, assignee, or other similar
21 representative.

22 (17) "State airway" means a route in the navigable air
23 space over and above the lands or waters of this state,
24 designated by the department as a route suitable for air
25 navigation.

1 (18) "Navigable air space" means air space above the
2 minimum altitudes of flight prescribed by the laws of this
3 state or by regulations of the department.

4 (19) "Municipality" or "political subdivision" means a
5 county, city, village, or town of this state and any other
6 political subdivision, public corporation, authority, or
7 district in this state authorized by law to acquire,
8 establish, construct, maintain, improve, and operate
9 airports and other air navigation facilities.

10 (20) "Airport protection privileges" means easements
11 through or other interests in air space over land or water,
12 interests in airport hazards outside the boundaries of
13 airports or restricted landing areas, and other protection
14 privileges, the acquisition or control of which is necessary
15 to ensure safe approaches to the landing areas of airports
16 and restricted landing areas and the safe and efficient
17 operation thereof.

18 (21) "Airport hazard" means a structure, object of
19 natural growth, or use of land which obstructs the air space
20 required for the flight of aircraft in landing or taking off
21 at an airport or restricted landing area or is otherwise
22 hazardous to landing or taking off."

23 Section 3. Section 1-501, R.C.M. 1947, is amended to
24 read as follows:

25 "1-501. Receipt and disbursement of moneys. (1) All

1 costs and expenses of administering this title, including
 2 the salaries of employees of the department of
 3 ~~intergovernmental-relations~~ community affairs engaged in
 4 functions pertaining to aeronautics, the expenses of members
 5 of the board of aeronautics, and all other disbursements
 6 necessary to carry out the purposes of this title, shall be
 7 paid out of the following revenues: All gifts and all
 8 legislative appropriations to the department for
 9 aeronautics; all moneys received from any branch or
 10 department of the federal government, or from other sources,
 11 for the purposes mentioned in this title or for the
 12 furtherance of aeronautics generally in this state. All
 13 such moneys shall be deposited in the state treasury to the
 14 credit of the department.

15 (2) There shall be deposited in the earmarked revenue
 16 fund to the credit of the department the proceeds of one
 17 cent (1¢) per gallon out of the amount per gallon of
 18 gasoline license tax imposed by the laws of this state upon
 19 purchases of gasoline used for the operation of aircraft.
 20 Moneys so deposited shall be spent by the department for the
 21 sole purpose of carrying out its functions pertaining to
 22 aeronautics.

23 (3) No part of the one cent (1¢) per gallon of
 24 gasoline license tax imposed by the laws of this state on
 25 gasoline purchased and used for the operation of airplanes

1 or aircraft may be refunded."

2 Section 4. Section 1-1101, R.C.M. 1947, is amended to
 3 read as follows:

4 "1-1101. Department of ~~intergovernmental--relations~~
 5 community affairs to be custodian of all airplanes owned or
 6 leased by state. The department of ~~intergovernmental~~
 7 ~~relations~~ community affairs is hereby constituted the
 8 custodian of all airplanes owned or leased by the state of
 9 Montana or its boards, commissions or agencies."

10 Section 5. Section 1-1102, R.C.M. 1947, is amended to
 11 read as follows:

12 "1-1102. Rules and regulations--authority and
 13 enforcement. The department of ~~intergovernmental--relations~~
 14 community affairs is hereby delegated the power and
 15 authority:

16 (1) to formulate and enforce reasonable rules and
 17 regulations governing the use and operation of all airplanes
 18 under control of the division;

19 (2) to encourage and coordinate use of such airplanes
 20 by individual state agencies--an agency for which an
 21 aircraft has been specially equipped or modified shall have
 22 priority for the use of such aircraft;

23 (3) to charge the individual state agencies using the
 24 airplanes the estimated costs for administration, operation,
 25 maintenance, service, storage, and replacement;

1 (4) to establish a capital fund for new and
2 replacement equipment using that portion of the money paid
3 by individual state agencies for the use of the airplanes;
4 and

5 (5) to place any surplus resulting from use charges
6 into the capital fund."

7 Section 6. Section 1-1103, R.C.M. 1947, is amended to
8 read as follows:

9 "1-1103. Deficit. Any deficit resulting from the
10 operation of the airplanes by the department of
11 ~~intergovernmental--relations~~ community affairs shall be
12 provided for in the state's general fund budget as
13 determined by legislative action."

14 Section 7. Section 6-205, R.C.M. 1947, is amended to
15 read as follows:

16 "6-205. Department of ~~intergovernmental--relations~~
17 community affairs to determine adequacy of amount. The
18 amount for which a county officer or employer or group of
19 officers or employees shall be bonded is subject to the
20 supervision of the department of ~~intergovernmental-relations~~
21 community affairs. If the department of ~~intergovernmental~~
22 ~~relations~~ community affairs determines that the amount of
23 the bond is inadequate, it may require the board of county
24 commissioners to purchase an adequate bond."

25 Section 8. Section 6-603, R.C.M. 1947, is amended to

1 read as follows:

2 "6-603. Determination of adequacy of bond by
3 department of ~~intergovernmental-relations~~ community affairs.

4 The amount for which a city or town officer or employee or
5 group of officers or employees shall be bonded is subject to
6 the supervision of the department of ~~intergovernmental~~
7 ~~relations~~ community affairs. If the department of
8 ~~intergovernmental--relations~~ community affairs determines
9 that the amount of the bond is inadequate it may require the
10 city or town council or commission to purchase an adequate
11 bond."

12 Section 9. Section 11-313, R.C.M. 1947, is amended to
13 read as follows:

14 "11-313. Order of disincorporation on vote by
15 electors. In case the canvass reveals that sixty per cent
16 (60%) or more of all the votes cast were in favor of
17 disincorporation, the county commissioners shall, under
18 their hands make and file in their office, and cause to be
19 entered upon their proceedings, an order that the petition
20 for disincorporation be granted, and declaring that the city
21 or town is disincorporated. The order takes effect within
22 sixty (60) days following the date of the order. A certified
23 copy of the order shall be sent to the Montana secretary of
24 state and the head of the state department of
25 ~~intergovernmental-relations~~ community affairs."

1 Section 10. Section 11-315, R.C.M. 1947, is amended to
2 read as follows:

3 "11-315. Certification of financial condition. Upon
4 receiving a certified copy of the order of disincorporation,
5 the director of the department of ~~intergovernmental~~
6 ~~relations~~ community affairs shall certify a current
7 statement of the financial condition of the disincorporating
8 city or town to the board of county commissioners. The
9 statement shall include, but not be limited to, a
10 determination of all assets of the city or town, including
11 any current or delinquent utility accounts and/or taxes
12 receivable and a statement of all city or town indebtedness,
13 including any revenue or general obligation bonds, special
14 improvement district obligations outstanding, contracts
15 payable, all other obligations of the city, and a schedule
16 for the repayment of indebtedness. Under the supervision of
17 the director of the department of ~~intergovernmental~~
18 ~~relations~~ community affairs or his agent, the city or town
19 treasurer shall draw a treasurer's check for the amount of
20 unencumbered cash in the city or town treasury, the check
21 shall be made payable to and delivered to the county
22 treasurer of the county in which the disincorporating city
23 or town is situated. The county treasurer shall immediately
24 place said money in a special fund, to be drawn upon as
25 provided in this act."

1 Section 11. Section 11-806, R.C.M. 1947, is amended to
2 read as follows:

3 "11-806. Financial statement of city or town --
4 contents -- copies, to whom furnished. (1) Within sixty
5 (60) days after the close of each fiscal year the city or
6 town clerk of each city and town must make out, in
7 duplicate, a complete statement of the financial condition
8 of the city or town for that fiscal year, showing:

9 (a) The indebtedness of the city or town, funded and
10 floating; the amount of each class of indebtedness; and the
11 amount of money in the treasury subject to the payment of
12 each class of indebtedness;

13 (b) The amount of money received from taxes upon real
14 and personal property;

15 (c) The amount of money received from fines, penalties,
16 and forfeitures;

17 (d) The amount of money received from licenses;

18 (e) The amount of money received from all other
19 sources, each source and the amount received from it being
20 shown separately;

21 (f) For each fund the amount of money, if any, on hand
22 at the beginning of the fiscal year, the amount received and
23 the amount paid out during the fiscal year. The amount of
24 money paid out must be deducted from the total of the money
25 on hand at the beginning of the fiscal year and the money

1 received during the year, and a balance must be struck for
2 each fund.

3 (g) A concise description of all property owned by the
4 city or town with an approximate estimate of the value of
5 it;

6 (h) The rates of taxation and purposes for which taxes
7 were levied during the fiscal year;

8 (i) Other information which may be required by the
9 department of ~~intergovernmental-relations~~ community affairs.

10 (2) The forms on which the statement shall be made
11 shall be prescribed by the department of ~~intergovernmental~~
12 ~~relations~~ community affairs.

13 (3) The city or town clerk must, not later than August
14 31 following the close of each fiscal year, transmit one
15 copy of the statement to the department of ~~intergovernmental~~
16 ~~relations~~ community affairs, and must present the other copy
17 to the city or town council or commission at its first
18 regular meeting in September.

19 (4) If a city or town clerk fails to file a copy of
20 the statement with the department of ~~intergovernmental~~
21 ~~relations~~ community affairs within the time specified, the
22 department of ~~intergovernmental-relations~~ community affairs,
23 without delay, shall examine the books, records, and
24 accounts of the city or town. The department of
25 ~~intergovernmental-relations~~ community affairs shall make

1 from its examination a statement of the financial condition
2 of the city or town for the preceding fiscal year in the
3 manner it should have been made by the city or town clerk.
4 The examination shall be considered a special examination
5 under the provisions of section 82-4504, and all of the
6 provisions of section 82-4504 apply to it."

7 Section 12. Section 11-1403, R.C.M. 1947, is amended
8 to read as follows:

9 "11-1403. Estimates of revenues and disbursements to
10 be filed by officers -- forms -- penalty for failure to
11 file. (1) Before July 1 of each year the clerk of each city
12 shall notify in writing each official in charge of an
13 office, department, service, or institution of the
14 municipality to file with the clerk, before July 10,
15 detailed and itemized estimates, both of the probable
16 revenues from sources other than taxation, and of all
17 expenditures required by the office, department, service, or
18 institution for the current fiscal year. The council shall
19 submit to the clerk the estimate of expenditures for all
20 purposes for the council. The mayor of the municipality
21 shall submit to the clerk a detailed estimate showing the
22 amount to be appropriated from funds belonging to the
23 municipality to defray the municipality's portion of the
24 cost of making improvements in special improvement
25 districts, and of maintaining them, and of installing

1 lighting systems in special lighting districts, and
 2 maintaining them. There may not be included in the estimate,
 3 nor in either the preliminary or final budget of a
 4 municipality, any part of that cost which is to be paid by
 5 special assessments against the property within the
 6 districts, or any part of the cost in sprinkling districts
 7 which is to be defrayed by special assessments against the
 8 property in the sprinkling districts.

9 (2) The council shall also submit to the clerk
 10 detailed estimates of all expenditures for construction or
 11 improvement purposes proposed to be made from the proceeds
 12 of bond issues not yet authorized and from the proceeds of
 13 tax levies which are required to be submitted to and
 14 approved at an election to be held.

15 (3) The estimates required in this section shall be
 16 submitted on forms provided by the clerk, and prescribed by
 17 the department of ~~intergovernmental--relations~~ community
 18 affairs, and may only be varied or departed from with
 19 permission and approval of the department of
 20 ~~intergovernmental--relations~~ community affairs. The city
 21 treasurer shall prepare the estimates for interest and debt
 22 reduction. The clerk shall prepare all other estimates which
 23 properly fall within the duties of his office.

24 (4) Each of the officials shall file the estimates
 25 within the time and in the manner provided in the form and

1 notice, and the clerk shall deduct and withhold, as a
 2 penalty, from the salary or compensation of each official
 3 failing or refusing to file the estimates, the sum of ten
 4 dollars (\$10) for each day of delay. The total penalty
 5 against an official may not exceed fifty dollars (\$50) per
 6 year. In the absence or disability of an official the duties
 7 required in this section devolve upon the official or
 8 employee in charge of the office, department, service, or
 9 institution for the time being. The notice shall contain a
 10 copy of this penalty clause."

11 Section 13. Section 11-1404, R.C.M. 1947, is amended
 12 to read as follows:

13 "11-1404. Tabulation by clerk of expenditure program
 14 -- classifications, items included in. (1) From estimates
 15 of revenue and disbursements the clerk shall prepare a
 16 tabulation showing the complete expenditure program of the
 17 municipality for the current fiscal year, and the sources of
 18 revenue by which it is to be financed. The tabulation shall
 19 set forth the estimated receipts from all sources other than
 20 taxation for each office, department, service, or
 21 institution for the current fiscal year, the actual receipts
 22 for the last completed fiscal year, the surplus or
 23 unencumbered treasury balances at the close of that last
 24 fiscal year, and the amount necessary to be raised by
 25 taxation; the estimated expenditure for each office,

1 department, service, or institution for the current fiscal
2 year, the actual expenditures for the last completed fiscal
3 year, and all contracts or other obligations which will
4 affect the current year revenues.

5 (2) The estimates, appropriations, and expenditures
6 shall be classified as:

7 (a) salaries and wages;

8 (b) maintenance and operation;

9 (c) capital outlay;

10 (d) interest and debt redemption;

11 (e) miscellaneous; and

12 (f) expenditures proposed to be made from bond issues
13 not yet authorized, or from the proceeds of a tax levy or
14 levies which are required to be submitted to and approved at
15 an election to be held later.

16 (3) Within the class of "salaries and wages" each
17 salary shall be set forth separately together with the title
18 or position of the recipient. An unitemized appropriation
19 may be made to cover the expenses of special deputies or
20 assistants in an office where the services of the special
21 deputies or assistants may be required during a part of the
22 fiscal year only. Wages for day labor may be given in totals
23 by designating the general purpose or object for which the
24 expenditure is to be made but the proposed rate per day for
25 each class or kind of labor shall be set forth.

1 Expenditures under the general class of "maintenance and
2 operation" shall be classified according to a standard
3 classification to be established by the department of
4 ~~intergovernmental-relations~~ community affairs. Expenditures
5 for "capital outlay" shall set forth and describe each
6 object of expenditure separately. Under the general class
7 of "interest and debt redemption" proposed expenditures for
8 interest and for redemption of principal shall be set forth
9 separately for each series or issue of bonds, and warrant
10 interest and redemption requirements shall be set forth in a
11 similar manner. Under the general class of "miscellaneous"
12 expenditures for all purposes not listed in, or which cannot
13 properly be assigned to any of the general classes, shall be
14 set forth and itemized in detail.

15 (4) The total amount of emergency warrants issued
16 during the preceding fiscal year shall be set forth with the
17 amount issued for each emergency and the amount issued
18 against each fund."

19 Section 14. Section 11-1406, R.C.M. 1947, is amended
20 to read as follows:

21 "11-1406. Hearings on budget -- adoption -- fixing of
22 tax levy. (1) On the Wednesday preceding the second Monday
23 in August the council shall meet at the time and place
24 designated in the notice provided in section 11-1405, at
25 which time any taxpayer may appear and be heard for or

1 against any part of the budget. The hearing shall be
 2 continued from day to day and shall be concluded and the
 3 budget finally approved and adopted on the second Monday in
 4 August and prior to the fixing of the tax levies by the
 5 council. The council may call in the official in charge of
 6 an office, department, service, or institution, at the time
 7 the estimates for their respective offices are under
 8 consideration, for examination concerning the estimates. The
 9 official shall be called in by the council upon the request
 10 of a taxpayer for questioning either by the council or a
 11 taxpayer upon the estimates.

12 (2) Upon the conclusion of the hearing the council
 13 shall first determine the amount estimated to accrue to each
 14 fund during the fiscal year from all sources, except the
 15 taxation of property. In so doing the council may not
 16 include any amount anticipated from the payment of taxes
 17 which became delinquent during a preceding fiscal year. The
 18 council shall then determine separately the amount
 19 appropriated for and authorized to be spent for each item in
 20 the budget and shall specify the fund against which warrants
 21 are to be drawn for the expenditures so authorized. There
 22 may not be added to the amount appropriated and authorized
 23 to be spent for an item or purpose, or to the total amount
 24 appropriated and authorized to be spent from any fund, other
 25 than a fund for the payment of principal or interest on

1 outstanding bonds, any amount because of anticipated loss of
 2 revenue by reason of nonpayment of taxes levied for the
 3 fiscal year. The expenditures authorized from a fund,
 4 including reserve, may not exceed the aggregate of:

5 (a) the cash balance in the fund at the close of the
 6 preceding fiscal year in excess of outstanding unpaid
 7 warrants against the fund at the close of that fiscal
 8 year.

9 (b) the amount of estimated revenues to accrue to the
 10 fund; and

11 (c) the amount which may be raised for the fund by a
 12 lawful tax levy during the fiscal year.

13 (3) The council shall then determine the amount to be
 14 raised for each fund, for which a tax levy is to be made, by
 15 adding the cash balance in excess of outstanding unpaid
 16 warrants at the close of the preceding fiscal year and the
 17 amount of the estimated revenues, if any, to accrue to the
 18 fund during the current fiscal year. It shall then deduct
 19 the total amount so obtained from the total amount of the
 20 appropriations and authorized expenditures from the fund as
 21 determined by the council in the budget adopted and
 22 approved. The amount remaining is the amount necessary to be
 23 raised for any fund by tax levy during the current fiscal
 24 year. The council may add to the amount necessary to be
 25 raised for any fund by tax levy during the current fiscal

1 year an additional amount, as a reserve to meet expenditures
 2 to be made from the fund during the months of July to
 3 November, of the next fiscal year. The amount added to any
 4 fund as a reserve may not exceed one-third (1/3) of the
 5 total amount appropriated and authorized to be spent from
 6 the fund during the current fiscal year, after deducting
 7 from the amount of the appropriations and authorized
 8 expenditures the total amount appropriated and authorized to
 9 be spent for election expenses and payment of emergency and
 10 other outstanding warrants. The total amount to be raised by
 11 tax levy for any fund during the current fiscal year,
 12 including the amount of the reserve, must not exceed the
 13 total amount which may be raised for the fund by a tax levy
 14 which does not exceed the maximum levy permitted by law to
 15 be made for the fund.

16 (4) The budget as finally determined, in addition to
 17 setting out separately each item for which an appropriation
 18 is made or expenditure authorized, and the fund out of which
 19 it is to be paid, shall set out the total amount
 20 appropriated and authorized to be spent from each fund, the
 21 cash balance, in excess of outstanding unpaid warrants, at
 22 the close of the preceding fiscal year, the amount estimated
 23 to accrue to the fund from sources other than taxation, the
 24 reserve for the next fiscal year, and the amount necessary
 25 to be raised for each fund by tax levy during the current

1 fiscal year. The council shall then by resolution approve
 2 and adopt the budget as finally determined, and the clerk
 3 shall enter it at length in the official minutes of the
 4 council.

5 (5) On the second Monday in August, and after the
 6 approval and adoption of the final budget, the council shall
 7 fix the tax levy for each fund at a rate, not exceeding
 8 limits prescribed by law, which will raise the amount set
 9 out in the budget as the amount necessary to be raised by
 10 tax levy for that fund during the current fiscal year. The
 11 taxable valuation of the city for the current fiscal year
 12 shall be the basis for determining the amount of the tax
 13 levy for each fund, and each tax levy shall be at a rate no
 14 higher than is required on that basis, without including any
 15 amount for anticipated tax delinquency, to raise the amount
 16 set out in the budget. Each levy shall be made in the
 17 manner provided by section 84-3802. If the council considers
 18 that a levy made for a bond sinking or interest fund will
 19 not provide a sufficient amount to pay all bond and interest
 20 becoming due during the current fiscal year, or within six
 21 (6) months after the current fiscal year, because of
 22 anticipated tax delinquency, the council may fix the levy at
 23 a rate it considers necessary to raise the amount for making
 24 the payments of principal and interest, over and above the
 25 anticipated tax delinquency.

1 (6) The city clerk shall, not later than September 15,
 2 forward a complete copy of the final budget, together with
 3 the tax levies, to the department of ~~intergovernmental~~
 4 ~~relations~~ community affairs. If a city clerk fails to
 5 forward the copy of the budget to the department of
 6 ~~intergovernmental--relations~~ community affairs within the
 7 time required, the department of ~~intergovernmental--relations~~
 8 community affairs shall, before October 1, notify the mayor
 9 and council of the city that a copy of the budget has not
 10 been forwarded by the city clerk. The council must then
 11 withhold from the city clerk his salary or compensation for
 12 the month of September until the city clerk presents the
 13 council with a notice from the department of
 14 ~~intergovernmental--relations~~ community affairs that the copy
 15 of the budget has been received."

16 Section 15. Section 11-1411, R.C.M. 1947, is amended
 17 to read as follows:

18 "11-1411. Department of ~~intergovernmental--relations~~
 19 community affairs to make rules for carrying out act --
 20 accounting systems. The department of ~~intergovernmental~~
 21 ~~relations~~ community affairs shall make rules and
 22 classifications, and prescribe forms, necessary to carry out
 23 the provisions of this act. It shall define what
 24 expenditures are chargeable to each budget account, and
 25 shall establish accounting and cost systems necessary to

1 provide accurate budget information."

2 Section 16. Section 11-1829, R.C.M. 1947, is amended
 3 to read as follows:

4 "11-1829. Actuarial valuation and investment of police
 5 reserve funds. (1) The city treasurer shall submit to the
 6 department of ~~intergovernmental--relations~~ community affairs
 7 before October 1 in each odd-numbered year all information
 8 requested by the department of ~~intergovernmental--relations~~
 9 community affairs necessary to complete an actuarial
 10 valuation of the police reserve funds. This valuation is to
 11 be prepared by a qualified actuary selected by the
 12 department of ~~intergovernmental--relations~~ community affairs.
 13 This valuation shall consider the actuarial soundness of the
 14 police reserve funds for the two (2) preceding fiscal years.
 15 A qualified actuary is a member of the American Academy of
 16 Actuaries or of any organization deemed by the department of
 17 ~~intergovernmental--relations~~ community affairs to have
 18 similar standards. In each fiscal year in which an actuarial
 19 valuation is prepared, the department of ~~intergovernmental~~
 20 ~~relations~~ community affairs shall submit to the state
 21 auditor a request for payment of the expense incurred in
 22 securing the actuarial valuation. The expense may not exceed
 23 six thousand dollars (\$6,000) in any fiscal year and the
 24 state auditor shall make payment to the actuary designated
 25 in the request.

1 (2) Whenever the monies in the police reserve fund
2 exceed:

3 (a) one and one-half (1-1/2) times the monthly benefit
4 paid in the preceding month, or

5 (b) five thousand dollars (\$5,000), whichever is
6 greater, then the city treasurer shall remit such excess
7 amounts to the state treasurer. The state treasurer shall
8 invest such remittances under the direction of the state
9 board of investments as provided by section 79-311.

10 (3) After January 1, 1975, all investments of the
11 police reserve fund shall be transferred as directed by the
12 state board of investments. The state board of investments
13 may defer any such transfer to a date later than January 1,
14 1975, but not later than the maturity date of the
15 investment. The board of investment may make rules to
16 implement this section."

17 Section 17. Section 11-1914, R.C.M. 1947, is amended
18 to read as follows:

19 "11-1914. Duties of trustees -- investment of surplus
20 funds. (1) The board of trustees of the fire department
21 relief association shall audit the accounts of the
22 association at least every six (6) months and shall report
23 the condition of them at the next regular meeting of the
24 association. The management of the fire department relief
25 associations in municipalities other than in first and

1 second class cities shall be vested in the board of
2 trustees. When so directed by a majority vote of the members
3 of the association, the board of trustees may invest the
4 surplus funds of the association or any part of them, in any
5 time or saving deposits, in any solvent bank, building and
6 loan association or savings and loan association operating
7 in the county where the city or town is located, in bonds or
8 other securities of the United States government, in general
9 obligation bonds or warrants of any state, county or city as
10 are recommended by the state auditor and approved by the
11 department of ~~intergovernmental-relations~~ community affairs.
12 At the time of purchase the investments must be stamped in
13 boldface type, substantially as follows: "Property of the
14 Fire Department Relief Association, and negotiable only
15 upon the order of the board of trustees of such
16 association." Provided, however, that when the average yield
17 on investments of public retirement funds under the state
18 board of investments exceeds by one percent (1%) in any
19 fiscal year the investment yield of said fire department
20 relief association funds such funds shall be remitted to the
21 state treasurer for investment by the state board of
22 investments as is provided in the provisions of this section
23 for associations in first and second class cities; and said
24 fire department relief association shall submit every six
25 (6) months a financial statement detailing their investments

1 to the department of ~~intergovernmental--relations~~ community
 2 affairs; and the department shall advise said fire
 3 department relief association of the current yield of
 4 investment of public retirement funds.

5 (2) The management of the fire department relief
 6 associations in first and second class cities shall be
 7 vested in the board of trustees of such associations subject
 8 to the following provisions of this section.

9 The board of trustees shall submit to the department of
 10 ~~intergovernmental-relations~~ community affairs before October
 11 1 in each odd-numbered year, all information requested by
 12 the department of ~~intergovernmental--relations~~ community
 13 affairs necessary to complete an actuarial valuation of the
 14 funds of the association. This valuation is to be prepared
 15 by a qualified actuary selected by the department of
 16 ~~intergovernmental---relations~~ community affairs. This
 17 valuation shall consider the actuarial soundness of the
 18 association's funds for the two (2) preceding fiscal years.
 19 A qualified actuary is a member of the American Academy of
 20 Actuaries or of any other organization deemed by the
 21 municipal audit division to have similar standards. In each
 22 fiscal year in which an actuarial valuation is prepared, the
 23 department of ~~intergovernmental-relations~~ community affairs
 24 shall submit to the state auditor a request for payment of
 25 the expenses incurred in securing the actuarial valuation.

1 These expenses may not exceed six thousand dollars (\$6,000)
 2 in any fiscal year and the state auditor shall make payment
 3 to the actuary designated by the request.

4 (3) Whenever the monies in the disability and pension
 5 fund exceed:

6 (a) one and one-half (1 1/2) times the monthly benefit
 7 paid in the preceding month, or

8 (b) five thousand dollars (\$5,000), whichever is
 9 greater, then the board shall remit such excess amounts to
 10 the state treasurer. The state treasurer shall invest such
 11 remittances under the direction of the state board of
 12 investments as provided by section 79-311.

13 (4) After January 1, 1975, all investments held by a
 14 board of trustees shall be transferred as directed by the
 15 state board of investments. The state board of investments
 16 may defer any such transfer to a date later than January 1,
 17 1975, but not later than the maturity date of the
 18 investment. The state board of investment may make rules to
 19 implement this section."

20 Section 18. Section 11-1923, R.C.M. 1947, is amended
 21 to read as follows:

22 "11-1923. Annual report of the secretary and
 23 treasurer, prescribing qualifications for membership,
 24 official bond of the treasurer and examination of books and
 25 accounts. (1) The secretary and treasurer of every fire

1 department relief association shall annually prepare a
 2 detailed report of its receipts and expenditures for the
 3 preceding year, showing to whom and for what purposes the
 4 money has been paid and spent, and file it with the
 5 association, and a duplicate with the state auditor. No
 6 money may be paid to the treasurer of the fire department
 7 relief association until the report is filed. No one serving
 8 as a substitute or on probation, nor a person who has not
 9 been confirmed a member of an organized fire department, is
 10 eligible for membership in the relief association. No
 11 treasurer of an association may enter upon his duties until
 12 he has given to the association a sufficient bond of not
 13 less than fifty per cent (50%) of the amount of the cash
 14 funds and securities of the association, for the faithful
 15 performance of his duties according to law. The amount of
 16 the bond shall be approved and paid for by the association.
 17 The official bond may not exceed twenty-five thousand
 18 dollars (\$25,000).

19 (2) Upon a majority vote of the members of the
 20 association, the city or town treasurer shall be ex officio
 21 treasurer of the fire department relief association and the
 22 official bond of the city or town treasurer shall cover the
 23 faithful discharge of his duties as ex officio treasurer of
 24 the fire department relief association. The cash in the
 25 firemen's relief fund shall have the same protection as to

1 depository securities furnished by banks as the other funds
 2 of the city or town. All of the financial books and accounts
 3 of the association are subject at all times to examination
 4 by the department of ~~intergovernmental-relations~~ community
 5 affairs.

6 (3) Upon complaint being made to it that the money or
 7 any part of it paid to the treasurer of the association has
 8 been or is being spent for an unauthorized purpose, and if
 9 the money upon examination is found to have been spent
 10 contrary to the authority given, the department of
 11 ~~intergovernmental---relations~~ community affairs shall so
 12 report to the governor, upon whose directions to the state
 13 auditor no further warrants may be issued to the fire
 14 department relief association treasurer until the money so
 15 spent has been returned."

16 Section 19. Section 11-3862, R.C.M. 1947, is amended
 17 to read as follows:

18 "11-3862. Surveys required -- exceptions -- standards
 19 for monumentation. (1) All divisions of land for sale other
 20 than a subdivision after the effective date of this act into
 21 parcels which cannot be described as 1/32 or larger aliquot
 22 parts of a United States government section or a United
 23 States government lot must be surveyed by or under the
 24 supervision of a registered land surveyor.

25 (2) Every subdivision of land after June 30, 1973,

1 shall be surveyed and platted in conformance with this act
 2 by or under the supervision of a registered land surveyor.
 3 Subdivision plats shall be prepared and filed in accordance
 4 with this act and regulations adopted pursuant thereto. All
 5 division of sections into aliquot parts and retracement of
 6 lines must conform to United States bureau of land
 7 management instructions, and all public land survey corners
 8 shall be filed in accordance with Corner Recordation Act of
 9 Montana (sections 67-2001 through 67-2019). Engineering
 10 plans, specifications, and reports required in connection
 11 with public improvements and other elements of the
 12 subdivision required by the governing body shall be prepared
 13 and filed by a registered engineer or a registered land
 14 surveyor as their respective licensing laws allow in
 15 accordance with this act and regulations adopted pursuant
 16 thereto.

17 (3) The county clerk and recorder of any county shall
 18 not record any instrument which purports to transfer title
 19 to or possession of a parcel or tract of land which is
 20 required to be surveyed by this act unless the required
 21 certificate of survey or subdivision plat has been filed
 22 with the clerk and recorder and the instrument of transfer
 23 describes the parcel or tract by reference to the filed
 24 certificate or plat.

25 (4) Instruments of transfer of land which is acquired

1 for state highways may refer by parcel and project number to
 2 state highway plans which have been recorded in compliance
 3 with section 32-2413, and are exempted from the surveying
 4 and platting requirements of this act; provided, however,
 5 that if such parcels are not shown on highway plans of
 6 record, instruments of transfer of such parcels shall be
 7 accompanied by and refer to appropriate certificates of
 8 survey and plats when presented for recording.

9 (5) The provisions of this act shall not apply to the
 10 division of state-owned land unless the division creates a
 11 second or subsequent parcel from a single tract for sale,
 12 rent or lease for residential purposes after July 1, 1974.

13 (6) Unless the method of disposition is adopted for the
 14 purpose of evading this act, the following divisions of land
 15 are not subdivisions under this act but are subject to the
 16 surveying requirements of this section for divisions of land
 17 not amounting to subdivisions.

18 (a) Divisions made for the purpose of relocating common
 19 boundary lines between adjoining properties.

20 (b) Divisions made for the purpose of a gift or sale to
 21 any member of the landowner's immediate family.

22 (c) Divisions made by sale or agreement to buy and sell
 23 where the parties to the transaction enter a covenant
 24 running with the land and revocable only by mutual consent
 25 of the governing body and the property owner that the

1 divided land will be used exclusively for agricultural
2 purposes. Any change in use of the land for anything other
3 than agricultural purposes subjects the division to the
4 provisions of this chapter.

5 (d) A single division of a parcel when the transaction
6 is an occasional sale.

7 (7) Subdivisions created by rent or lease are exempt
8 from the surveying and filing requirements of this act but
9 must be submitted for review and approved by the governing
10 body before portions thereof may be rented or leased.

11 (8) Unless the method of disposition is adopted for the
12 purpose of evading this act, the requirements of this act
13 shall not apply to any division of land:

14 (a) which is created by order of any court of record in
15 this state or by operation of law, or which, in the absence
16 of agreement between the parties to the sale, could be
17 created by an order of any court in this state pursuant to
18 the law of eminent domain (sections 93-9901 through
19 93-9926);

20 (b) which is created by a lien, mortgage, or trust
21 indenture;

22 (c) which creates an interest in oil, gas, minerals, or
23 water which is now or hereafter severed from the surface
24 ownership of real property;

25 (d) which creates cemetery lots;

1 (e) which is created by the reservation of a life
2 estate;

3 (f) which is created by lease or rental for farming and
4 agricultural purposes.

5 (9) The sale, rent, lease, or other conveyance of one
6 or more parts of a building, structure, or other improvement
7 situated on one or more parcels of land is not a division of
8 land, as that term is defined in this act, and is not
9 subject to the requirements of this act.

10 (10) The department of ~~intergovernmental--relations~~
11 community affairs shall, in conformance with the Montana
12 Administrative Procedure Act (sections 82-4201 through
13 82-4225), prescribe uniform standards for monumentation and
14 for the form, accuracy, and descriptive content of records
15 of survey.

16 (11) It shall be the responsibility of the governing
17 body to require the replacement of all monuments removed in
18 the course of construction."

19 Section 20. Section 11-3863, R.C.M. 1947, is amended
20 to read as follows:

21 "11-3863. Enforcement by governmental subdivisions --
22 adoption of regulations -- public hearing. (1) The
23 governing body of every county, city, and town shall, before
24 July 1, 1974, adopt and provide for the enforcement and
25 administration of subdivision regulations reasonably

1 providing for the orderly development of their
 2 jurisdictional areas; for the co-ordination of roads within
 3 subdivided land with other roads, both existing and planned;
 4 for the dedication of land for roadways and for public
 5 utility easements; for the improvement of roads; for the
 6 provision of adequate open spaces for travel, light, air and
 7 recreation; for the provision of adequate transportation,
 8 water, drainage, and sanitary facilities; for the avoidance
 9 or minimization of congestion; and for the avoidance of
 10 subdivision which would involve unnecessary environmental
 11 degradation; and the avoidance of danger of injury to
 12 health, safety, or welfare by reason of natural hazard or
 13 the lack of water, drainage, access, transportation or other
 14 public services or would necessitate an excessive
 15 expenditure of public funds for the supply of such services.

16 Prior to adopting or amending subdivision regulations
 17 pursuant to this act, the governing body shall submit the
 18 proposed regulations or amendments to the division of
 19 planning and economic development of the department of
 20 ~~intergovernmental-relations~~ community affairs for review.

21 Before the governing body adopts subdivision
 22 regulations pursuant to this section it shall hold a public
 23 hearing thereon and shall give public notice of its intent
 24 to adopt such regulations and of the public hearing by
 25 publication of notice of the time and place of the hearing

1 in a newspaper of general circulation in the county not less
 2 than fifteen (15) nor more than thirty (30) days prior to
 3 the date of the hearing.

4 (2) Not later than December 31, 1973, the department
 5 of ~~intergovernmental--relations~~ community affairs, through
 6 its division of planning, shall, in conformance with the
 7 Montana Administrative Procedure Act (sections 82-4201
 8 through 82-4225), prescribe reasonable minimum requirements
 9 for subdivision regulations adopted pursuant to this act.
 10 The minimum requirements shall include detailed criteria for
 11 the content of the environmental assessment required by this
 12 act. The department shall provide for the review of
 13 preliminary plats by those agencies of state and local
 14 government and affected public utilities having a
 15 substantial interest in a proposed subdivision; provided,
 16 however, that such agency or utility review shall not delay
 17 the governing body's action on the plat beyond the time
 18 limit specified herein, and the failure of any agency to
 19 complete a review of a plat shall not be a basis for
 20 rejection of the plat by the governing body.

21 (3) In prescribing the minimum contents of the
 22 subdivision regulations, the department of ~~intergovernmental~~
 23 ~~relations~~ community affairs, through its division of
 24 planning, shall require the submission by the subdivider to
 25 the governing body of an environmental assessment.

1 (3.1) When a subdivision is proposed in an area for
 2 which a master plan has been adopted pursuant to sections
 3 11-3801 through 11-3856 and the proposed subdivision will be
 4 in compliance with the plan or when the subdivision will
 5 contain fewer than ten (10) parcels and less than twenty
 6 (20) acres, a planning board established pursuant to
 7 sections 11-3801 through 11-3856 and having jurisdiction
 8 over the area involved may exempt the subdivider from the
 9 completion of all or any portion of the environmental
 10 assessment. When such an exemption is granted, the planning
 11 board shall prepare and certify a written statement of the
 12 reasons for granting the exemption. A copy of this statement
 13 shall accompany the preliminary plat of the subdivision when
 14 it is submitted for review. Where no properly established
 15 planning board having jurisdiction exists, the governing
 16 body may grant exemptions as specified in this paragraph.

17 (4) Where required the environmental assessment shall
 18 accompany the preliminary plat and shall include:

19 (a) a description of every body or stream of surface
 20 water as may be affected by the proposed subdivision,
 21 together with available ground water information, and a
 22 description of the topography, vegetation and wildlife use
 23 within the area of the proposed subdivision;

24 (b) maps and tables showing soil types in the several
 25 parts of the proposed subdivision, and their suitability for

1 any proposed developments in those several parts;

2 (c) a community impact report containing a statement of
 3 anticipated needs of the proposed subdivision for local
 4 services, including education and busing, roads and
 5 maintenance, water, sewage, and solid waste facilities, and
 6 fire and police protection;

7 (d) such additional relevant and reasonable information
 8 as may be required by the department through its division of
 9 planning.

10 (5) Local subdivision regulations shall include
 11 procedures for the summary review and approval of
 12 subdivision plats containing five (5) or fewer parcels where
 13 proper access to all lots is provided, where no land in the
 14 subdivision will be dedicated to public use for parks or
 15 playgrounds and which have been approved by the department
 16 of health and environmental sciences where such approval is
 17 required by sections 69-5001 through 69-5005; provided that
 18 reasonable local regulations may contain additional
 19 requirements for summary approval.

20 (6) Subdivision regulations may authorize the governing
 21 body to grant variances from the regulations when strict
 22 compliance will result in undue hardship and when it is not
 23 essential to the public welfare. Any variance granted
 24 pursuant to this subsection must be based on specific
 25 variance criteria contained in the subdivision regulations.

1 (7) Local regulations may provide that in lieu of the
 2 completion of the construction of any public improvements
 3 prior to the approval of a final plat, the governing body
 4 shall require a bond or other reasonable security, in an
 5 amount and with surety and conditions satisfactory to it,
 6 providing for and securing the construction and installation
 7 of such improvements within a period specified by the
 8 governing body and expressed in the bonds or other security.

9 (8) In the event that any governing body has not
 10 adopted subdivision regulations by July 1, 1974, which meet
 11 or exceed the prescribed minimum requirements, the
 12 department shall, through its division of planning, no later
 13 than January 1, 1975, promulgate reasonable regulations to
 14 be enforced by the governing body. If at any time thereafter
 15 the governing body adopts its own subdivision regulations,
 16 these shall supersede those promulgated by the department
 17 but shall be no less stringent."

18 Section 21. Section 11-4110, R.C.M. 1947, is amended
 19 to read as follows:

20 "11-4110. Advice and information by department of
 21 ~~intergovernmental---relations~~ community affairs. The
 22 department of ~~intergovernmental---relations~~ community affairs
 23 shall furnish advice and information in connection with a
 24 project when requested to do so by a county or
 25 municipality."

1 Section 22. Section 16-1901, R.C.M. 1947, is amended
 2 to read as follows:

3 "16-1901. County budget -- estimates by county
 4 officers of revenues and expenditures -- form of estimates
 5 -- penalty for failure to file. (1) Before June 1 each year
 6 the county clerk and recorder shall notify in writing each
 7 county official in charge of an office, department, service,
 8 or institution of the county to file with the county clerk
 9 and recorder, before June 10, detailed and itemized
 10 estimates, both of the probable revenues from sources other
 11 than taxation, and of all expenditures required by the
 12 office, department, service, or institution for the next
 13 fiscal year. The county commissioners shall submit to the
 14 county clerk and recorder the estimate of expenditures for
 15 all purposes for the board, and a detailed statement showing
 16 all new road and bridge construction to be financed from
 17 county road and bridge funds, from any special road or
 18 bridge funds, from any special highway fund, and from bond
 19 issues issued or authorized for the next fiscal year,
 20 together with the cost of that construction as computed by
 21 the county surveyor, or if for construction in charge of a
 22 special engineer then by that engineer. The county surveyor
 23 and any special engineer shall prepare the estimates of cost
 24 of road and bridge construction for the county
 25 commissioners. They shall also submit a similar statement

1 showing road and bridge maintenance expenditures as nearly
2 as can be estimated.

3 (2) The county commissioners shall also submit to the
4 county clerk and recorder detailed estimates of all
5 expenditures for construction or improvement purposes
6 proposed to be made from the proceeds of bond issues not yet
7 authorized and from the proceeds of tax levies which are
8 required to be approved at an election to be held.

9 (3) The estimates required in this section shall be
10 submitted on forms provided by the county clerk and
11 recorder, and prescribed by the department of
12 ~~intergovernmental--relations~~ community affairs, and may only
13 be varied or departed from with permission and approval of
14 that department. The county treasurer shall prepare the
15 estimates for interest and debt reduction. The county clerk
16 and recorder shall prepare all other estimates which
17 properly fall within the duties of his office.

18 (4) Each of the officials shall file the estimates
19 within the time and in the manner provided in the form and
20 notice, and the county clerk shall withhold, as a penalty,
21 from the salary of each official failing or refusing to file
22 the estimates ten dollars (\$10) for each day of delay. The
23 total penalty against any official may not exceed fifty
24 dollars (\$50) in one year. In the absence or disability of
25 an official the duties required by this section devolve upon

1 the official or employee in charge of the office,
2 department, service, or institution. The notice shall
3 contain a copy of this penalty clause."

4 Section 23. Section 16-1902, R.C.M. 1947, is amended
5 to read as follows:

6 "16-1902. Tabulation by clerk of expenditure program
7 -- classifications -- items included in. (1) From those
8 estimates the county clerk and recorder shall prepare a
9 tabulation showing the complete expenditure program of the
10 county for the current fiscal year, and the sources of
11 revenue by which it is to be financed. The tabulation shall
12 set forth the estimated receipts from all sources other than
13 taxation for each office, department, service, or
14 institution for the current fiscal year, the actual receipts
15 for the last completed fiscal year, the surplus or
16 unencumbered treasury balances at the close of that last
17 fiscal year, and the amount necessary to be raised by
18 taxation; the estimated expenditure for each office,
19 department, service, or institution for the current fiscal
20 year, the actual expenditures for the last completed fiscal
21 year, and all contracts or other obligations which will
22 affect the current year revenues.

23 (2) The estimates, appropriations, and expenditures
24 shall be classified as:

25 (a) salaries and wages;

1 (b) maintenance and operation;
 2 (c) capital outlay;
 3 (d) interest and debt redemption;
 4 (e) miscellaneous; and
 5 (f) expenditures proposed to be made from bond issues
 6 not yet authorized, or from the proceeds of a tax levy or
 7 levies which are required to be submitted to and approved at
 8 an election to be held later.

9 (3) Within the general class of salaries and wages
 10 each salary shall be set forth separately together with the
 11 title or position of the recipient. An unitemized
 12 appropriation may be made to cover the expenses of special
 13 deputies or assistants in any office where the services of
 14 such special deputies or assistants may be required during a
 15 part of the fiscal year only. Wages for day labor may be
 16 given in totals by designating the general purpose or object
 17 for which the expenditure is to be made, but the proposed
 18 rate per day for each class or kind of labor shall be set
 19 forth. Expenditures under the general class of maintenance
 20 and operation shall be classified according to a standard
 21 classification to be established by the department of
 22 ~~intergovernmental-relations~~ community affairs. Expenditures
 23 for capital outlay shall set forth and describe each object
 24 of expenditure separately. Under the general class of
 25 interest and debt redemption, proposed expenditures for

1 interest and for redemption of principal shall be set forth
 2 separately for each series or issue of bonds, and warrant
 3 interest and redemption requirements shall be set forth in a
 4 similar manner. Under the general class of miscellaneous,
 5 expenditures for all purposes, not listed in or which cannot
 6 properly be assigned to any of the general classes, shall be
 7 set forth and itemized in detail.

8 (4) The total amount of emergency warrants issued
 9 during the preceding fiscal year shall be set forth with the
 10 amount issued for each emergency and the amount issued
 11 against each fund."

12 Section 24. Section 16-1903, R.C.M. 1947, is amended
 13 to read as follows:

14 "16-1903. Consideration of budget by commissioners --
 15 notice of budget meeting. The tabulation shall be submitted
 16 to the county commissioners by the county clerk and recorder
 17 on or before the first Monday of July. Upon receipt thereof
 18 the board of county commissioners shall immediately consider
 19 the budget in detail, and shall on or before the second
 20 Monday of July make any revisions, reductions, additions, or
 21 changes that they consider advisable. The tabulation, with
 22 any revisions, reductions, additions, or changes, is the
 23 preliminary budget for the fiscal year which it is intended
 24 to cover. Upon completion of the budget, the county clerk
 25 shall immediately transmit one copy of it to the department

1 of ~~intergovernmental--relations~~ community affairs and one
 2 copy to the department of revenue. The board of county
 3 commissioners shall then have a notice published stating
 4 that the board has completed its preliminary county budget
 5 for the current fiscal year, that the budget is open to
 6 inspection in the office of the county clerk and recorder,
 7 and that the board will meet on the Wednesday before the
 8 second Monday in August to fix the final budget and make
 9 appropriations. The notice shall state the time and place of
 10 the meeting and that any taxpayer may appear and be heard
 11 for or against any part of the budget. The notice shall be
 12 published at least one time in a newspaper of general
 13 circulation in the county."

14 Section 25. Section 16-1904, R.C.M. 1947, is amended
 15 to read as follows:

16 "16-1904. Hearings on budget -- adoption -- fixing tax
 17 levies. (1) On the Wednesday before the second Monday in
 18 August the county commissioners shall meet at the time and
 19 place designated in the notice provided for in section
 20 16-1903, at which time any taxpayer may appear and be heard
 21 for or against any part of the budget. The hearing shall be
 22 continued from day to day and shall be concluded and the
 23 budget approved and adopted on the second Monday in August
 24 and before the fixing of the tax levies by the board.

25 (2) Upon the conclusion of the hearing the board shall

1 first determine the amount estimated to accrue to each fund
 2 during the fiscal year from all sources, except the taxation
 3 of property. In so doing the board may not include any
 4 amount which it is anticipated may be received during the
 5 fiscal year from the payment of taxes which became
 6 delinquent during a preceding fiscal year. The board shall
 7 then determine separately the amount appropriated for and
 8 authorized to be spent for each item in the budget and shall
 9 specify the fund or funds against which warrants are to be
 10 drawn and issued for each item in the budget and shall
 11 specify the fund or funds against which warrants are to be
 12 drawn for the expenditures authorized. There may not be
 13 added to the amount to be appropriated and authorized to be
 14 spent for an item, or to the total amount appropriated and
 15 authorized to be spent from any fund, any amount or
 16 percentage because of anticipated loss of revenue by reason
 17 of the nonpayment of taxes levied for that fiscal year. The
 18 total expenditures authorized to be made from any fund,
 19 including the reserve added to them, may not exceed the
 20 aggregate of:

21 (a) the cash balance in the fund at the close of the
 22 preceding fiscal year;

23 (b) the amount of estimated revenues to accrue to the
 24 funds; and

25 (c) the amount which may be raised for the fund by a

1 lawful tax levy during the fiscal year.

2 (3) The board shall then determine the amount to be
3 raised for each fund by tax levy by adding the cash balance
4 in the fund at the close of the preceding fiscal year and
5 the amount of the estimated revenues to accrue to the fund
6 during the current fiscal year. It shall then deduct the
7 total amount so obtained from the total amount of the
8 appropriations and authorized expenditures from the fund as
9 determined by the board. The amount remaining is the amount
10 necessary to be raised for the fund by tax levy during the
11 current fiscal year. The board may add to the amount
12 necessary to be raised for any fund by tax levy during the
13 current fiscal year, an additional amount as a reserve to
14 meet expenditures to be made from the fund during the months
15 of July to November of the next fiscal year. The amount
16 which may be so added to any fund, as the reserve may not
17 exceed one-third (1/3) of the total amount appropriated and
18 authorized to be spent from the fund during the current
19 fiscal year, after deducting from the amount of the
20 appropriations and authorized expenditures the total amount
21 appropriated and authorized to be spent for election
22 expenses and payment of emergency warrants. The total amount
23 to be raised by tax levy for any fund during the current
24 fiscal year, including the amount of the reserve and any
25 amount for payment of election expenses and emergency

1 warrants, may not exceed the total amount which may be
2 raised for the fund by a tax levy which does not exceed the
3 maximum levy permitted by law to be made for the fund.

4 (4) If the cash balance remaining in any of the
5 several county funds, except the school fund, at the end of
6 a fiscal year, exceeds the amount to be budgeted to that
7 fund, the excess may be transferred to other funds as the
8 county commissioners consider to be in the best interest of
9 the county after a public hearing. Notice of the hearing
10 must be given not less than thirty (30) days prior to the
11 hearing by publication in a newspaper of general circulation
12 in the county and by posting in five (5) public places. The
13 notice must state the date, time, and place of the hearing
14 and state generally the purpose and proposed use of the
15 funds.

16 (5) The budget as finally determined, in addition to
17 setting out separately each item for which an appropriation
18 or expenditure is authorized and the fund out of which it is
19 to be paid, shall set out the total amount appropriated and
20 authorized to be spent from each fund, the cash balance in
21 the fund at the close of the preceding fiscal year, the
22 amount estimated to accrue to the fund from sources other
23 than taxation, the reserve for the next fiscal year, and the
24 amount necessary to be raised for each fund by tax levy
25 during the current fiscal year. The board shall then by

1 resolution approve and adopt the budget as finally
2 determined and enter the budget at length in the official
3 minutes of the board.

4 (6) On the second Monday in August, and after the
5 approval and adoption of the final budget, the board of
6 county commissioners shall fix the tax levy for each fund at
7 a rate which will raise the amount set out in the budget as
8 the amount necessary to be raised by tax levy for the fund
9 during the current fiscal year. The taxable valuation of the
10 county for the current fiscal year shall be the basis for
11 determining the amount of the tax levy for each fund. Each
12 tax levy shall be at a rate no higher than is required on
13 that basis, without including any amount for anticipated tax
14 delinquency, to produce the amount set out in the budget
15 without including any amount for anticipated tax
16 delinquency, as being the amount to be raised by tax levy.
17 The tax levy shall be made in the manner provided by section
18 84-3802.

19 (7) The county clerk and recorder shall, not later than
20 September 15, forward a full and detailed copy of the final
21 budget, together with the tax levies, to the department of
22 ~~intergovernmental--relations~~ community affairs. If a county
23 clerk and recorder fails to forward a copy of the budget to
24 the department within that time, that department shall,
25 before October 1, notify the board of county commissioners

1 of the county that a copy of the budget has not been
2 forwarded by the county clerk and recorder. The board of
3 county commissioners must then withhold the county clerk and
4 recorder's salary for September until the county clerk and
5 recorder files with the board a receipt from the department
6 showing the receipt of a copy."

7 Section 26. Section 16-1909, R.C.M. 1947, is amended
8 to read as follows:

9 "16-1909. Department of ~~intergovernmental--relations~~
10 community affairs to make rules -- accounting systems. The
11 department of ~~intergovernmental--relations~~ community affairs
12 shall make rules and classifications, and prescribe forms,
13 necessary to carry out the provisions of sections 16-1901
14 through 16-1904 and 16-1906 through 16-1911, to define what
15 expenditures are chargeable to each budget account, and to
16 establish accounting and cost systems necessary to provide
17 accurate budget information."

18 Section 27. Section 16-2049, R.C.M. 1947, is amended
19 to read as follows:

20 "16-2049. Petty cash fund. The board of county
21 commissioners, with the approval of the department of
22 ~~intergovernmental--relations~~ community affairs, may set aside
23 a sum of not less than one hundred dollars (\$100) nor more
24 than one thousand dollars (\$1,000) out of the general fund,
25 which shall be known as a petty cash fund, for the purpose

1 of paying incidental expenses such as freight, express,
 2 postage, and other similar items which must be paid in cash
 3 at time of delivery. In counties having a county auditor,
 4 the county auditor is responsible for expenditures from the
 5 petty cash fund. In counties not having a county auditor,
 6 the county clerk is responsible for expenditures from the
 7 petty cash fund."

8 Section 28. Section 16-2618, R.C.M. 1947, is amended
 9 to read as follows:

10 "16-2618. Deposit of public funds by county, city and
 11 town treasurers. (1) It shall be the duty of all county,
 12 city and town treasurers to deposit all public moneys in
 13 their possession and under their control in any solvent
 14 banks, building and loan associations or savings and loan
 15 associations located in the county, city or town of which
 16 such treasurer is an officer, subject to national
 17 supervision or state examination as the board of county
 18 commissioners in the case of a county, or of the council in
 19 the case of a city or town, may designate, and no other. The
 20 treasurer shall take from such bank, building and loan
 21 association or savings and loan association such security as
 22 the board of county commissioners, in the case of a county,
 23 or the council in the case of a city or town, may prescribe,
 24 approve and deem fully sufficient and necessary to insure
 25 the safety and prompt payment of all such deposits, together

1 with the interest on any time or savings deposits, provided
 2 that said board of county commissioners or city or town
 3 council is hereby authorized to deposit such public moneys
 4 not necessary for immediate use by such county, city or town
 5 with any bank, building and loan association or savings and
 6 loan association authorized herein above in a savings or
 7 time deposit; provided that the bank or banks or building
 8 and loan association or savings and loan association in
 9 which the money is deposited shall pay on the moneys no less
 10 than the rate of interest as is paid on money from private
 11 sources on the same terms. Refusal of any bank, building and
 12 loan association or savings and loan association to pay said
 13 interest rate shall constitute a waiver of that
 14 institution's right to participate in the ratable
 15 distribution of said moneys as set forth in subsection
 16 (4) of this act, and provided that said board of county
 17 commissioners, or city or town council is hereby authorized
 18 to invest such public moneys not necessary for immediate use
 19 by such county, city or town, in direct obligations of the
 20 United States government, payable within not to exceed one
 21 hundred eighty (180) days from the time of such investment.

22 (2) Said board of county commissioners, city or town
 23 council may require security for only such portion of
 24 deposits as is not guaranteed or insured according to law.
 25 Such security shall consist of cashier's check or checks

1 issued by the Federal Reserve Bank, bonds of the United
 2 States government and its dependents, bonds guaranteed by
 3 the United States government or its dependents, bonds and
 4 warrants of the state of Montana, bonds and warrants of any
 5 county of the state of Montana, and bonds of any city, town
 6 or school district of the state of Montana, which are a
 7 general obligation of such county, city, town or school
 8 district, bonds of the Federal Land Banks, Federal
 9 Intermediate Credit Bank debentures, Federal Home Loan Bank
 10 notes and bonds, Bank for Co-operatives' debentures, Federal
 11 National Mortgage Association notes, bonds and guaranteed
 12 certificates of participation, obligations of or fully
 13 guaranteed by the Government National Mortgage Association,
 14 Farmers' Home Administration insured notes, notes fully
 15 guaranteed as to principal and interest by the Small
 16 Business Administration, Federal Housing Administration
 17 debentures, general obligation bonds of other states and
 18 counties of other states and bonds issued in the United
 19 States of America, which are quoted on the New York market
 20 which shall be acceptable at not to exceed ninety per centum
 21 (90%) of such market quotation.

22 (3) When negotiable securities are furnished, such
 23 securities may be placed in trust and the trustee's receipt
 24 may be accepted in lieu of the actual securities when such
 25 receipt is in favor of the treasurer, his successors and the

1 state of Montana, and the form of receipt and the trustee
 2 have been approved by the department of ~~intergovernmental~~
 3 ~~relations~~ community affairs. All warrants or other
 4 negotiable securities must be properly assigned or endorsed
 5 in blank. It shall be the duty of the board of county
 6 commissioners in the case of county funds, or the council in
 7 the case of funds of a city or town, upon the acceptance and
 8 approval of any of the above-mentioned bonds or securities,
 9 to make a complete minute entry of such acceptance and
 10 approval upon the record of their proceedings, and such
 11 bonds and securities shall be reapproved at least quarter
 12 annually thereafter.

13 (4) (a) Demand deposits shall be placed only in banks.
 14 When more than one bank is available in any county, for the
 15 deposit of such county funds, or in any city or town for the
 16 deposit of such city or town funds, such demand deposits
 17 shall be distributed ratably among all of such banks
 18 qualifying therefor, substantially in proportion to paid-in
 19 capital and surplus of each such bank willing to receive
 20 such demand deposits under the terms of this act, and it
 21 shall be the duty of said county, city or town treasurer to
 22 prorate all such demand deposits among all of the banks
 23 qualified to receive the same as in this act provided, to
 24 the end that an equitable distribution of such demand
 25 deposits shall be maintained.

1 (b) Such public moneys not necessary for immediate use
 2 by such county, city or town which are not invested in
 3 direct obligations of the United States government as
 4 authorized herein shall be placed in time or savings
 5 deposits with any bank, building and loan association or
 6 savings and loan association in the county, city or town.
 7 When more than one bank, building and loan association or
 8 savings and loan association is available in any county, for
 9 the deposit of such county funds, or in any city or town for
 10 the deposit of such city or town funds, such funds shall be
 11 distributed ratably among all of such banks, building and
 12 loan associations and savings and loan associations
 13 qualifying therefor, substantially in proportion to the
 14 total property taxes paid in such county or the county in
 15 which such city or town is located during the preceding
 16 year, including taxes on shares of bank stock, by each such
 17 bank, building and loan association or savings and loan
 18 association willing to receive such time or savings deposits
 19 under the terms of this act, and it shall be the duty of
 20 said county, city or town treasurer to prorate all such time
 21 or savings deposits among all of the banks, building and
 22 loan associations and savings and loan associations
 23 qualified to receive the same as in this act provided, to
 24 the end that an equitable distribution of such time or
 25 savings deposits shall be maintained.

1 (5) Whenever it shall come to the attention of the
 2 department of ~~intergovernmental-relations~~ community affairs
 3 that the funds of any county, city or town are not properly
 4 distributed as provided in this act, the department of
 5 ~~intergovernmental-relations~~ community affairs shall order
 6 the treasurer of such county, city or town to distribute
 7 said funds in accordance herewith, and if such treasurer
 8 shall refuse or neglect to comply with such order, it shall
 9 be the duty of the department of ~~intergovernmental-relations~~
 10 community affairs to institute proceedings against such
 11 treasurer at the cost of the county, city or town of which
 12 such treasurer is an officer, on the official bond of such
 13 treasurer. If no such bank, building and loan associations
 14 or savings and loan associations exists in the county, city
 15 or town, or if any banks, building and loan associations or
 16 savings and loan associations existing therein fails or
 17 refuses to qualify under the terms of this act to receive
 18 such deposits, then and in such case, or in either of such
 19 cases, such moneys as have not been accepted by any banks,
 20 building and loan associations or savings and loan
 21 associations within said county, city or town, shall be
 22 deposited under the terms of this act, in the banks,
 23 building and loan associations or savings and loan
 24 associations most convenient to such county, city or town,
 25 willing to accept such deposits under the terms of this act,

1 and qualified as above provided. Any banks, building and
 2 loan associations or savings and loan associations receiving
 3 such deposits, shall, through its president and cashier or
 4 secretary, make a statement quarter annually of account,
 5 under oath, showing all such moneys that have been deposited
 6 with such bank, building and loan association or savings and
 7 loan association during the quarter, the amount of daily
 8 balance in dollars, and the amount of interest by such
 9 banks, building and loan associations or savings and loan
 10 associations credited or paid therefor, and showing that
 11 neither such bank, building and loan association or savings
 12 and loan association nor any officer thereof, nor any person
 13 for it, has paid or given any consideration or emolument
 14 whatsoever to the treasurer or to any other person other
 15 than the interest provided for herein, for or on account of
 16 the making of such deposits, with any such bank, building
 17 and loan association or savings and loan association. All
 18 such deposits shall be subject to withdrawal by the
 19 treasurer in such amounts as may be necessary from time to
 20 time, and no deposit of funds shall be made, or permitted to
 21 remain in any bank, building and loan association or savings
 22 and loan association, until the security for such deposits
 23 shall have been first approved by the board of county
 24 commissioners in the case of county funds, or by the council
 25 in the case of city or town funds, and delivered to the

1 treasurer.

2 (6) Except as provided in subsection (8) of this
 3 section, all interest paid and collected on such deposits or
 4 investments shall be credited to the general fund of the
 5 county, city or town to whose credit such funds are
 6 deposited. Where moneys shall have been deposited in
 7 accordance with the provisions of this act, the treasurer
 8 shall not be liable for loss on account of any such deposit
 9 that may occur through damage by the elements or for any
 10 other cause or reason occasioned through means other than
 11 his own neglect, fraud, or dishonorable conduct.

12 (7) Any bank, building and loan association or savings
 13 and loan association pledging securities as provided in this
 14 act at any time it deems advisable or desirable may
 15 substitute like securities for all or any part of the
 16 securities pledged. The collateral so substituted shall be
 17 approved by the governing body of the county, city or town
 18 at its next official meeting. Such securities so substituted
 19 shall at the time of substitution be at least equal in
 20 principal amount to the securities for which substitution is
 21 made. In the event that the securities so substituted are
 22 held in trust, the trustee shall, on the same day the
 23 substitution is made, forward by registered or certified
 24 mail to the county, city or town and to the depository bank,
 25 building and loan association or savings and loan

1 association, a receipt specifically describing and
 2 identifying both the securities so substituted and those
 3 released and returned to the depository bank, building and
 4 loan association or savings and loan association.

5 (8) Whenever in the judgment of the trustees of any
 6 common school district, high school district, or county high
 7 school it would be advantageous to invest any money of such
 8 school or school district in savings or time deposits in a
 9 state or national bank, building and loan association or
 10 savings and loan association insured by the F.D.I.C. or the
 11 F.S.L.I.C., or in direct obligations of the United States
 12 government, payable within one hundred eighty (180) days
 13 from the time of investment, such governing body may in its
 14 discretion direct the county treasurer to make such
 15 investments. All interest collected on such deposits or
 16 investments shall be credited to the fund from which the
 17 money was withdrawn, provided that nothing in this act shall
 18 be interpreted to conflict with section 16-2050."

19 Section 29. Section 16-2621, R.C.M. 1947, is amended
 20 to read as follows:

21 "16-2621. Director of department of ~~intergovernmental~~
 22 ~~relations~~ community affairs to sign trustee and deposit
 23 receipts. The director of the department of
 24 ~~intergovernmental-relations~~ community affairs shall sign all
 25 trustee and deposit receipts and releases required to be

1 signed on behalf of the state in all cases where negotiable
 2 securities are placed in trust with a trustee in place of
 3 the actual securities, for security of county, city, and
 4 town deposits, under the laws of the state relating to the
 5 deposit of county, city, and town funds."

6 Section 30. Section 16-2625, R.C.M. 1947, is amended
 7 to read as follows:

8 "16-2625. Must permit department of ~~intergovernmental~~
 9 ~~relations~~ community affairs and county clerk to examine
 10 books. (1) The treasurer must permit the department of
 11 ~~intergovernmental-relations~~ community affairs and county
 12 clerk or the board of county commissioners to examine his
 13 books and count the money in the treasury, when any of them
 14 wants to make an examination or counting.

15 (2) The county clerk and recorder at the close of
 16 business each month shall count the cash in the office of
 17 the county treasurer and shall certify the amount in detail
 18 to the department of ~~intergovernmental--relations~~ community
 19 affairs, retaining a copy of the certification in his
 20 office."

21 Section 31. Section 16-2924, R.C.M. 1947, is amended
 22 to read as follows:

23 "16-2924. Annual report of county clerk. Within forty
 24 days after the close of each fiscal year, the county clerk
 25 shall make out and present to the board of county

1 commissioners and the department of ~~intergovernmental~~
 2 ~~relations~~ community affairs a complete statement of the
 3 financial condition of the county. The statement shall be
 4 made out on the form designated by the department of
 5 ~~intergovernmental-relations~~ community affairs and must show:

6 (1) A detailed description of all of the resources and
 7 liabilities of the county and the book value of them;

8 (2) The amount of moneys received showing the source
 9 of that revenue;

10 (3) The amount of moneys disbursed, with the purpose
 11 of disbursement;

12 (4) The operation of each of the cash and warrant
 13 accounts, showing the balance at the beginning of the year,
 14 the credits, the debits, and the balance at the end of the
 15 year;

16 (5) The assessed valuation of the real and personal
 17 property of the county, the rate of taxation, the amount of
 18 taxes delinquent for the preceding years, and such other
 19 items the department of ~~intergovernmental---relations~~
 20 community affairs may prescribe."

21 Section 32. Section 25-231, R.C.M. 1947, is amended to
 22 read as follows:

23 "25-231. Fees of county clerks. The county clerks must
 24 charge, for the use of their respective counties:

25 (1) For recording and indexing a written instrument

1 allowed by law to be recorded, except as otherwise provided
 2 in this section:

3 (a) For the first folio, sixty cents (60¢), and for
 4 each subsequent folio or fraction of one, thirty cents
 5 (30¢);

6 (b) For each entry in index, twenty cents (20¢);

7 (c) For a certificate that an instrument has been
 8 recorded with seal affixed, one dollar (\$1);

9 (2) For recording and indexing each real estate
 10 mortgage, or an assignment, renewal, or release of a real
 11 estate mortgage:

12 (a) For each folio, forty cents (40¢);

13 (b) For each entry in index, twenty cents (20¢);

14 (c) For a certificate that the mortgage, assignment, or
 15 release has been recorded with seal affixed, one dollar
 16 (\$1);

17 (3) For recording and indexing each certificate of
 18 location of a quartz or placer mining claim, millsite claim,
 19 or notice of appropriation of water, including a certificate
 20 that the instrument has been recorded with seal affixed,
 21 four dollars (\$4);

22 (4) For recording and indexing each affidavit of
 23 annual labor on a mining claim, including certificate that
 24 the instrument has been recorded with seal affixed, two
 25 dollars (\$2) for the first mining claim in the affidavit,

1 and fifty cents (50¢) for each additional mining claim
2 included in it;

3 (5) For filing and indexing each writ of attachment,
4 execution, certificate of sale, lien, or other instrument
5 required by law to be filed and indexed, one dollar (\$1);

6 (6) For filing and indexing each certificate of
7 incorporation or annual statement of a corporation, two
8 dollars (\$2);

9 (7) For recording and platting each townsite or map:

10 (a) For each lot up to and including one hundred,
11 fifty cents (50¢);

12 (b) For each additional lot in excess of one hundred,
13 ten cents (10¢);

14 (c) For recording the field notes of survey of a
15 townsite, per folio, fifty cents (50¢).

16 (8) Where recording is done by photographic or similar
17 process the county clerk and recorder shall charge, for
18 filing and indexing, two dollars (\$2) for each page or
19 fraction of a page of the instrument;

20 (9) For a copy of a record or paper, for each folio,
21 thirty cents (30¢) and for each certification with seal
22 affixed, one dollar (\$1). In all cases where copies of a
23 record or paper are to be certified by the county clerk and
24 the copy is furnished to the clerk for certification, the
25 clerk shall not charge a fee for the comparison of the copy,

1 other than the fee of one dollar (\$1) for his certificate
2 and seal;

3 (10) For searching an index record of files of the
4 office, for each year when required, in abstracting or
5 otherwise, thirty cents (30¢);

6 (11) For each entry of discharge or satisfaction of a
7 mortgage, lien, or other instrument on the margin of record
8 of it, or upon the original instrument, and noting the entry
9 in the indexes concerned, fifty cents (50¢);

10 (12) For administering an oath with certificate and
11 seal, no charge;

12 (13) For taking and certifying an acknowledgment, with
13 seal affixed, for signature to it, no charge;

14 (14) For recording and indexing an instrument which may
15 be recorded under section 73-104, and which pertains to land
16 allotted to an Indian or land within an Indian reservation,
17 except fee patents, no charge;

18 (15) For filing, indexing, or other services provided
19 for by sections 87A-9-401 through 87A-9-407, the fees
20 prescribed in those sections;

21 (16) For filing, recording, or indexing any other
22 instrument not expressly provided for in this section, the
23 same fee provided in this section for a similar service;

24 (17) On each instrument delivered to him for recording,
25 the county clerk shall endorse on it all charges made for

1 each service and the endorsement shall be recorded as a part
 2 of the instrument in his office in order that the department
 3 of ~~intergovernmental-relations~~ community affairs may verify
 4 the charges and may see that they have been properly entered
 5 on the fee book or reception record in the county clerk's
 6 office."

7 Section 33. Section 27-222, R.C.M. 1947, is amended to
 8 read as follows:

9 "27-222. Application for applicator's license.

10 (1) Application for a pesticide applicator's license
 11 provided for in section 27-221 shall be made annually,
 12 before applying pesticides in any calendar year, from the
 13 department of agriculture.

14 (2) If the application is made for a license to engage
 15 in aerial application of pesticides, the applicant shall
 16 first meet all of the requirements of the federal aviation
 17 agency and the department of ~~intergovernmental-relations~~
 18 community affairs to operate the equipment described in the
 19 application."

20 Section 34. Section 32-4602, R.C.M. 1947, is amended
 21 to read as follows:

22 "32-4602. Definitions. Unless the context requires
 23 otherwise, in this chapter:

24 (1) "Highway traffic safety program" means a program
 25 designed to reduce traffic accidents, deaths, and injuries

1 to persons, and damage to property. The program shall be in
 2 accordance with uniform standards established by the
 3 secretary of commerce of the United States under Title 23,
 4 United States Code Annotated, as amended. Nothing in this
 5 chapter restricts or prohibits the establishment of
 6 standards which enlarge or implement the federal standards.

7 (2) "Political subdivisions" means every county,
 8 incorporated city or town, and school district within the
 9 boundaries of the state.

10 (3) "Department" means the department of
 11 ~~intergovernmental--relations~~ community affairs provided for
 12 in Title 32A, chapter 9."

13 Section 35. Section 32-4605, R.C.M. 1947, is amended
 14 to read as follows:

15 "32-4605. Duties. (1) The governor is responsible for
 16 the administration of the highway traffic safety program.
 17 The governor may contract and do all other things necessary
 18 to secure the full benefits available to this state under
 19 the Federal Highway Safety Act of 1966, and, in so doing,
 20 may co-operate with federal and state agencies, private and
 21 public organizations, and individuals to effectuate the
 22 purposes of that enactment, and all amendments to it. For
 23 purposes of participation in the Federal Highway Safety Act
 24 of 1966, the governor shall designate the superintendent of
 25 public instruction as the state agency responsible for all

1 aspects of federally assisted driver education and safety
 2 programs in the public schools, including the approval of
 3 the programs; certification of teachers; and the acceptance,
 4 allocation, and expenditure of funds for driver education in
 5 accordance with applicable federal laws and regulations.
 6 Nothing in this chapter interferes with the provisions of
 7 section 75-7303 or chapter 79 of Title 75, R.C.M., 1947.

8 (2) The department of ~~intergovernmental--relations~~
 9 community affairs shall:

10 (a) advise and assist the governor in all matters of
 11 highway safety and establish comprehensive training
 12 programs, including establishment and regulation of driver
 13 training schools and certification of the schools and
 14 instructors and establishment of adult training and
 15 retraining programs;

16 (b) develop and procure practice driving facilities,
 17 simulators, and other teaching aids for school and driver
 18 training use;

19 (c) establish a continuing and adequate research
 20 program designed to determine the causes of accidents and
 21 effect a program of prevention;

22 (d) establish a uniform system of driver licensing,
 23 including mental and physical standards; and

24 (e) prescribe and establish safety regulations for
 25 motor vehicles and operators."

1 Section 36. Section 59-514, R.C.M. 1947, is amended to
 2 read as follows:

3 "59-514. Destruction of old county records may be
 4 ordered by commissioners with approval of department of
 5 ~~intergovernmental-relations~~ community affairs -- destruction
 6 of old school district records may be ordered by trustees
 7 with approval of the department of ~~intergovernmental~~
 8 ~~relations~~ community affairs. (1) A county officer may
 9 destroy old worthless reports, papers, or records in his
 10 office that have served their purpose and that are
 11 substantiated by permanent records, upon the order of the
 12 board of county commissioners and with the approval of the
 13 department of ~~intergovernmental--relations~~ community
 14 affairs.

15 (2) A school officer may destroy old worthless
 16 reports, papers, or records in his office that have served
 17 their purpose and that are substantiated by permanent
 18 records, upon the order of the board of trustees and with
 19 the approval of the department of ~~intergovernmental~~
 20 ~~relations~~ community affairs."

21 Section 37. Section 59-515, R.C.M. 1947, is amended to
 22 read as follows:

23 "59-515. Destruction of old city or town records. A
 24 city or town officer may destroy old worthless reports,
 25 papers, or records in his office that have served their

1 purpose and that are substantiated by permanent records,
 2 upon the order of the city or town council or commission and
 3 with the approval of the ~~Department~~ department of
 4 ~~Intergovernmental-Relations~~ community affairs, except that
 5 records relating to the operation of any public utility by a
 6 city or town may be destroyed without the approval of the
 7 ~~Department~~ department of ~~Intergovernmental---Relations~~
 8 community affairs after the expiration of the period during
 9 which they must be kept by said city or town as specified in
 10 the appropriate regulations of the Public Service Commission
 11 of Montana."

12 Section 38. Section 69-7002, R.C.M. 1947, is amended
 13 to read as follows:

14 "69-7002. Emergency medical services program -- duties
 15 of department. The department of health and environmental
 16 sciences shall establish and administer an emergency medical
 17 services program. The department is authorized to confer and
 18 cooperate with any and all other persons, organizations and
 19 governmental agencies that have an interest in emergency
 20 medical services problems and needs, and the department is
 21 authorized to accept, receive, expend and administer any and
 22 all funds which are now available or which may be donated,
 23 granted or appropriated to the department of health and
 24 environmental sciences. The department of health and
 25 environmental sciences and the department of

1 ~~intergovernmental--relations~~ community affairs, highway
 2 safety division and other interested departments or
 3 divisions, shall develop in writing a mutually agreeable
 4 plan of cooperation, so that governmental effort will not be
 5 duplicated and governmental resources will be applied on a
 6 reasonable priority basis."

7 Section 39. Section 70-807, R.C.M. 1947, is amended to
 8 read as follows:

9 "70-807. Study, evaluation and report on proposed
 10 facility -- application for amendment of certificate --
 11 hearings. (1) Upon receipt of an application complying with
 12 section 70-806, the department shall commence an intensive
 13 study and evaluation of the proposed facility and its
 14 effects, pursuant to section 70-816 of this act. Within six
 15 hundred (600) days following receipt of the application for
 16 a facility as defined in sections 70-803 (3)(a), 70-803
 17 (b)(iv), 70-803 (3)(c), 70-803 (3)(d) and within one hundred
 18 eighty (180) days for a facility as defined in sections
 19 70-803 (b) (iii) the department shall make a report to the
 20 board, which shall contain the department's studies,
 21 evaluations, recommendations, other pertinent documents
 22 resulting from its study and evaluation pursuant to section
 23 70-816 of this act and the final environmental impact
 24 statement.

25 The departments of health and environmental sciences,

1 highways, ~~intergovernmental--relations~~ community affairs,
 2 fish and game, and public service regulation shall report to
 3 the department information relating to the impact of the
 4 proposed site on each department's area of expertise. Such
 5 information may include opinions as to the advisability of
 6 granting or denying the certificate. The department shall
 7 allocate funds obtained from filing fees to the departments
 8 making reports to reimburse them for the costs of compiling
 9 information and issuing the required report.

10 (2) On an application for an amendment of a
 11 certificate, the board shall hold a hearing in the same
 12 manner as a hearing is held on an application for a
 13 certificate if the proposed change in the facility would
 14 result in any material increase in any environmental impact
 15 of the facility or a substantial change in the location of
 16 all or a portion of such facility other than as provided in
 17 the alternates set forth in the application.

16 (3) Upon receipt of the department's report submitted
 19 under subsection (1) of this section, the board shall set a
 20 hearing date not more than sixty (60) days after such
 21 receipt."

22 Section 40. Section 70-814, R.C.M. 1947, is amended to
 23 read as follows:

24 "70-814. Annual long-range plan submitted -- contents
 25 -- available to public. (1) Each utility shall furnish

1 annually to the department for its review, a long-range plan
 2 for the construction and operation of utility facilities.
 3 Such plan shall be submitted on April 1 of each year. The
 4 plan shall include the following:

5 (a) the general location, size and type of all utility
 6 facilities to be owned and operated by the utility whose
 7 construction is projected to commence during the ensuing ten
 8 (10) years, as well as those facilities to be removed from
 9 service during the planning period;

10 (b) a description of efforts by the utility to
 11 coordinate the plan with other utilities so as to provide a
 12 coordinated regional plan for meeting the utility needs of
 13 the region;

14 (c) a description of the efforts to involve
 15 environmental protection and land-use planning agencies in
 16 the planning process, as well as other efforts to identify
 17 and minimize environmental problems at the earliest possible
 18 stage in the planning process;

19 (d) projections of the demand for the service rendered
 20 by the utility and explanation of the basis for such
 21 projections, and a description of the manner and extent to
 22 which the proposed facilities will meet the projected
 23 demand; and

24 (e) additional information that the department on its
 25 own initiative or upon the advice of interested state

1 agencies might request in order to carry out the purposes of
2 this act.

3 (2) The plan shall be made available to the public by
4 the department, and the utility shall be required to give
5 public notice throughout the state of its plan by filing the
6 plan with the environmental quality council, the department
7 of health and environmental science, the department of
8 highways, the department of public service regulation, the
9 department of state lands and the department of
10 ~~intergovernmental---relations~~ community affairs. Citizen
11 environmental protection and resource planning groups, and
12 other interested persons may obtain a plan by written
13 request and payment therefor."

14 Section 41. Section 75-6917, R.C.M. 1947, is amended
15 to read as follows:

16 "75-6917. Purpose of state equalization aid and duties
17 of the board of public education for distribution. Except as
18 provided in 75-6917.1, the moneys available for state
19 equalization aid shall be distributed and apportioned to
20 provide an annual minimum operating revenue for the
21 elementary and high schools in each county, exclusive of
22 revenues required for debt service and for the payment of
23 any and all costs and expense incurred in connection with
24 any adult education program, recreation program, school food
25 services program, new buildings, new grounds, and

1 transportation.

2 The board of public education shall administer and
3 distribute the state equalization aid in the manner and with
4 the powers and duties provided by law. To this end, the
5 board of public education shall:

6 (1) adopt policies for regulating the distribution of
7 state equalization aid in accordance with the provisions of
8 law;

9 (2) have the power to require such reports from the
10 county superintendents, budget boards, county treasurers,
11 and trustees as it may deem necessary; and

12 (3) order the superintendent of public instruction to
13 distribute the state equalization aid on the basis of each
14 district's annual entitlement to such aid as established by
15 the superintendent of public instruction. In ordering the
16 distribution of state equalization aid, the board of public
17 education shall not increase or decrease the state
18 equalization aid distribution to any district on account of
19 any difference which may occur during the school fiscal year
20 between budgeted and actual receipts from any other source
21 of school revenue.

22 Should a district receive more state equalization aid
23 than it is entitled to, the county treasurer must return the
24 overpayment to the state upon the request of the
25 superintendent of public instruction in the manner

1 prescribed by the municipal division of the department of
2 ~~intergovernmental-relations~~ community affairs."

3 Section 42. Section 80-2618, R.C.M. 1947, is amended
4 to read as follows:

5 "80-2618. County funding to be supplied. Every
6 participating county of the state shall annually budget and
7 appropriate for the establishment, support and operation of
8 public developmental disabilities facilities and services an
9 amount equal to fifty cents (\$.50) per capita of the
10 population of such county as shown by the division of
11 planning and economic development of the state department of
12 ~~intergovernmental---~~ community affairs. The
13 appropriation may be in an amount greater than the minimum
14 herein provided and shall be made under the authority
15 contained in section 9 [80-2619] herein and may be
16 appropriated either out of the general fund of the county or
17 by use of the permissive special mill levy as herein
18 provided."

19 Section 43. Section 82-3702, R.C.M. 1947, is amended
20 to read as follows:

21 "82-3702. Declaration of necessity and public policy.
22 It is hereby declared to be a necessity and the public
23 policy of the state to promote, stimulate, and encourage the
24 planning and development of the economy of the state in
25 order to provide for the social and economic prosperity of

1 its citizens. Such promotion and development of industry,
2 commerce, agriculture, labor, and natural resources of the
3 state requires that cognizance be taken of the continuing
4 migration of people to the urban areas in search of job
5 opportunities, and the fact that Montana is making a needed
6 transition to a diversified economy. Community planning,
7 greater diversification, and attraction of additional
8 industry, accelerated development of natural resources,
9 expansion of existing industry, creation of new uses for
10 agricultural products, greater emphasis on scientific
11 research, development of new markets for the products of the
12 state, and the attainment of a proper balance in the
13 over-all economic base are all necessary in order to create
14 additional employment opportunities, increase personal
15 income, and promote the general welfare of the people of
16 this state. The department of ~~intergovernmental--relations~~
17 community affairs shall be regarded as performing a
18 governmental function in carrying out the provisions of this
19 chapter."

20 Section 44. Section 82-3705, R.C.M. 1947, is amended
21 to read as follows:

22 "82-3705. Functions of department of ~~intergovernmental~~
23 relations community affairs -- state planning. The
24 department of ~~intergovernmental-relations~~ community affairs
25 shall:

1 (A) State Planning.

2 (1) Develop and adopt a comprehensive plan for the
3 physical development of the state;

4 (2) Make economic and social studies needed to
5 accomplish the purposes of this chapter;

6 (3) Co-ordinate and assist regional development groups
7 in the comprehensive development of the resources of the
8 region to the betterment of Montana;

9 (4) Assemble and correlate information for the purpose
10 of making long-range plans for economic and resource
11 development of the state and its subdivisions relating to
12 all of the factors which influence the development of new
13 and existing economic enterprises, including taxes and the
14 regulation of industry;

15 (5) Provide advice and assistance to Montana business
16 and labor in the field of economic development and bring to
17 the attention of the governor those significant problems
18 adversely affecting economic development which may be
19 relieved by state action;

20 (6) Locate and maintain information on prime sites for
21 industrial, agricultural, mineral, forestry, commercial, and
22 residential development and on sites of historical
23 importance, and make recommendations for protecting and
24 preserving those sites;

25 (7) Apply for, accept, and administer grants from the

1 federal government or other public or private sources to
2 accomplish the objectives of this chapter, and enter into
3 contracts, including agreements with adjoining states, with
4 respect to planning involving adjoining states;

5 (8) Serve as the consultative, co-ordinating, and
6 advisory agency for state departments, officials, and
7 agencies in state planning and for encouraging and aiding
8 local planning bodies, either directly or by securing
9 planning assistance, consulting services, and technical aid,
10 which may include land use, demographic, and economic
11 studies and surveys, and comprehensive plans."

12 Section 45. Section 82-3705.1, R.C.M. 1947, is amended
13 to read as follows:

14 "82-3705.1. Functions of department of
15 ~~intergovernmental--relations~~ community affairs -- community
16 development. The department of ~~intergovernmental--relations~~
17 community affairs shall: (1) Cooperate with and provide
18 technical assistance to county, municipal, state, and
19 regional planning commissions, zoning commissions, parks or
20 recreation boards, community development groups, community
21 action agencies, and similar agencies created for the
22 purposes of aiding and encouraging orderly, productive, and
23 coordinated development of the communities of the state;

24 (2) Assist the governor in coordinating the activities
25 of state agencies which have an impact on solution of

1 community development problems and implementation of
2 community plans;

3 (3) Serve as a clearinghouse for information, data,
4 and other materials which may be helpful or necessary to
5 local governments to discharge their responsibilities and
6 provide information on available federal and state financial
7 and technical assistance;

8 (4) Carry out continuing studies and analyses of the
9 problems faced by communities within the state and develop
10 those recommendations for administrative or legislative
11 action as appear necessary. In carrying out the studies and
12 analyses, the department shall pay particular attention to
13 the problems of metropolitan, suburban, and other areas in
14 which economic and population factors are rapidly changing."

15 Section 46. Section 82-3705.2, R.C.M. 1947, is amended
16 to read as follows:

17 "82-3705.2. Functions of department of
18 ~~intergovernmental---relations~~ community affairs --
19 recreational development. The department of
20 ~~intergovernmental---relations~~ community affairs shall:

21 (1) Exercise state responsibility for that part of
22 recreational planning and development which is directly
23 related to private investment in recreational facilities;

24 (2) Assemble and correlate information which may
25 influence the development of recreational enterprises and

1 disseminate it to persons, firms, or corporations interested
2 in constructing or maintaining recreational facilities open
3 to the public."

4 Section 47. Section 82-3705.3, R.C.M. 1947, is amended
5 to read as follows:

6 "82-3705.3. Functions of department of
7 ~~intergovernmental-relations~~ community affairs -- economic
8 development. The department of ~~intergovernmental-relations~~
9 community affairs shall: (1) Provide coordinating services
10 to aid state and local groups in the promotion of new
11 economic enterprises and conduct publicity and promotional
12 activities in connection with new economic enterprises;

13 (2) Collect and disseminate information regarding the
14 advantages of developing agricultural, recreational,
15 commercial, and industrial enterprises within this state;

16 (3) Serve as the state's official liaison between
17 persons interested in locating new economic enterprises in
18 Montana and state and local groups seeking new enterprises;

19 (4) Aid communities interested in obtaining new
20 business or expanding existing business;

21 (5) Study and promote means of expanding markets for
22 Montana products;

23 (6) Encourage and coordinate public and private
24 agencies or bodies in publicizing the facilities and
25 attractions of the state."

1 Section 48. Section 82-4501, R.C.M. 1947, is amended
2 to read as follows:

3 "82-4501. Definition. Unless the context requires
4 otherwise, in this chapter "department" means the department
5 of ~~intergovernmental-relations~~ community affairs provided
6 for in Title 82A, chapter 9."

7 Section 49. Section 82A-104, R.C.M. 1947, is amended
8 to read as follows:

9 "82A-104. Structure of executive branch of state
10 government. (1) In accordance with the constitution, all
11 executive and administrative offices, boards, commissions,
12 agencies, and instrumentalities of the executive branch of
13 state government, and their respective functions, are
14 allocated by this title among and within the following
15 departments or entities:

- 16 (a) Department of administration.
- 17 (b) Department of agriculture.
- 18 (c) Department of business regulation.
- 19 (d) State board of education.
- 20 (e) Department of fish and game.
- 21 (f) Department of health and environmental sciences.
- 22 (g) Department of highways.
- 23 (h) Department of institutions.
- 24 (i) Department of ~~intergovernmental----~~relations
25 community affairs.

- 1 (j) Department of labor and industry.
- 2 (k) Department of justice.
- 3 (l) Department of livestock.
- 4 (m) Department of military affairs.
- 5 (n) Department of natural resources and conservation.
- 6 (o) Department of professional and occupational
7 licensing.
- 8 (p) Department of public service regulation.
- 9 (q) Department of revenue.
- 10 (r) Department of social and rehabilitation services.
- 11 (s) Department of state lands.
- 12 (2) For its internal structure, each department shall
13 adhere to the following standard terms:
- 14 (a) The principal unit of a department is a
15 "division." Each division shall be headed by an
16 "administrator."
- 17 (b) The principal unit of a division is a "bureau."
18 Each bureau shall be headed by a "chief."
- 19 (c) The principal unit of a bureau is a "section."
20 Each section shall be headed by a "supervisor."
- 21 Section 50. Section 82A-403, R.C.M. 1947, is amended
22 to read as follows:
- 23 "82A-403. Additional functions transferred to
24 department. (1) The functions of the state examiner, except
25 the functions with respect to the political subdivisions of

1 the state and their officers and employees transferred to
 2 the department of ~~intergovernmental--relations~~ community
 3 affairs and enumerated in chapter 9 of this act, are
 4 transferred to the department. In accordance with article
 5 VII, section 8 of the Montana constitution, the state
 6 examiner retains the function of examining the accounts of
 7 the state treasurer, supreme court clerks, district court
 8 clerks, and county treasurers. Unless inconsistent with this
 9 act, any reference in the Revised Codes of Montana, 1947, to
 10 the state examiner, except the references contained in the
 11 citations enumerated above in this subsection, means the
 12 department of business regulation.

13 (2) The functions of the Montana milk control board,
 14 which is created in Title 27, chapter 4, R.C.M. 1947, except
 15 the quasi-judicial functions contained in section 27-407,
 16 R.C.M. 1947 (pertaining to fixing minimum prices for milk),
 17 retained in the board under section 82A-406 of this chapter,
 18 are transferred to the department. Unless inconsistent with
 19 this act, any reference in the Revised Codes of Montana,
 20 1947, to the Montana milk control board, except the
 21 references in section 27-407, R.C.M. 1947, relating to the
 22 quasi-judicial functions retained in the board under section
 23 82A-406 of this chapter, means the department of business
 24 regulation.

25 (3) The functions of the commissioner of agriculture,

I which are contained in Title 60, chapter 2, R.C.M. 1947
 2 (pertaining to petroleum products regulation), are
 3 transferred to the department. Unless inconsistent with this
 4 act, any reference in Title 60, chapter 2, R.C.M. 1947, to
 5 the commissioner of agriculture means the department of
 6 business regulation.

7 (4) The functions of the department of agriculture,
 8 which are contained in Title 90, chapter 1, R.C.M. 1947
 9 (pertaining to weights and measures), are transferred to the
 10 department of business regulation. Unless inconsistent with
 11 this act, any reference in Title 90, chapter 1, R.C.M.
 12 1947, to the department of agriculture means the department
 13 of business regulation."

14 Section 51. Section 89-1215, R.C.M. 1947, is amended
 15 to read as follows:

16 "89-1215. Records required to be kept -- examination
 17 by ~~state-examiner~~ department of community affairs. It shall
 18 be the duty of the board of control to keep, or cause to be
 19 kept, a full and complete book and record of the accounts,
 20 records, contracts, securities, minutes of meetings and
 21 other matters of every kind pertaining to or belonging to
 22 the joint operation of the irrigation districts, in the form
 23 prescribed by the department of ~~intergovernmental--relations,~~
 24 community affairs.

25 It is hereby made the duty of the department of

1 ~~intergovernmental-relations~~ community affairs to prescribe
 2 such forms for the use of the board of control, and to
 3 examine the same as provided by law for the examination of
 4 the affairs of county offices."

5 Section 52. Section 89-2107, R.C.M. 1947, is amended
 6 to read as follows:

7 "89-2107. Records -- inspection -- fees -- reports.
 8 (1) The board of commissioners shall keep a complete book
 9 and record of the accounts, records, contracts, securities,
 10 minutes of meetings, and other matters of every kind
 11 pertaining to or belonging to the irrigation district, in
 12 the form prescribed by the department of ~~intergovernmental~~
 13 ~~relations~~ community affairs. The department of
 14 ~~intergovernmental----~~ relations community affairs shall
 15 prescribe forms for the use of irrigation districts and
 16 examine them as provided by law for the examination of the
 17 affairs of county officers. The books and records shall be
 18 open to the inspection of any landowner of the district the
 19 same as other public records. The failure of the board of
 20 commissioners to comply with this section is grounds for
 21 removal from office, and the county attorney of any county
 22 in which the irrigation district is situated shall prosecute
 23 ouster proceedings against any commissioner or
 24 commissioners. The cost of the proceedings is a charge
 25 against the irrigation district, and shall be paid as are

1 other bills against the districts.

2 (2) If a district is appointed fiscal agent of the
 3 United States, or by the United States is authorized to make
 4 collections for or on behalf of the United States in
 5 connection with a federal irrigation project, the board of
 6 commissioners or its secretary shall at any time allow any
 7 officer or employee of the United States, when acting under
 8 the orders of the secretary of the interior, to have access
 9 to all books, records, and vouchers of the district which
 10 are in possession or control of the secretary or board.

11 (3) The board of commissioners shall annually file
 12 with the county clerk and recorder of the county in which
 13 the district is located, within ten (10) days after March 1
 14 of each year, a sworn report showing the assets and
 15 liabilities of the district, the amount of money received
 16 during the preceding year, and the amount spent during that
 17 time, and shall publish the report at least once in a
 18 newspaper of the county.

19 (4) The department of ~~intergovernmental----~~ relations
 20 community affairs shall notify the secretaries of the
 21 districts of the time of presenting the books and records at
 22 the courthouse for examination."

23 Section 53. Section 89-3422, R.C.M. 1947, is amended
 24 to read as follows:

25 "89-3422. ~~State---examiner~~ Department of community

1 affairs to examine financial records -- report -- fee. At
2 least once each year the department of ~~intergovernmental~~
3 ~~relations~~ community affairs shall examine the financial
4 records of each district and file a report of the
5 examination with the department of natural resources and
6 conservation and court. The department of ~~intergovernmental~~
7 ~~relations~~ community affairs shall collect a fee for the
8 examination equal to that charged irrigation districts."

9 Section 54. There is a new R.C.M. section that reads
10 as follows:

11 Construction of this act. This act shall take effect on
12 July 1, 1975. After that date, every reference to the
13 department of intergovernmental relations shall be to the
14 department of community affairs.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 316

INTRODUCED BY GERKE, SOUTH, LOCKREM, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND--SECTION
~~82A-901,--R.C.M.--1947~~; GENERALLY REVISE THE LAW IN ORDER TO
CHANGE THE TITLE OF DEPARTMENT OF INTERGOVERNMENTAL
RELATIONS TO THAT OF THE DEPARTMENT OF COMMUNITY AFFAIRS IN
ALL PERTINENT STATUTES; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 82A-901, R.C.M. 1947, is amended to
read as follows:

"82A-901. Department of ~~intergovernmental--relations~~
community affairs -- creation -- head. There is created a
department of ~~intergovernmental-relations~~ community affairs.
The department head is a director of ~~intergovernmental~~
~~relations~~ community affairs appointed by the governor in
accordance with section 82A-106 of this act."

Section 2. Section 1-102, R.C.M. 1947, is amended to
read as follows:

"1-102. Definitions. Unless the context requires
otherwise, in this title:

(1) "Department" means the department of
~~intergovernmental--relations~~ community affairs provided for
in Title 82A, chapter 9.

SECOND READING

(2) "Aeronautics" means transportation by aircraft;
the operation, construction, repair, or maintenance of
aircraft, aircraft power plants and accessories, including
the repair, packing, and maintenance of parachutes; the
design, establishment, construction, extension, operation,
improvement, repair, or maintenance of airports, restricted
landing areas, or other air navigation facilities; and air
instruction.

(3) "Aircraft" means a contrivance used or designed
for navigation of or flight in the air.

(4) "Public aircraft" means an aircraft used
exclusively in the service of any government or of a
political subdivision of a government, including the
government of a state, territory, or possession of the
United States, or the District of Columbia, but not
including a government-owned aircraft engaged in carrying
persons or property for commercial purposes.

(5) "Civil aircraft" means an aircraft other than a
public aircraft.

(6) "Airport" means an area of land or water, except a
restricted landing area, which is designed for the landing
and take-off of aircraft, whether or not facilities are
provided for the shelter, servicing, or repair of aircraft,
or for receiving or discharging passengers or cargo, and all
appurtenant areas used or suitable for airport buildings or

This bill was amended in HB 916 and due to length will not
be read. Please refer to white copy for complete text.

1 other airport facilities, and all appurtenant rights of way.

2 (7) "Restricted landing area" means an area of land,
3 water, or both, which is used or is made available for the
4 landing and take-off of aircraft, the use of which shall,
5 except in case of emergency, be only as provided by the
6 department.

7 (8) "Air navigation facility" means a facility used in,
8 available for use in, or designed for use in, aid of air
9 navigation, including airports, restricted landing areas,
10 and structures, mechanisms, lights, beacons, marks,
11 communicating systems, or other instrumentalities or devices
12 used or useful as an aid, or constituting an advantage or
13 convenience, to the safe taking-off, navigation, and landing
14 of aircraft, or the safe and efficient operation or
15 maintenance of an airport or restricted area, and any
16 combination of these facilities.

17 (9) "Air navigation" means the operation or navigation
18 of aircraft in the air space over this state, or upon an
19 airport or restricted landing area within this state.

20 (10) "Operation of aircraft" or "operate aircraft"
21 means the use of aircraft for the purpose of air navigation,
22 and includes the navigation or piloting of aircraft. A
23 person who causes or authorizes the operation of aircraft,
24 whether with or without the right of legal control (in the
25 capacity of owner, lessee, or otherwise) of the aircraft,

1 operates the aircraft.

2 (11) "Airman" means an individual who engages, as the
3 person in command, or as pilot, mechanic, or member of the
4 crew, in the navigation of aircraft while under way and
5 (excepting individuals employed outside the United States,
6 an individual employed by a manufacturer of aircraft,
7 aircraft engines, propellers, or appliances to perform
8 duties as inspector or mechanic in connection with them, and
9 an individual performing inspection or mechanical duties in
10 connection with aircraft owned or operated by him) an
11 individual who is directly in charge of the inspection,
12 maintenance, overhauling, or repair of aircraft engines,
13 propellers, or appliances; and an individual who serves in
14 the capacity of aircraft dispatcher or air-traffic
15 control-tower operator.

16 (12) "Air instruction" means the imparting of
17 aeronautical information by an aeronautics instructor or in
18 or by an air school or flying club.

19 (13) "Air school" means a person engaged in giving or
20 offering to give instruction in aeronautics, either in
21 flying or ground subjects, or both, for or without hire or
22 reward, and advertising, representing, or holding himself
23 out as giving or offering to give that instruction. It does
24 not include a public school or university of this state, or
25 an institution of higher learning accredited and approved

1 HOUSE BILL NO. 316

2 INTRODUCED BY GERKE, SOUTH, LOCKREM, FAGG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~AMEND--SECTION~~
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8 ALL PERTINENT STATUTES; AND PROVIDING AN EFFECTIVE DATE."

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11 Section 1. Section 82A-901, R.C.M. 1947, is amended to
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14 community affairs -- creation -- head. There is created a
15 department of ~~intergovernmental--relations~~ community affairs.
16 The department head is a director of ~~intergovernmental~~
17 relations community affairs appointed by the governor in
18 accordance with section 82A-106 of this act."

19 Section 2. Section 1-102, R.C.M. 1947, is amended to
20 read as follows:

21 "1-102. Definitions. Unless the context requires
22 otherwise, in this title:

23 (1) "Department" means the department of
24 ~~intergovernmental--relations~~ community affairs provided for
25 in Title 82A, chapter 9.

THIRD READING

1 (2) "Aeronautics" means transportation by aircraft;
2 the operation, construction, repair, or maintenance of
3 aircraft, aircraft power plants and accessories, including
4 the repair, packing, and maintenance of parachutes; the
5 design, establishment, construction, extension, operation,
6 improvement, repair, or maintenance of airports, restricted
7 landing areas, or other air navigation facilities; and air
8 instruction.

9 (3) "Aircraft" means a contrivance used or designed
10 for navigation of or flight in the air.

11 (4) "Public aircraft" means an aircraft used
12 exclusively in the service of any government or of a
13 political subdivision of a government, including the
14 government of a state, territory, or possession of the
15 United States, or the District of Columbia, but not
16 including a government-owned aircraft engaged in carrying
17 persons or property for commercial purposes.

18 (5) "Civil aircraft" means an aircraft other than a
19 public aircraft.

20 (6) "Airport" means an area of land or water, except a
21 restricted landing area, which is designed for the landing
22 and take-off of aircraft, whether or not facilities are
23 provided for the shelter, servicing, or repair of aircraft,
24 or for receiving or discharging passengers or cargo, and all
25 appurtenant areas used or suitable for airport buildings or

1 other airport facilities, and all appurtenant rights of way.

2 (7) "Restricted landing area" means an area of land,
3 water, or both, which is used or is made available for the
4 landing and take-off of aircraft, the use of which shall,
5 except in case of emergency, be only as provided by the
6 department.

7 (8) "Air navigation facility" means a facility used in,
8 available for use in, or designed for use in, aid of air
9 navigation, including airports, restricted landing areas,
10 and structures, mechanisms, lights, beacons, marks,
11 communicating systems, or other instrumentalities or devices
12 used or useful as an aid, or constituting an advantage or
13 convenience, to the safe taking-off, navigation, and landing
14 of aircraft, or the safe and efficient operation or
15 maintenance of an airport or restricted area, and any
16 combination of these facilities.

17 (9) "Air navigation" means the operation or navigation
18 of aircraft in the air space over this state, or upon an
19 airport or restricted landing area within this state.

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21 means the use of aircraft for the purpose of air navigation,
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25 capacity of owner, lessee, or otherwise) of the aircraft,

1 operates the aircraft.

2 (11) "Airman" means an individual who engages, as the
3 person in command, or as pilot, mechanic, or member of the
4 crew, in the navigation of aircraft while under way and
5 (excepting individuals employed outside the United States,
6 an individual employed by a manufacturer of aircraft,
7 aircraft engines, propellers, or appliances to perform
8 duties as inspector or mechanic in connection with them, and
9 an individual performing inspection or mechanical duties in
10 connection with aircraft owned or operated by him) an
11 individual who is directly in charge of the inspection,
12 maintenance, overhauling, or repair of aircraft engines,
13 propellers, or appliances; and an individual who serves in
14 the capacity of aircraft dispatcher or air-traffic
15 control-tower operator.

16 (12) "Air instruction" means the imparting of
17 aeronautical information by an aeronautics instructor or in
18 or by an air school or flying club.

19 (13) "Air school" means a person engaged in giving or
20 offering to give instruction in aeronautics, either in
21 flying or ground subjects, or both, for or without hire or
22 reward, and advertising, representing, or holding himself
23 out as giving or offering to give that instruction. It does
24 not include a public school or university of this state, or
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3 aircraft, aircraft power plants and accessories, including
4 the repair, packing, and maintenance of parachutes; the
5 design, establishment, construction, extension, operation,
6 improvement, repair, or maintenance of airports, restricted
7 landing areas, or other air navigation facilities; and air
8 instruction.

9 (3) "Aircraft" means a contrivance used or designed
10 for navigation of or flight in the air.

11 (4) "Public aircraft" means an aircraft used
12 exclusively in the service of any government or of a
13 political subdivision of a government, including the
14 government of a state, territory, or possession of the
15 United States, or the District of Columbia, but not
16 including a government-owned aircraft engaged in carrying
17 persons or property for commercial purposes.

18 (5) "Civil aircraft" means an aircraft other than a
19 public aircraft.

20 (6) "Airport" means an area of land or water, except a
21 restricted landing area, which is designed for the landing
22 and take-off of aircraft, whether or not facilities are
23 provided for the shelter, servicing, or repair of aircraft,
24 or for receiving or discharging passengers or cargo, and all
25 appurtenant areas used or suitable for airport buildings or

1 other airport facilities, and all appurtenant rights of way.

2 (7) "Restricted landing area" means an area of land,
3 water, or both, which is used or is made available for the
4 landing and take-off of aircraft, the use of which shall,
5 except in case of emergency, be only as provided by the
6 department.

7 (8) "Air navigation facility" means a facility used in,
8 available for use in, or designed for use in, aid of air
9 navigation, including airports, restricted landing areas,
10 and structures, mechanisms, lights, beacons, marks,
11 communicating systems, or other instrumentalities or devices
12 used or useful as an aid, or constituting an advantage or
13 convenience, to the safe taking-off, navigation, and landing
14 of aircraft, or the safe and efficient operation or
15 maintenance of an airport or restricted area, and any
16 combination of these facilities.

17 (9) "Air navigation" means the operation or navigation
18 of aircraft in the air space over this state, or upon an
19 airport or restricted landing area within this state.

20 (10) "Operation of aircraft" or "operate aircraft"
21 means the use of aircraft for the purpose of air navigation,
22 and includes the navigation or piloting of aircraft. A
23 person who causes or authorizes the operation of aircraft,
24 whether with or without the right of legal control (in the
25 capacity of owner, lessee, or otherwise) of the aircraft,

1 operates the aircraft.

2 (11) "Airman" means an individual who engages, as the
3 person in command, or as pilot, mechanic, or member of the
4 crew, in the navigation of aircraft while under way and
5 (excepting individuals employed outside the United States,
6 an individual employed by a manufacturer of aircraft,
7 aircraft engines, propellers, or appliances to perform
8 duties as inspector or mechanic in connection with them, and
9 an individual performing inspection or mechanical duties in
10 connection with aircraft owned or operated by him) an
11 individual who is directly in charge of the inspection,
12 maintenance, overhauling, or repair of aircraft engines,
13 propellers, or appliances; and an individual who serves in
14 the capacity of aircraft dispatcher or air-traffic
15 control-tower operator.

16 (12) "Air instruction" means the imparting of
17 aeronautical information by an aeronautics instructor or in
18 or by an air school or flying club.

19 (13) "Air school" means a person engaged in giving or
20 offering to give instruction in aeronautics, either in
21 flying or ground subjects, or both, for or without hire or
22 reward, and advertising, representing, or holding himself
23 out as giving or offering to give that instruction. It does
24 not include a public school or university of this state, or
25 an institution of higher learning accredited and approved

1 for carrying on collegiate work.

2 (14) "Aeronautics instructor" means an individual
3 engaged in giving instruction or offering to give
4 instruction in aeronautics, either in flying or ground
5 subjects, or both, for hire or reward, without advertising
6 that occupation, without calling his facilities an "air
7 school" or anything equivalent to an "air school", and
8 without employing or using other instructors. It does not
9 include an instructor in a public school or university of
10 this state, or an institution of higher learning accredited
11 and approved for carrying on collegiate work, while engaged
12 in his duties as an instructor.

13 (15) "Flying club" means a person other than an
14 individual, which, neither for profit nor reward, owns,
15 leases, or uses one or more aircraft for the purpose of
16 instruction or pleasure or both.

17 (16) "Person" means an individual, firm, partnership,
18 private, municipal, or public corporation, company,
19 association, joint stock association, or body politic; and
20 includes a trustee, receiver, assignee, or other similar
21 representative.

22 (17) "State airway" means a route in the navigable air
23 space over and above the lands or waters of this state,
24 designated by the department as a route suitable for air
25 navigation.

1 (18) "Navigable air space" means air space above the
2 minimum altitudes of flight prescribed by the laws of this
3 state or by regulations of the department.

4 (19) "Municipality" or "political subdivision" means a
5 county, city, village, or town of this state and any other
6 political subdivision, public corporation, authority, or
7 district in this state authorized by law to acquire,
8 establish, construct, maintain, improve, and operate
9 airports and other air navigation facilities.

10 (20) "Airport protection privileges" means easements
11 through or other interests in air space over land or water,
12 interests in airport hazards outside the boundaries of
13 airports or restricted landing areas, and other protection
14 privileges, the acquisition or control of which is necessary
15 to ensure safe approaches to the landing areas of airports
16 and restricted landing areas and the safe and efficient
17 operation thereof.

18 (21) "Airport hazard" means a structure, object of
19 natural growth, or use of land which obstructs the air space
20 required for the flight of aircraft in landing or taking off
21 at an airport or restricted landing area or is otherwise
22 hazardous to landing or taking off."

23 Section 3. Section 1-501, R.C.M. 1947, is amended to
24 read as follows:

25 "1-501. Receipt and disbursement of moneys. (1) All

1 costs and expenses of administering this title, including
 2 the salaries of employees of the department of
 3 ~~intergovernmental relations~~ community affairs engaged in
 4 functions pertaining to aeronautics, the expenses of members
 5 of the board of aeronautics, and all other disbursements
 6 necessary to carry out the purposes of this title, shall be
 7 paid out of the following revenues: All gifts and all
 8 legislative appropriations to the department for
 9 aeronautics; all moneys received from any branch or
 10 department of the federal government, or from other sources,
 11 for the purposes mentioned in this title or for the
 12 furtherance of aeronautics generally in this state. All
 13 such moneys shall be deposited in the state treasury to the
 14 credit of the department.

15 (2) There shall be deposited in the earmarked revenue
 16 fund to the credit of the department the proceeds of one
 17 cent (1¢) per gallon out of the amount per gallon of
 18 gasoline license tax imposed by the laws of this state upon
 19 purchases of gasoline used for the operation of aircraft.
 20 Moneys so deposited shall be spent by the department for the
 21 sole purpose of carrying out its functions pertaining to
 22 aeronautics.

23 (3) No part of the one cent (1¢) per gallon of
 24 gasoline license tax imposed by the laws of this state on
 25 gasoline purchased and used for the operation of airplanes

1 or aircraft may be refunded."

2 Section 4. Section 1-1101, R.C.M. 1947, is amended to
 3 read as follows:

4 "1-1101. Department of ~~intergovernmental relations~~
 5 community affairs to be custodian of all airplanes owned or
 6 leased by state. The department of ~~intergovernmental~~
 7 ~~relations~~ community affairs is hereby constituted the
 8 custodian of all airplanes owned or leased by the state of
 9 Montana or its boards, commissions or agencies."

10 Section 5. Section 1-1102, R.C.M. 1947, is amended to
 11 read as follows:

12 "1-1102. Rules and regulations—authority and
 13 enforcement. The department of ~~intergovernmental relations~~
 14 community affairs is hereby delegated the power and
 15 authority:

16 (1) to formulate and enforce reasonable rules and
 17 regulations governing the use and operation of all airplanes
 18 under control of the division;

19 (2) to encourage and coordinate use of such airplanes
 20 by individual state agencies—an agency for which an
 21 aircraft has been specially equipped or modified shall have
 22 priority for the use of such aircraft;

23 (3) to charge the individual state agencies using the
 24 airplanes the estimated costs for administration, operation,
 25 maintenance, service, storage, and replacement;

1 (4) to establish a capital fund for new and
 2 replacement equipment using that portion of the money paid
 3 by individual state agencies for the use of the airplanes;
 4 and

5 (5) to place any surplus resulting from use charges
 6 into the capital fund."

7 Section 6. Section 1-1103, R.C.M. 1947, is amended to
 8 read as follows:

9 "1-1103. Deficit. Any deficit resulting from the
 10 operation of the airplanes by the department of
 11 ~~intergovernmental relations~~ community affairs shall be
 12 provided for in the state's general fund budget as
 13 determined by legislative action."

14 Section 7. Section 6-205, R.C.M. 1947, is amended to
 15 read as follows:

16 "6-205. Department of ~~intergovernmental relations~~
 17 community affairs to determine adequacy of amount. The
 18 amount for which a county officer or employer or group of
 19 officers or employees shall be bonded is subject to the
 20 supervision of the department of ~~intergovernmental relations~~
 21 community affairs. If the department of ~~intergovernmental~~
 22 ~~relations~~ community affairs determines that the amount of
 23 the bond is inadequate, it may require the board of county
 24 commissioners to purchase an adequate bond."

25 Section 8. Section 6-603, R.C.M. 1947, is amended to

1 read as follows:

2 "6-603. Determination of adequacy of bond by
 3 department of ~~intergovernmental relations~~ community affairs.
 4 The amount for which a city or town officer or employee or
 5 group of officers or employees shall be bonded is subject to
 6 the supervision of the department of ~~intergovernmental~~
 7 ~~relations~~ community affairs. If the department of
 8 ~~intergovernmental relations~~ community affairs determines
 9 that the amount of the bond is inadequate it may require the
 10 city or town council or commission to purchase an adequate
 11 bond."

12 Section 9. Section 11-313, R.C.M. 1947, is amended to
 13 read as follows:

14 "11-313. Order of disincorporation on vote by
 15 electors. In case the canvass reveals that sixty per cent
 16 (60%) or more of all the votes cast were in favor of
 17 disincorporation, the county commissioners shall, under
 18 their hands make and file in their office, and cause to be
 19 entered upon their proceedings, an order that the petition
 20 for disincorporation be granted, and declaring that the city
 21 or town is disincorporated. The order takes effect within
 22 sixty (60) days following the date of the order. A certified
 23 copy of the order shall be sent to the Montana secretary of
 24 state and the head of the state department of
 25 ~~intergovernmental relations~~ community affairs."

1 Section 10. Section 11-315, R.C.M. 1947, is amended to
2 read as follows:

3 "11-315. Certification of financial condition. Upon
4 receiving a certified copy of the order of disincorporation,
5 the director of the department of ~~intergovernmental~~
6 ~~relations~~ community affairs shall certify a current
7 statement of the financial condition of the disincorporating
8 city or town to the board of county commissioners. The
9 statement shall include, but not be limited to, a
10 determination of all assets of the city or town, including
11 any current or delinquent utility accounts and/or taxes
12 receivable and a statement of all city or town indebtedness,
13 including any revenue or general obligation bonds, special
14 improvement district obligations outstanding, contracts
15 payable, all other obligations of the city, and a schedule
16 for the repayment of indebtedness. Under the supervision of
17 the director of the department of ~~intergovernmental~~
18 ~~relations~~ community affairs or his agent, the city or town
19 treasurer shall draw a treasurer's check for the amount of
20 unencumbered cash in the city or town treasury, the check
21 shall be made payable to and delivered to the county
22 treasurer of the county in which the disincorporating city
23 or town is situated. The county treasurer shall immediately
24 place said money in a special fund, to be drawn upon as
25 provided in this act."

1 Section 11. Section 11-606, R.C.M. 1947, is amended to
2 read as follows:

3 "11-606. Financial statement of city or town —
4 contents — copies, to whom furnished. (1) Within sixty
5 (60) days after the close of each fiscal year the city or
6 town clerk of each city and town must make out, in
7 duplicate, a complete statement of the financial condition
8 of the city or town for that fiscal year, showing:

9 (a) The indebtedness of the city or town, funded and
10 floating; the amount of each class of indebtedness; and the
11 amount of money in the treasury subject to the payment of
12 each class of indebtedness;

13 (b) The amount of money received from taxes upon real
14 and personal property;

15 (c) The amount of money received from fines,
16 penalties, and forfeitures;

17 (d) The amount of money received from licenses;

18 (e) The amount of money received from all other
19 sources, each source and the amount received from it being
20 shown separately;

21 (f) For each fund the amount of money, if any, on hand
22 at the beginning of the fiscal year, the amount received and
23 the amount paid out during the fiscal year. The amount of
24 money paid out must be deducted from the total of the money
25 on hand at the beginning of the fiscal year and the money

1 received during the year, and a balance must be struck for
2 each fund.

3 (g) A concise description of all property owned by the
4 city or town with an approximate estimate of the value of
5 it;

6 (h) The rates of taxation and purposes for which taxes
7 were levied during the fiscal year;

8 (i) Other information which may be required by the
9 department of ~~intergovernmental relations~~ community affairs.

10 (2) The forms on which the statement shall be made
11 shall be prescribed by the department of ~~intergovernmental~~
12 ~~relations~~ community affairs.

13 (3) The city or town clerk must, not later than August
14 31 following the close of each fiscal year, transmit one
15 copy of the statement to the department of ~~intergovernmental~~
16 ~~relations~~ community affairs, and must present the other copy
17 to the city or town council or commission at its first
18 regular meeting in September.

19 (4) If a city or town clerk fails to file a copy of
20 the statement with the department of ~~intergovernmental~~
21 ~~relations~~ community affairs within the time specified, the
22 department of ~~intergovernmental relations~~ community affairs,
23 without delay, shall examine the books, records, and
24 accounts of the city or town. The department of
25 ~~intergovernmental relations~~ community affairs shall make

1 from its examination a statement of the financial condition
2 of the city or town for the preceding fiscal year in the
3 manner it should have been made by the city or town clerk.
4 The examination shall be considered a special examination
5 under the provisions of section 82-4504, and all of the
6 provisions of section 82-4504 apply to it."

7 Section 12. Section 11-1403, R.C.M. 1947, is amended
8 to read as follows:

9 "11-1403. Estimates of revenues and disbursements to
10 be filed by officers — forms — penalty for failure to
11 file. (1) Before July 1 of each year the clerk of each city
12 shall notify in writing each official in charge of an
13 office, department, service, or institution of the
14 municipality to file with the clerk, before July 10,
15 detailed and itemized estimates, both of the probable
16 revenues from sources other than taxation, and of all
17 expenditures required by the office, department, service, or
18 institution for the current fiscal year. The council shall
19 submit to the clerk the estimate of expenditures for all
20 purposes for the council. The mayor of the municipality
21 shall submit to the clerk a detailed estimate showing the
22 amount to be appropriated from funds belonging to the
23 municipality to defray the municipality's portion of the
24 cost of making improvements in special improvement
25 districts, and of maintaining them, and of installing

1 lighting systems in special lighting districts, and
 2 maintaining them. There may not be included in the estimate,
 3 nor in either the preliminary or final budget of a
 4 municipality, any part of that cost which is to be paid by
 5 special assessments against the property within the
 6 districts, or any part of the cost in sprinkling districts
 7 which is to be defrayed by special assessments against the
 8 property in the sprinkling districts.

9 (2) The council shall also submit to the clerk
 10 detailed estimates of all expenditures for construction or
 11 improvement purposes proposed to be made from the proceeds
 12 of bond issues not yet authorized and from the proceeds of
 13 tax levies which are required to be submitted to and
 14 approved at an election to be held.

15 (3) The estimates required in this section shall be
 16 submitted on forms provided by the clerk, and prescribed by
 17 the department of ~~intergovernmental relations~~ community
 18 affairs, and may only be varied or departed from with
 19 permission and approval of the department of
 20 ~~intergovernmental relations~~ community affairs. The city
 21 treasurer shall prepare the estimates for interest and debt
 22 reduction. The clerk shall prepare all other estimates which
 23 properly fall within the duties of his office.

24 (4) Each of the officials shall file the estimates
 25 within the time and in the manner provided in the form and

1 notice, and the clerk shall deduct and withhold, as a
 2 penalty, from the salary or compensation of each official
 3 failing or refusing to file the estimates, the sum of ten
 4 dollars (\$10) for each day of delay. The total penalty
 5 against an official may not exceed fifty dollars (\$50) per
 6 year. In the absence or disability of an official the duties
 7 required in this section devolve upon the official or
 8 employee in charge of the office, department, service, or
 9 institution for the time being. The notice shall contain a
 10 copy of this penalty clause."

11 Section 13. Section 11-1404, M.C.M. 1947, is amended
 12 to read as follows:

13 "11-1404. Tabulation by clerk of expenditure program
 14 — classifications, items included in. (1) From estimates
 15 of revenue and disbursements the clerk shall prepare a
 16 tabulation showing the complete expenditure program of the
 17 municipality for the current fiscal year, and the sources of
 18 revenue by which it is to be financed. The tabulation shall
 19 set forth the estimated receipts from all sources other than
 20 taxation for each office, department, service, or
 21 institution for the current fiscal year, the actual receipts
 22 for the last completed fiscal year, the surplus or
 23 unencumbered treasury balances at the close of that last
 24 fiscal year, and the amount necessary to be raised by
 25 taxation; the estimated expenditure for each office,

1 department, service, or institution for the current fiscal
 2 year, the actual expenditures for the last completed fiscal
 3 year, and all contracts or other obligations which will
 4 affect the current year revenues.

5 (2) The estimates, appropriations, and expenditures
 6 shall be classified as:

- 7 (a) salaries and wages;
- 8 (b) maintenance and operation;
- 9 (c) capital outlay;
- 10 (d) interest and debt redemption;
- 11 (e) miscellaneous; and
- 12 (f) expenditures proposed to be made from bond issues

13 not yet authorized, or from the proceeds of a tax levy or
 14 levies which are required to be submitted to and approved at
 15 an election to be held later.

16 (3) Within the class of "salaries and wages" each
 17 salary shall be set forth separately together with the title
 18 or position of the recipient. An unitemized appropriation
 19 may be made to cover the expenses of special deputies or
 20 assistants in an office where the services of the special
 21 deputies or assistants may be required during a part of the
 22 fiscal year only. Wages for day labor may be given in totals
 23 by designating the general purpose or object for which the
 24 expenditure is to be made but the proposed rate per day for
 25 each class or kind of labor shall be set forth.

1 Expenditures under the general class of "maintenance and
 2 operation" shall be classified according to a standard
 3 classification to be established by the department of
 4 ~~intergovernmental relations~~ community affairs. Expenditures
 5 for "capital outlay" shall set forth and describe each
 6 object of expenditure separately. Under the general class
 7 of "interest and debt redemption" proposed expenditures for
 8 interest and for redemption of principal shall be set forth
 9 separately for each series or issue of bonds, and warrant
 10 interest and redemption requirements shall be set forth in a
 11 similar manner. Under the general class of "miscellaneous"
 12 expenditures for all purposes not listed in, or which cannot
 13 properly be assigned to any of the general classes, shall be
 14 set forth and itemized in detail.

15 (4) The total amount of emergency warrants issued
 16 during the preceding fiscal year shall be set forth with the
 17 amount issued for each emergency and the amount issued
 18 against each fund."

19 Section 14. Section 11-1406, R.C.M. 1947, is amended
 20 to read as follows:

21 "11-1406. Hearings on budget — adoption — fixing of
 22 tax levy. (1) On the Wednesday preceding the second Monday
 23 in August the council shall meet at the time and place
 24 designated in the notice provided in section 11-1405, at
 25 which time any taxpayer may appear and be heard for or

1 against any part of the budget. The hearing shall be
 2 continued from day to day and shall be concluded and the
 3 budget finally approved and adopted on the second Monday in
 4 August and prior to the fixing of the tax levies by the
 5 council. The council may call in the official in charge of
 6 an office, department, service, or institution, at the time
 7 the estimates for their respective offices are under
 8 consideration, for examination concerning the estimates. The
 9 official shall be called in by the council upon the request
 10 of a taxpayer for questioning either by the council or a
 11 taxpayer upon the estimates.

12 (2) Upon the conclusion of the hearing the council
 13 shall first determine the amount estimated to accrue to each
 14 fund during the fiscal year from all sources, except the
 15 taxation of property. In so doing the council may not
 16 include any amount anticipated from the payment of taxes
 17 which became delinquent during a preceding fiscal year. The
 18 council shall then determine separately the amount
 19 appropriated for and authorized to be spent for each item in
 20 the budget and shall specify the fund against which warrants
 21 are to be drawn for the expenditures so authorized. There
 22 may not be added to the amount appropriated and authorized
 23 to be spent for an item or purpose, or to the total amount
 24 appropriated and authorized to be spent from any fund, other
 25 than a fund for the payment of principal or interest on

1 outstanding bonds, any amount because of anticipated loss of
 2 revenue by reason of nonpayment of taxes levied for the
 3 fiscal year. The expenditures authorized from a fund,
 4 including reserve, may not exceed the aggregate of:

5 (a) the cash balance in the fund at the close of the
 6 preceding fiscal year in excess of outstanding unpaid
 7 warrants against the fund at the close of that fiscal year.

8 (b) the amount of estimated revenues to accrue to the
 9 fund; and

10 (c) the amount which may be raised for the fund by a
 11 lawful tax levy during the fiscal year.

12 (3) The council shall then determine the amount to be
 13 raised for each fund, for which a tax levy is to be made, by
 14 adding the cash balance in excess of outstanding unpaid
 15 warrants at the close of the preceding fiscal year and the
 16 amount of the estimated revenues, if any, to accrue to the
 17 fund during the current fiscal year. It shall then deduct
 18 the total amount so obtained from the total amount of the
 19 appropriations and authorized expenditures from the fund as
 20 determined by the council in the budget adopted and
 21 approved. The amount remaining is the amount necessary to be
 22 raised for any fund by tax levy during the current fiscal
 23 year. The council may add to the amount necessary to be
 24 raised for any fund by tax levy during the current fiscal
 25 year an additional amount, as a reserve to meet expenditures

1 to be made from the fund during the months of July to
 2 November, of the next fiscal year. The amount added to any
 3 fund as a reserve may not exceed one-third (1/3) of the
 4 total amount appropriated and authorized to be spent from
 5 the fund during the current fiscal year, after deducting
 6 from the amount of the appropriations and authorized
 7 expenditures the total amount appropriated and authorized to
 8 be spent for election expenses and payment of emergency and
 9 other outstanding warrants. The total amount to be raised by
 10 tax levy for any fund during the current fiscal year,
 11 including the amount of the reserve, must not exceed the
 12 total amount which may be raised for the fund by a tax levy
 13 which does not exceed the maximum levy permitted by law to
 14 be made for the fund.

15 (4) The budget as finally determined, in addition to
 16 setting out separately each item for which an appropriation
 17 is made or expenditure authorized, and the fund out of which
 18 it is to be paid, shall set out the total amount
 19 appropriated and authorized to be spent from each fund, the
 20 cash balance, in excess of outstanding unpaid warrants, at
 21 the close of the preceding fiscal year, the amount estimated
 22 to accrue to the fund from sources other than taxation, the
 23 reserve for the next fiscal year, and the amount necessary
 24 to be raised for each fund by tax levy during the current
 25 fiscal year. The council shall then by resolution approve

1 and adopt the budget as finally determined, and the clerk
 2 shall enter it at length in the official minutes of the
 3 council.

4 (5) On the second Monday in August, and after the
 5 approval and adoption of the final budget, the council shall
 6 fix the tax levy for each fund at a rate, not exceeding
 7 limits prescribed by law, which will raise the amount set
 8 out in the budget as the amount necessary to be raised by
 9 tax levy for that fund during the current fiscal year. The
 10 taxable valuation of the city for the current fiscal year
 11 shall be the basis for determining the amount of the tax
 12 levy for each fund, and each tax levy shall be at a rate no
 13 higher than is required on that basis, without including any
 14 amount for anticipated tax delinquency, to raise the amount
 15 set out in the budget. Each levy shall be made in the
 16 manner provided by section 84-3802. If the council considers
 17 that a levy made for a bond sinking or interest fund will
 18 not provide a sufficient amount to pay all bond and interest
 19 becoming due during the current fiscal year, or within six
 20 (6) months after the current fiscal year, because of
 21 anticipated tax delinquency, the council may fix the levy at
 22 a rate it considers necessary to raise the amount for making
 23 the payments of principal and interest, over and above the
 24 anticipated tax delinquency.

25 (6) The city clerk shall, not later than September 15,

1 forward a complete copy of the final budget, together with
 2 the tax levies, to the department of ~~intergovernmental~~
 3 ~~relations~~ community affairs. If a city clerk fails to
 4 forward the copy of the budget to the department of
 5 ~~intergovernmental relations~~ community affairs within the
 6 time required, the department of ~~intergovernmental relations~~
 7 community affairs shall, before October 1, notify the mayor
 8 and council of the city that a copy of the budget has not
 9 been forwarded by the city clerk. The council must then
 10 withhold from the city clerk his salary or compensation for
 11 the month of September until the city clerk presents the
 12 council with a notice from the department of
 13 ~~intergovernmental relations~~ community affairs that the copy
 14 of the budget has been received."

15 Section 15. Section 11-1411, R.C.M. 1947, is amended
 16 to read as follows:

17 "11-1411. Department of ~~intergovernmental relations~~
 18 community affairs to make rules for carrying out act —
 19 accounting systems. The department of ~~intergovernmental~~
 20 ~~relations~~ community affairs shall make rules and
 21 classifications, and prescribe forms, necessary to carry out
 22 the provisions of this act. It shall define what
 23 expenditures are chargeable to each budget account, and
 24 shall establish accounting and cost systems necessary to
 25 provide accurate budget information."

1 Section 16. Section 11-1829, R.C.M. 1947, is amended
 2 to read as follows:

3 "11-1829. Actuarial valuation and investment of police
 4 reserve funds. (1) The city treasurer shall submit to the
 5 department of ~~intergovernmental relations~~ community affairs
 6 before October 1 in each odd-numbered year all information
 7 requested by the department of ~~intergovernmental relations~~
 8 community affairs necessary to complete an actuarial
 9 valuation of the police reserve funds. This valuation is to
 10 be prepared by a qualified actuary selected by the
 11 department of ~~intergovernmental relations~~ community affairs.
 12 This valuation shall consider the actuarial soundness of the
 13 police reserve funds for the two (2) preceding fiscal years.
 14 A qualified actuary is a member of the American Academy of
 15 Actuaries or of any organization deemed by the department of
 16 ~~intergovernmental relations~~ community affairs to have
 17 similar standards. In each fiscal year in which an actuarial
 18 valuation is prepared, the department of ~~intergovernmental~~
 19 ~~relations~~ community affairs shall submit to the state
 20 auditor a request for payment of the expense incurred in
 21 securing the actuarial valuation. The expense may not exceed
 22 six thousand dollars (\$6,000) in any fiscal year and the
 23 state auditor shall make payment to the actuary designated
 24 in the request.

25 (2) Whenever the monies in the police reserve fund

1 exceed:

2 (a) one and one-half (1-1/2) times the monthly benefit
3 paid in the preceding month, or

4 (b) five thousand dollars (\$5,000), whichever is
5 greater, then the city treasurer shall remit such excess
6 amounts to the state treasurer. The state treasurer shall
7 invest such remittances under the direction of the state
8 board of investments as provided by section 79-311.

9 (3) After January 1, 1975, all investments of the
10 police reserve fund shall be transferred as directed by the
11 state board of investments. The state board of investments
12 may defer any such transfer to a date later than January 1,
13 1975, but not later than the maturity date of the
14 investment. The board of investment may make rules to
15 implement this section.*

16 Section 17. Section 11-1914, R.C.M. 1947, is amended
17 to read as follows:

18 "11-1914. Duties of trustees — investment of surplus
19 funds. (1) The board of trustees of the fire department
20 relief association shall audit the accounts of the
21 association at least every six (6) months and shall report
22 the condition of them at the next regular meeting of the
23 association. The management of the fire department relief
24 associations in municipalities other than in first and
25 second class cities shall be vested in the board of

1 trustees. When so directed by a majority vote of the members
2 of the association, the board of trustees may invest the
3 surplus funds of the association or any part of them, in any
4 time or saving deposits, in any solvent bank, building and
5 loan association or savings and loan association operating
6 in the county where the city or town is located, in bonds or
7 other securities of the United States government, in general
8 obligation bonds or warrants of any state, county or city as
9 are recommended by the state auditor and approved by the
10 department of ~~intergovernmental relations~~ community affairs.
11 At the time of purchase the investments must be stamped in
12 boldface type, substantially as follows: "Property of the
13 Fire Department Relief Association, and negotiable only
14 upon the order of the board of trustees of such
15 association." Provided, however, that when the average yield
16 on investments of public retirement funds under the state
17 board of investments exceeds by one percent (1%) in any
18 fiscal year the investment yield of said fire department
19 relief association funds such funds shall be remitted to the
20 state treasurer for investment by the state board of
21 investments as is provided in the provisions of this section
22 for associations in first and second class cities; and said
23 fire department relief association shall submit every six
24 (6) months a financial statement detailing their investments
25 to the department of ~~intergovernmental relations~~ community

1 affairs; and the department shall advise said fire
 2 department relief association of the current yield of
 3 investment of public retirement funds.

4 (2) The management of the fire department relief
 5 associations in first and second class cities shall be
 6 vested in the board of trustees of such associations subject
 7 to the following provisions of this section.

8 The board of trustees shall submit to the department of
 9 ~~intergovernmental relations~~ community affairs before October
 10 1 in each odd-numbered year, all information requested by
 11 the department of ~~intergovernmental relations~~ community
 12 affairs necessary to complete an actuarial valuation of the
 13 funds of the association. This valuation is to be prepared
 14 by a qualified actuary selected by the department of
 15 ~~intergovernmental relations~~ community affairs. This
 16 valuation shall consider the actuarial soundness of the
 17 association's funds for the two (2) preceding fiscal years.
 18 A qualified actuary is a member of the American Academy of
 19 Actuaries or of any other organization deemed by the
 20 municipal audit division to have similar standards. In each
 21 fiscal year in which an actuarial valuation is prepared, the
 22 department of ~~intergovernmental relations~~ community affairs
 23 shall submit to the state auditor a request for payment of
 24 the expenses incurred in securing the actuarial valuation.
 25 These expenses may not exceed six thousand dollars (\$6,000)

1 in any fiscal year and the state auditor shall make payment
 2 to the actuary designated by the request.

3 (3) Whenever the monies in the disability and pension
 4 fund exceed:

5 (a) one and one-half (1 1/2) times the monthly benefit
 6 paid in the preceding month, or

7 (b) five thousand dollars (\$5,000), whichever is
 8 greater, then the board shall remit such excess amounts to
 9 the state treasurer. The state treasurer shall invest such
 10 remittances under the direction of the state board of
 11 investments as provided by section 79-311.

12 (4) After January 1, 1975, all investments held by a
 13 board of trustees shall be transferred as directed by the
 14 state board of investments. The state board of investments
 15 may defer any such transfer to a date later than January 1,
 16 1975, but not later than the maturity date of the
 17 investment. The state board of investment may make rules to
 18 implement this section."

19 Section 16. Section 11-1923, R.C.M. 1947, is amended
 20 to read as follows:

21 "11-1923. Annual report of the secretary and
 22 treasurer, prescribing qualifications for membership,
 23 official bond of the treasurer and examination of books and
 24 accounts. (1) The secretary and treasurer of every fire
 25 department relief association shall annually prepare a

1 detailed report of its receipts and expenditures for the
 2 preceding year, showing to whom and for what purposes the
 3 money has been paid and spent, and file it with the
 4 association, and a duplicate with the state auditor. No
 5 money may be paid to the treasurer of the fire department
 6 relief association until the report is filed. No one serving
 7 as a substitute or on probation, nor a person who has not
 8 been confirmed a member of an organized fire department, is
 9 eligible for membership in the relief association. No
 10 treasurer of an association may enter upon his duties until
 11 he has given to the association a sufficient bond of not
 12 less than fifty per cent (50%) of the amount of the cash
 13 funds and securities of the association, for the faithful
 14 performance of his duties according to law. The amount of
 15 the bond shall be approved and paid for by the association.
 16 The official bond may not exceed twenty-five thousand
 17 dollars (\$25,000).

18 (2) Upon a majority vote of the members of the
 19 association, the city or town treasurer shall be ex officio
 20 treasurer of the fire department relief association and the
 21 official bond of the city or town treasurer shall cover the
 22 faithful discharge of his duties as ex officio treasurer of
 23 the fire department relief association. The cash in the
 24 firemen's relief fund shall have the same protection as to
 25 depository securities furnished by banks as the other funds

1 of the city or town. All of the financial books and accounts
 2 of the association are subject at all times to examination
 3 by the department of ~~intergovernmental relations~~ community
 4 affairs.

5 (3) Upon complaint being made to it that the money or
 6 any part of it paid to the treasurer of the association has
 7 been or is being spent for an unauthorized purpose, and if
 8 the money upon examination is found to have been spent
 9 contrary to the authority given, the department of
 10 ~~intergovernmental relations~~ community affairs shall so
 11 report to the governor, upon whose directions to the state
 12 auditor no further warrants may be issued to the fire
 13 department relief association treasurer until the money so
 14 spent has been returned."

15 Section 19. Section 11-3862, R.C.M. 1947, is amended
 16 to read as follows:

17 "11-3862. Surveys required — exceptions — standards
 18 for monumentation. (1) All divisions of land for sale other
 19 than a subdivision after the effective date of this act into
 20 parcels which cannot be described as 1/32 or larger aliquot
 21 parts of a United States government section or a United
 22 States government lot must be surveyed by or under the
 23 supervision of a registered land surveyor.

24 (2) Every subdivision of land after June 30, 1973,
 25 shall be surveyed and platted in conformance with this act

1 by or under the supervision of a registered land surveyor.
 2 Subdivision plats shall be prepared and filed in accordance
 3 with this act and regulations adopted pursuant thereto. All
 4 division of sections into aliquot parts and retracement of
 5 lines must conform to United States bureau of land
 6 management instructions, and all public land survey corners
 7 shall be filed in accordance with Corner Recordation Act of
 8 Montana (sections 67-2001 through 67-2019). Engineering
 9 plans, specifications, and reports required in connection
 10 with public improvements and other elements of the
 11 subdivision required by the governing body shall be prepared
 12 and filed by a registered engineer or a registered land
 13 surveyor as their respective licensing laws allow in
 14 accordance with this act and regulations adopted pursuant
 15 thereto.

16 (3) The county clerk and recorder of any county shall
 17 not record any instrument which purports to transfer title
 18 to or possession of a parcel or tract of land which is
 19 required to be surveyed by this act unless the required
 20 certificate of survey or subdivision plat has been filed
 21 with the clerk and recorder and the instrument of transfer
 22 describes the parcel or tract by reference to the filed
 23 certificate or plat.

24 (4) Instruments of transfer of land which is acquired
 25 for state highways may refer by parcel and project number to

1 state highway plans which have been recorded in compliance
 2 with section 32-2413, and are exempted from the surveying
 3 and platting requirements of this act; provided, however,
 4 that if such parcels are not shown on highway plans of
 5 record, instruments of transfer of such parcels shall be
 6 accompanied by and refer to appropriate certificates of
 7 survey and plats when presented for recording.

8 (5) The provisions of this act shall not apply to the
 9 division of state-owned land unless the division creates a
 10 second or subsequent parcel from a single tract for sale,
 11 rent or lease for residential purposes after July 1, 1974.

12 (6) Unless the method of disposition is adopted for the
 13 purpose of evading this act, the following divisions of land
 14 are not subdivisions under this act but are subject to the
 15 surveying requirements of this section for divisions of land
 16 not amounting to subdivisions.

17 (a) Divisions made for the purpose of relocating
 18 common boundary lines between adjoining properties.

19 (b) Divisions made for the purpose of a gift or sale
 20 to any member of the landowner's immediate family.

21 (c) Divisions made by sale or agreement to buy and
 22 sell where the parties to the transaction enter a covenant
 23 running with the land and revocable only by mutual consent
 24 of the governing body and the property owner that the
 25 divided land will be used exclusively for agricultural

1 purposes. Any change in use of the land for anything other
 2 than agricultural purposes subjects the division to the
 3 provisions of this chapter.

4 (d) A single division of a parcel when the transaction
 5 is an occasional sale.

6 (7) Subdivisions created by rent or lease are exempt
 7 from the surveying and filing requirements of this act but
 8 must be submitted for review and approved by the governing
 9 body before portions thereof may be rented or leased.

10 (8) Unless the method of disposition is adopted for the
 11 purpose of evading this act, the requirements of this act
 12 shall not apply to any division of land:

13 (a) which is created by order of any court of record
 14 in this state or by operation of law, or which, in the
 15 absence of agreement between the parties to the sale, could
 16 be created by an order of any court in this state pursuant
 17 to the law of eminent domain (sections 93-9901 through
 18 93-9926);

19 (b) which is created by a lien, mortgage, or trust
 20 indenture;

21 (c) which creates an interest in oil, gas, minerals,
 22 or water which is now or hereafter severed from the surface
 23 ownership of real property;

24 (d) which creates cemetery lots;

25 (e) which is created by the reservation of a lire

1 estate;

2 (f) which is created by lease or rental for farming
 3 and agricultural purposes.

4 (9) The sale, rent, lease, or other conveyance of one
 5 or more parts of a building, structure, or other improvement
 6 situated on one or more parcels of land is not a division of
 7 land, as that term is defined in this act, and is not
 8 subject to the requirements of this act.

9 (10) The department of ~~intergovernmental relations~~
 10 community affairs shall, in conformance with the Montana
 11 Administrative Procedure Act (sections 82-4201 through
 12 82-4225), prescribe uniform standards for monumentation and
 13 for the form, accuracy, and descriptive content of records
 14 of survey.

15 (11) It shall be the responsibility of the governing
 16 body to require the replacement of all monuments removed in
 17 the course of construction.*

18 Section 20. Section 11-3863, R.C.M. 1947, is amended
 19 to read as follows:

20 "11-3863. Enforcement by governmental subdivisions —
 21 adoption of regulations — public hearing. (1) The
 22 governing body of every county, city, and town shall, before
 23 July 1, 1974, adopt and provide for the enforcement and
 24 administration of subdivision regulations reasonably
 25 providing for the orderly development of their

1 jurisdictional areas; for the co-ordination of roads within
 2 subdivided land with other roads, both existing and planned;
 3 for the dedication of land for roadways and for public
 4 utility easements; for the improvement of roads; for the
 5 provision of adequate open spaces for travel, light, air and
 6 recreation; for the provision of adequate transportation,
 7 water, drainage, and sanitary facilities; for the avoidance
 8 or minimization of congestion; and for the avoidance of
 9 subdivision which would involve unnecessary environmental
 10 degradation; and the avoidance of danger of injury to
 11 health, safety, or welfare by reason of natural hazard or
 12 the lack of water, drainage, access, transportation or other
 13 public services or would necessitate an excessive
 14 expenditure of public funds for the supply of such services.

15 Prior to adopting or amending subdivision regulations
 16 pursuant to this act, the governing body shall submit the
 17 proposed regulations or amendments to the division of
 18 planning and economic development of the department of
 19 ~~intergovernmental relations~~ community affairs for review.

20 Before the governing body adopts subdivision
 21 regulations pursuant to this section it shall hold a public
 22 hearing thereon and shall give public notice of its intent
 23 to adopt such regulations and of the public hearing by
 24 publication of notice of the time and place of the hearing
 25 in a newspaper of general circulation in the county not less

1 than fifteen (15) nor more than thirty (30) days prior to
 2 the date of the hearing.

3 (2) Not later than December 31, 1973, the department
 4 of ~~intergovernmental relations~~ community affairs, through
 5 its division of planning, shall, in conformance with the
 6 Montana Administrative Procedure Act (sections 82-4201
 7 through 82-4225), prescribe reasonable minimum requirements
 8 for subdivision regulations adopted pursuant to this act.
 9 The minimum requirements shall include detailed criteria for
 10 the content of the environmental assessment required by this
 11 act. The department shall provide for the review of
 12 preliminary plats by those agencies of state and local
 13 government and affected public utilities having a
 14 substantial interest in a proposed subdivision; provided,
 15 however, that such agency or utility review shall not delay
 16 the governing body's action on the plat beyond the time
 17 limit specified herein, and the failure of any agency to
 18 complete a review of a plat shall not be a basis for
 19 rejection of the plat by the governing body.

20 (3) In prescribing the minimum contents of the
 21 subdivision regulations, the department of ~~intergovernmental~~
 22 ~~relations~~ community affairs, through its division of
 23 planning, shall require the submission by the subdivider to
 24 the governing body of an environmental assessment.

25 (3.1) When a subdivision is proposed in an area for

1 which a master plan has been adopted pursuant to sections
 2 11-3801 through 11-3856 and the proposed subdivision will be
 3 in compliance with the plan or when the subdivision will
 4 contain fewer than ten (10) parcels and less than twenty
 5 (20) acres, a planning board established pursuant to
 6 sections 11-3801 through 11-3856 and having jurisdiction
 7 over the area involved may exempt the subdivider from the
 8 completion of all or any portion of the environmental
 9 assessment. When such an exemption is granted, the planning
 10 board shall prepare and certify a written statement of the
 11 reasons for granting the exemption. A copy of this statement
 12 shall accompany the preliminary plat of the subdivision when
 13 it is submitted for review. Where no properly established
 14 planning board having jurisdiction exists, the governing
 15 body may grant exemptions as specified in this paragraph.

16 (4) Where required the environmental assessment shall
 17 accompany the preliminary plat and shall include:

18 (a) a description of every body or stream of surface
 19 water as may be affected by the proposed subdivision,
 20 together with available ground water information, and a
 21 description of the topography, vegetation and wildlife use
 22 within the area of the proposed subdivision;

23 (b) maps and tables showing soil types in the several
 24 parts of the proposed subdivision, and their suitability for
 25 any proposed developments in those several parts;

1 (c) a community impact report containing a statement
 2 of anticipated needs of the proposed subdivision for local
 3 services, including education and busing, roads and
 4 maintenance, water, sewage, and solid waste facilities, and
 5 fire and police protection;

6 (d) such additional relevant and reasonable
 7 information as may be required by the department through its
 8 division of planning.

9 (5) Local subdivision regulations shall include
 10 procedures for the summary review and approval of
 11 subdivision plats containing five (5) or fewer parcels where
 12 proper access to all lots is provided, where no land in the
 13 subdivision will be dedicated to public use for parks or
 14 playgrounds and which have been approved by the department
 15 of health and environmental sciences where such approval is
 16 required by sections 69-5001 through 69-5005; provided that
 17 reasonable local regulations may contain additional
 18 requirements for summary approval.

19 (6) Subdivision regulations may authorize the governing
 20 body to grant variances from the regulations when strict
 21 compliance will result in undue hardship and when it is not
 22 essential to the public welfare. Any variance granted
 23 pursuant to this subsection must be based on specific
 24 variance criteria contained in the subdivision regulations.

25 (7) Local regulations may provide that in lieu of the

1 completion of the construction of any public improvements
 2 prior to the approval of a final plat, the governing body
 3 shall require a bond or other reasonable security, in an
 4 amount and with surety and conditions satisfactory to it,
 5 providing for and securing the construction and installation
 6 of such improvements within a period specified by the
 7 governing body and expressed in the bonds or other security.

8 (8) In the event that any governing body has not
 9 adopted subdivision regulations by July 1, 1974, which meet
 10 or exceed the prescribed minimum requirements, the
 11 department shall, through its division of planning, no later
 12 than January 1, 1975, promulgate reasonable regulations to
 13 be enforced by the governing body. If at any time thereafter
 14 the governing body adopts its own subdivision regulations,
 15 these shall supersede those promulgated by the department
 16 but shall be no less stringent."

17 Section 21. Section 11-4110, R.C.S. 1947, is amended
 18 to read as follows:

19 "11-4110. Advice and information by department of
 20 ~~intergovernmental relations~~ community affairs. The
 21 department of ~~intergovernmental relations~~ community affairs
 22 shall furnish advice and information in connection with a
 23 project when requested to do so by a county or
 24 municipality."

25 Section 22. Section 16-1901, R.C.S. 1947, is amended

1 to read as follows:

2 "16-1901. County budget — estimates by county
 3 officers of revenues and expenditures — form of estimates
 4 — penalty for failure to file. (1) Before June 1 each year
 5 the county clerk and recorder shall notify in writing each
 6 county official in charge of an office, department, service,
 7 or institution of the county to file with the county clerk
 8 and recorder, before June 10, detailed and itemized
 9 estimates, both of the probable revenues from sources other
 10 than taxation, and of all expenditures required by the
 11 office, department, service, or institution for the next
 12 fiscal year. The county commissioners shall submit to the
 13 county clerk and recorder the estimate of expenditures for
 14 all purposes for the board, and a detailed statement showing
 15 all new road and bridge construction to be financed from
 16 county road and bridge funds, from any special road or
 17 bridge funds, from any special highway fund, and from bond
 18 issues issued or authorized for the next fiscal year,
 19 together with the cost of that construction as computed by
 20 the county surveyor, or if for construction in charge of a
 21 special engineer then by that engineer. The county surveyor
 22 and any special engineer shall prepare the estimates of cost
 23 of road and bridge construction for the county
 24 commissioners. They shall also submit a similar statement
 25 showing road and bridge maintenance expenditures as nearly

1 as can be estimated.

2 (2) The county commissioners shall also submit to the
 3 county clerk and recorder detailed estimates of all
 4 expenditures for construction or improvement purposes
 5 proposed to be made from the proceeds of bond issues not yet
 6 authorized and from the proceeds of tax levies which are
 7 required to be approved at an election to be held.

8 (3) The estimates required in this section shall be
 9 submitted on forms provided by the county clerk and
 10 recorder, and prescribed by the department of
 11 ~~intergovernmental relations~~ community affairs, and may only
 12 be varied or departed from with permission and approval of
 13 that department. The county treasurer shall prepare the
 14 estimates for interest and debt reduction. The county clerk
 15 and recorder shall prepare all other estimates which
 16 properly fall within the duties of his office.

17 (4) Each of the officials shall file the estimates
 18 within the time and in the manner provided in the form and
 19 notice, and the county clerk shall withhold, as a penalty,
 20 from the salary of each official failing or refusing to file
 21 the estimates ten dollars (\$10) for each day of delay. The
 22 total penalty against any official may not exceed fifty
 23 dollars (\$50) in one year. In the absence or disability of
 24 an official the duties required by this section devolve upon
 25 the official or employee in charge of the office,

1 department, service, or institution. The notice shall
 2 contain a copy of this penalty clause."

3 Section 23. Section 16-1902, R.C.B. 1947, is amended
 4 to read as follows:

5 "16-1902. Tabulation by clerk of expenditure program
 6 — classifications — items included in. (1) From those
 7 estimates the county clerk and recorder shall prepare a
 8 tabulation showing the complete expenditure program of the
 9 county for the current fiscal year, and the sources of
 10 revenue by which it is to be financed. The tabulation shall
 11 set forth the estimated receipts from all sources other than
 12 taxation for each office, department, service, or
 13 institution for the current fiscal year, the actual receipts
 14 for the last completed fiscal year, the surplus or
 15 unencumbered treasury balances at the close of that last
 16 fiscal year, and the amount necessary to be raised by
 17 taxation; the estimated expenditure for each office,
 18 department, service, or institution for the current fiscal
 19 year, the actual expenditures for the last completed fiscal
 20 year, and all contracts or other obligations which will
 21 affect the current year revenues.

22 (2) The estimates, appropriations, and expenditures
 23 shall be classified as:

- 24 (a) salaries and wages;
- 25 (b) maintenance and operation;

1 (c) capital outlay;
 2 (d) interest and debt redemption;
 3 (e) miscellaneous; and
 4 (f) expenditures proposed to be made from bond issues
 5 not yet authorized, or from the proceeds of a tax levy or
 6 levies which are required to be submitted to and approved at
 7 an election to be held later.

8 (3) Within the general class of salaries and wages
 9 each salary shall be set forth separately together with the
 10 title or position of the recipient. An unitemized
 11 appropriation may be made to cover the expenses of special
 12 deputies or assistants in any office where the services of
 13 such special deputies or assistants may be required during a
 14 part of the fiscal year only. Wages for day labor may be
 15 given in totals by designating the general purpose or object
 16 for which the expenditure is to be made, but the proposed
 17 rate per day for each class or kind of labor shall be set
 18 forth. Expenditures under the general class of maintenance
 19 and operation shall be classified according to a standard
 20 classification to be established by the department of
 21 ~~intergovernmental relations~~ community affairs. Expenditures
 22 for capital outlay shall set forth and describe each object
 23 of expenditure separately. Under the general class of
 24 interest and debt redemption, proposed expenditures for
 25 interest and for redemption of principal shall be set forth

1 separately for each series or issue of bonds, and warrant
 2 interest and redemption requirements shall be set forth in a
 3 similar manner. Under the general class of miscellaneous,
 4 expenditures for all purposes, not listed in or which cannot
 5 properly be assigned to any of the general classes, shall be
 6 set forth and itemized in detail.

7 (4) The total amount of emergency warrants issued
 8 during the preceding fiscal year shall be set forth with the
 9 amount issued for each emergency and the amount issued
 10 against each fund."

11 Section 24. Section 16-1903, K.C.M. 1947, is amended
 12 to read as follows:

13 "16-1903. Consideration of budget by commissioners —
 14 notice of budget meeting. The tabulation shall be submitted
 15 to the county commissioners by the county clerk and recorder
 16 on or before the first Monday of July. Upon receipt thereof
 17 the board of county commissioners shall immediately consider
 18 the budget in detail, and shall on or before the second
 19 Monday of July make any revisions, reductions, additions, or
 20 changes that they consider advisable. The tabulation, with
 21 any revisions, reductions, additions, or changes, is the
 22 preliminary budget for the fiscal year which it is intended
 23 to cover. Upon completion of the budget, the county clerk
 24 shall immediately transmit one copy of it to the department
 25 of ~~intergovernmental relations~~ community affairs and one

1 copy to the department of revenue. The board of county
 2 commissioners shall then have a notice published stating
 3 that the board has completed its preliminary county budget
 4 for the current fiscal year, that the budget is open to
 5 inspection in the office of the county clerk and recorder,
 6 and that the board will meet on the Wednesday before the
 7 second Monday in August to fix the final budget and make
 8 appropriations. The notice shall state the time and place of
 9 the meeting and that any taxpayer may appear and be heard
 10 for or against any part of the budget. The notice shall be
 11 published at least one time in a newspaper of general
 12 circulation in the county."

13 Section 25. Section 16-1904, K.C.M. 1947, is amended
 14 to read as follows:

15 "16-1904. Hearings on budget — adoption — fixing tax
 16 levies. (1) On the Wednesday before the second Monday in
 17 August the county commissioners shall meet at the time and
 18 place designated in the notice provided for in section
 19 16-1903, at which time any taxpayer may appear and be heard
 20 for or against any part of the budget. The hearing shall be
 21 continued from day to day and shall be concluded and the
 22 budget approved and adopted on the second Monday in August
 23 and before the fixing of the tax levies by the board.

24 (2) Upon the conclusion of the hearing the board shall
 25 first determine the amount estimated to accrue to each fund

1 during the fiscal year from all sources, except the taxation
 2 of property. In so doing the board may not include any
 3 amount which it is anticipated may be received during the
 4 fiscal year from the payment of taxes which became
 5 delinquent during a preceding fiscal year. The board shall
 6 then determine separately the amount appropriated for and
 7 authorized to be spent for each item in the budget and shall
 8 specify the fund or funds against which warrants are to be
 9 drawn and issued for each item in the budget and shall
 10 specify the fund or funds against which warrants are to be
 11 drawn for the expenditures authorized. There may not be
 12 added to the amount to be appropriated and authorized to be
 13 spent for an item, or to the total amount appropriated and
 14 authorized to be spent from any fund, any amount or
 15 percentage because of anticipated loss of revenue by reason
 16 of the nonpayment of taxes levied for that fiscal year. The
 17 total expenditures authorized to be made from any fund,
 18 including the reserve added to them, may not exceed the
 19 aggregate of:

20 (a) the cash balance in the fund at the close of the
 21 preceding fiscal year;

22 (b) the amount of estimated revenues to accrue to the
 23 funds; and

24 (c) the amount which may be raised for the fund by a
 25 lawful tax levy during the fiscal year.

1 (3) The board shall then determine the amount to be
 2 raised for each fund by tax levy by adding the cash balance
 3 in the fund at the close of the preceding fiscal year and
 4 the amount of the estimated revenues to accrue to the fund
 5 during the current fiscal year. It shall then deduct the
 6 total amount so obtained from the total amount of the
 7 appropriations and authorized expenditures from the fund as
 8 determined by the board. The amount remaining is the amount
 9 necessary to be raised for the fund by tax levy during the
 10 current fiscal year. The board may add to the amount
 11 necessary to be raised for any fund by tax levy during the
 12 current fiscal year, an additional amount as a reserve to
 13 meet expenditures to be made from the fund during the months
 14 of July to November of the next fiscal year. The amount
 15 which may be so added to any fund, as the reserve may not
 16 exceed one-third (1/3) of the total amount appropriated and
 17 authorized to be spent from the fund during the current
 18 fiscal year, after deducting from the amount of the
 19 appropriations and authorized expenditures the total amount
 20 appropriated and authorized to be spent for election
 21 expenses and payment of emergency warrants. The total amount
 22 to be raised by tax levy for any fund during the current
 23 fiscal year, including the amount of the reserve and any
 24 amount for payment of election expenses and emergency
 25 warrants, may not exceed the total amount which may be

1 raised for the fund by a tax levy which does not exceed the
 2 maximum levy permitted by law to be made for the fund.

3 (4) If the cash balance remaining in any of the
 4 several county funds, except the school fund, at the end of
 5 a fiscal year, exceeds the amount to be budgeted to that
 6 fund, the excess may be transferred to other funds as the
 7 county commissioners consider to be in the best interest of
 8 the county after a public hearing. Notice of the hearing
 9 must be given not less than thirty (30) days prior to the
 10 hearing by publication in a newspaper of general circulation
 11 in the county and by posting in five (5) public places. The
 12 notice must state the date, time, and place of the hearing
 13 and state generally the purpose and proposed use of the
 14 funds.

15 (5) The budget as finally determined, in addition to
 16 setting out separately each item for which an appropriation
 17 or expenditure is authorized and the fund out of which it is
 18 to be paid, shall set out the total amount appropriated and
 19 authorized to be spent from each fund, the cash balance in
 20 the fund at the close of the preceding fiscal year, the
 21 amount estimated to accrue to the fund from sources other
 22 than taxation, the reserve for the next fiscal year, and the
 23 amount necessary to be raised for each fund by tax levy
 24 during the current fiscal year. The board shall then by
 25 resolution approve and adopt the budget as finally

1 determined and enter the budget at length in the official
2 minutes of the board.

3 (6) On the second Monday in August, and after the
4 approval and adoption of the final budget, the board of
5 county commissioners shall fix the tax levy for each fund at
6 a rate which will raise the amount set out in the budget as
7 the amount necessary to be raised by tax levy for the fund
8 during the current fiscal year. The taxable valuation of the
9 county for the current fiscal year shall be the basis for
10 determining the amount of the tax levy for each fund. Each
11 tax levy shall be at a rate no higher than is required on
12 that basis, without including any amount for anticipated tax
13 delinquency, to produce the amount set out in the budget
14 without including any amount for anticipated tax
15 delinquency, as being the amount to be raised by tax levy.
16 The tax levy shall be made in the manner provided by section
17 84-3802.

18 (7) The county clerk and recorder shall, not later than
19 September 15, forward a full and detailed copy of the final
20 budget, together with the tax levies, to the department of
21 ~~intergovernmental relations~~ community affairs. If a county
22 clerk and recorder fails to forward a copy of the budget to
23 the department within that time, that department shall,
24 before October 1, notify the board of county commissioners
25 of the county that a copy of the budget has not been

1 forwarded by the county clerk and recorder. The board of
2 county commissioners must then withhold the county clerk and
3 recorder's salary for September until the county clerk and
4 recorder files with the board a receipt from the department
5 showing the receipt of a copy."

6 Section 26. Section 16-1909, R.C.M. 1947, is amended
7 to read as follows:

8 "16-1909. Department of ~~intergovernmental relations~~
9 community affairs to make rules — accounting systems. The
10 department of ~~intergovernmental relations~~ community affairs
11 shall make rules and classifications, and prescribe forms,
12 necessary to carry out the provisions of sections 16-1901
13 through 16-1904 and 16-1906 through 16-1911, to define what
14 expenditures are chargeable to each budget account, and to
15 establish accounting and cost systems necessary to provide
16 accurate budget information."

17 Section 27. Section 16-2049, R.C.M. 1947, is amended
18 to read as follows:

19 "16-2049. Petty cash fund. The board of county
20 commissioners, with the approval of the department of
21 ~~intergovernmental relations~~ community affairs, may set aside
22 a sum of not less than one hundred dollars (\$100) nor more
23 than one thousand dollars (\$1,000) out of the general fund,
24 which shall be known as a petty cash fund, for the purpose
25 of paying incidental expenses such as freight, express,

1 postage, and other similar items which must be paid in cash
 2 at time of delivery. In counties having a county auditor,
 3 the county auditor is responsible for expenditures from the
 4 petty cash fund. In counties not having a county auditor,
 5 the county clerk is responsible for expenditures from the
 6 petty cash fund."

7 Section 28. Section 16-2618, R.C.M. 1947, is amended
 8 to read as follows:

9 "16-2618. Deposit of public funds by county, city and
 10 town treasurers. (1) It shall be the duty of all county,
 11 city and town treasurers to deposit all public moneys in
 12 their possession and under their control in any solvent
 13 banks, building and loan associations or savings and loan
 14 associations located in the county, city or town of which
 15 such treasurer is an officer, subject to national
 16 supervision or state examination as the board of county
 17 commissioners in the case of a county, or of the council in
 18 the case of a city or town, may designate, and no other. The
 19 treasurer shall take from such bank, building and loan
 20 association or savings and loan association such security as
 21 the board of county commissioners, in the case of a county,
 22 or the council in the case of a city or town, may prescribe,
 23 approve and deem fully sufficient and necessary to insure
 24 the safety and prompt payment of all such deposits, together
 25 with the interest on any time or savings deposits, provided

1 that said board of county commissioners or city or town
 2 council is hereby authorized to deposit such public moneys
 3 not necessary for immediate use by such county, city or town
 4 with any bank, building and loan association or savings and
 5 loan association authorized herein above in a savings or
 6 time deposit; provided that the bank or banks or building
 7 and loan association or savings and loan association in
 8 which the money is deposited shall pay on the moneys no less
 9 than the rate of interest as is paid on money from private
 10 sources on the same terms. Refusal of any bank, building and
 11 loan association or savings and loan association to pay said
 12 interest rate shall constitute a waiver of that
 13 institution's right to participate in the ratable
 14 distribution of said moneys as set forth in subsection
 15 (4) of this act, and provided that said board of county
 16 commissioners, or city or town council is hereby authorized
 17 to invest such public moneys not necessary for immediate use
 18 by such county, city or town, in direct obligations of the
 19 United States government, payable within not to exceed one
 20 hundred eighty (180) days from the time of such investment.

21 (2) Said board of county commissioners, city or town
 22 council may require security for only such portion of
 23 deposits as is not guaranteed or insured according to law.
 24 Such security shall consist of cashier's check or checks
 25 issued by the Federal Reserve Bank, bonds of the United

1 States government and its dependents, bonds guaranteed by
 2 the United States government or its dependents, bonds and
 3 warrants of the state of Montana, bonds and warrants of any
 4 county of the state of Montana, and bonds of any city, town
 5 or school district of the state of Montana, which are a
 6 general obligation of such county, city, town or school
 7 district, bonds of the Federal Land Banks, Federal
 8 Intermediate Credit Bank debentures, Federal Home Loan Bank
 9 notes and bonds, Bank for Co-operatives' debentures, Federal
 10 National Mortgage Association notes, bonds and guaranteed
 11 certificates of participation, obligations of or fully
 12 guaranteed by the Government National Mortgage Association,
 13 Farmers' Home Administration insured notes, notes fully
 14 guaranteed as to principal and interest by the Small
 15 Business Administration, Federal Housing Administration
 16 debentures, general obligation bonds of other states and
 17 counties of other states and bonds issued in the United
 18 States of America, which are quoted on the New York market
 19 which shall be acceptable at not to exceed ninety per centum
 20 (90%) of such market quotation.

21 (3) When negotiable securities are furnished, such
 22 securities may be placed in trust and the trustee's receipt
 23 may be accepted in lieu of the actual securities when such
 24 receipt is in favor of the treasurer, his successors and the
 25 state of Montana, and the form of receipt and the trustee

1 have been approved by the department of ~~intergovernmental~~
 2 ~~relations~~ community affairs. All warrants or other
 3 negotiable securities must be properly assigned or endorsed
 4 in blank. It shall be the duty of the board of county
 5 commissioners in the case of county funds, or the council in
 6 the case of funds of a city or town, upon the acceptance and
 7 approval of any of the above-mentioned bonds or securities,
 8 to make a complete minute entry of such acceptance and
 9 approval upon the record of their proceedings, and such
 10 bonds and securities shall be reapproved at least quarter
 11 annually thereafter.

12 (4) (a) Demand deposits shall be placed only in
 13 banks. When more than one bank is available in any county,
 14 for the deposit of such county funds, or in any city or town
 15 for the deposit of such city or town funds, such demand
 16 deposits shall be distributed ratably among all of such
 17 banks qualifying therefor, substantially in proportion to
 18 paid-in capital and surplus of each such bank willing to
 19 receive such demand deposits under the terms of this act,
 20 and it shall be the duty of said county, city or town
 21 treasurer to prorate all such demand deposits among all of
 22 the banks qualified to receive the same as in this act
 23 provided, to the end that an equitable distribution of such
 24 demand deposits shall be maintained.

25 (b) Such public moneys not necessary for immediate use

1 by such county, city or town which are not invested in
 2 direct obligations of the United States government as
 3 authorized herein shall be placed in time or savings
 4 deposits with any bank, building and loan association or
 5 savings and loan association in the county, city or town.
 6 When more than one bank, building and loan association or
 7 savings and loan association is available in any county, for
 8 the deposit of such county funds, or in any city or town for
 9 the deposit of such city or town funds, such funds shall be
 10 distributed ratably among all of such banks, building and
 11 loan associations and savings and loan associations
 12 qualifying therefor, substantially in proportion to the
 13 total property taxes paid in such county or the county in
 14 which such city or town is located during the preceding
 15 year, including taxes on shares of bank stock, by each such
 16 bank, building and loan association or savings and loan
 17 association willing to receive such time or savings deposits
 18 under the terms of this act, and it shall be the duty of
 19 said county, city or town treasurer to prorate all such time
 20 or savings deposits among all of the banks, building and
 21 loan associations and savings and loan associations
 22 qualified to receive the same as in this act provided, to
 23 the end that an equitable distribution of such time or
 24 savings deposits shall be maintained.

25 (5) Whenever it shall come to the attention of the

1 department of ~~intergovernmental relations~~ community affairs
 2 that the funds of any county, city or town are not properly
 3 distributed as provided in this act, the department of
 4 ~~intergovernmental relations~~ community affairs shall order
 5 the treasurer of such county, city or town to distribute
 6 said funds in accordance herewith, and if such treasurer
 7 shall refuse or neglect to comply with such order, it shall
 8 be the duty of the department of ~~intergovernmental relations~~
 9 community affairs to institute proceedings against such
 10 treasurer at the cost of the county, city or town of which
 11 such treasurer is an officer, on the official bond of such
 12 treasurer. If no such bank, building and loan associations
 13 or savings and loan associations exists in the county, city
 14 or town, or if any banks, building and loan associations or
 15 savings and loan associations existing therein fails or
 16 refuses to qualify under the terms of this act to receive
 17 such deposits, then and in such case, or in either of such
 18 cases, such moneys as have not been accepted by any banks,
 19 building and loan associations or savings and loan
 20 associations within said county, city or town, shall be
 21 deposited under the terms of this act, in the banks,
 22 building and loan associations or savings and loan
 23 associations most convenient to such county, city or town,
 24 willing to accept such deposits under the terms of this act,
 25 and qualified as above provided. Any banks, building and

1 loan associations or savings and loan associations receiving
 2 such deposits, shall, through its president and cashier or
 3 secretary, make a statement quarter annually of account,
 4 under oath, showing all such moneys that have been deposited
 5 with such bank, building and loan association or savings and
 6 loan association during the quarter, the amount of daily
 7 balance in dollars, and the amount of interest by such
 8 banks, building and loan associations or savings and loan
 9 associations credited or paid therefor, and showing that
 10 neither such bank, building and loan association or savings
 11 and loan association nor any officer thereof, nor any person
 12 for it, has paid or given any consideration or emolument
 13 whatsoever to the treasurer or to any other person other
 14 than the interest provided for herein, for or on account of
 15 the making of such deposits, with any such bank, building
 16 and loan association or savings and loan association. All
 17 such deposits shall be subject to withdrawal by the
 18 treasurer in such amounts as may be necessary from time to
 19 time, and no deposit of funds shall be made, or permitted to
 20 remain in any bank, building and loan association or savings
 21 and loan association, until the security for such deposits
 22 shall have been first approved by the board of county
 23 commissioners in the case of county funds, or by the council
 24 in the case of city or town funds, and delivered to the
 25 treasurer.

1 (6) Except as provided in subsection (8) of this
 2 section, all interest paid and collected on such deposits or
 3 investments shall be credited to the general fund of the
 4 county, city or town to whose credit such funds are
 5 deposited. Where moneys shall have been deposited in
 6 accordance with the provisions of this act, the treasurer
 7 shall not be liable for loss on account of any such deposit
 8 that may occur through damage by the elements or for any
 9 other cause or reason occasioned through means other than
 10 his own neglect, fraud, or dishonorable conduct.

11 (7) Any bank, building and loan association or savings
 12 and loan association pledging securities as provided in this
 13 act at any time it deems advisable or desirable may
 14 substitute like securities for all or any part of the
 15 securities pledged. The collateral so substituted shall be
 16 approved by the governing body of the county, city or town
 17 at its next official meeting. Such securities so substituted
 18 shall at the time of substitution be at least equal in
 19 principal amount to the securities for which substitution is
 20 made. In the event that the securities so substituted are
 21 held in trust, the trustee shall, on the same day the
 22 substitution is made, forward by registered or certified
 23 mail to the county, city or town and to the depository bank,
 24 building and loan association or savings and loan
 25 association, a receipt specifically describing and

1 identifying both the securities so substituted and those
 2 released and returned to the depository bank, building and
 3 loan association or savings and loan association.

4 (8) Whenever in the judgment of the trustees of any
 5 common school district, high school district, or county high
 6 school it would be advantageous to invest any money of such
 7 school or school district in savings or time deposits in a
 8 state or national bank, building and loan association or
 9 savings and loan association insured by the F.D.I.C. or the
 10 F.S.L.I.C., or in direct obligations of the United States
 11 government, payable within one hundred eighty (180) days
 12 from the time of investment, such governing body may in its
 13 discretion direct the county treasurer to make such
 14 investments. All interest collected on such deposits or
 15 investments shall be credited to the fund from which the
 16 money was withdrawn, provided that nothing in this act shall
 17 be interpreted to conflict with section 16-2050."

18 Section 29. Section 16-2621, R.C.M. 1947, is amended
 19 to read as follows:

20 "16-2621. Director of department of ~~intergovernmental~~
 21 ~~relations~~ community affairs to sign trustee and deposit
 22 receipts. The director of the department of
 23 ~~intergovernmental relations~~ community affairs shall sign all
 24 trustee and deposit receipts and releases required to be
 25 signed on behalf of the state in all cases where negotiable

1 securities are placed in trust with a trustee in place of
 2 the actual securities, for security of county, city, and
 3 town deposits, under the laws of the state relating to the
 4 deposit of county, city, and town funds."

5 Section 30. Section 16-2625, R.C.M. 1947, is amended
 6 to read as follows:

7 "16-2625. Must permit department of ~~intergovernmental~~
 8 ~~relations~~ community affairs and county clerk to examine
 9 books. (1) The treasurer must permit the department of
 10 ~~intergovernmental relations~~ community affairs and county
 11 clerk or the board of county commissioners to examine his
 12 books and count the money in the treasury, when any of them
 13 wants to make an examination or counting.

14 (2) The county clerk and recorder at the close of
 15 business each month shall count the cash in the office of
 16 the county treasurer and shall certify the amount in detail
 17 to the department of ~~intergovernmental relations~~ community
 18 affairs, retaining a copy of the certification in his
 19 office."

20 Section 31. Section 16-2924, R.C.M. 1947, is amended
 21 to read as follows:

22 "16-2924. Annual report of county clerk. Within forty
 23 days after the close of each fiscal year, the county clerk
 24 shall make out and present to the board of county
 25 commissioners and the department of ~~intergovernmental~~

1 ~~relations~~ community affairs a complete statement of the
 2 financial condition of the county. The statement shall be
 3 made out on the form designated by the department of
 4 ~~intergovernmental relations~~ community affairs and must show:

5 (1) A detailed description of all of the resources and
 6 liabilities of the county and the book value of them;

7 (2) The amount of moneys received showing the source
 8 of that revenue;

9 (3) The amount of moneys disbursed, with the purpose
 10 of disbursement;

11 (4) The operation of each of the cash and warrant
 12 accounts, showing the balance at the beginning of the year,
 13 the credits, the debits, and the balance at the end of the
 14 year;

15 (5) The assessed valuation of the real and personal
 16 property of the county, the rate of taxation, the amount of
 17 taxes delinquent for the preceding years, and such other
 18 items the department of ~~intergovernmental relations~~
 19 community affairs may prescribe."

20 Section 32. Section 25-231, R.C.M. 1947, is amended to
 21 read as follows:

22 "25-231. Fees of county clerks. The county clerks must
 23 charge, for the use of their respective counties:

24 (1) For recording and indexing a written instrument
 25 allowed by law to be recorded, except as otherwise provided

1 in this section:

2 (a) For the first folio, sixty cents (60¢), and for
 3 each subsequent folio or fraction of one, thirty cents
 4 (30¢);

5 (b) For each entry in index, twenty cents (20¢);

6 (c) For a certificate that an instrument has been
 7 recorded with seal affixed, one dollar (\$1);

8 (2) For recording and indexing each real estate
 9 mortgage, or an assignment, renewal, or release of a real
 10 estate mortgage:

11 (a) For each folio, forty cents (40¢);

12 (b) For each entry in index, twenty cents (20¢);

13 (c) For a certificate that the mortgage, assignment,
 14 or release has been recorded with seal affixed, one dollar
 15 (\$1);

16 (3) For recording and indexing each certificate of
 17 location of a quartz or placer mining claim, millsite claim,
 18 or notice of appropriation of water, including a certificate
 19 that the instrument has been recorded with seal affixed,
 20 four dollars (\$4);

21 (4) For recording and indexing each affidavit of
 22 annual labor on a mining claim, including certificate that
 23 the instrument has been recorded with seal affixed, two
 24 dollars (\$2) for the first mining claim in the affidavit,
 25 and fifty cents (50¢) for each additional mining claim

1 included in it;

2 (5) For filing and indexing each writ of attachment,
3 execution, certificate of sale, lien, or other instrument
4 required by law to be filed and indexed, one dollar (\$1);

5 (6) For filing and indexing each certificate of
6 incorporation or annual statement of a corporation, two
7 dollars (\$2);

8 (7) For recording and platting each townsite or map:

9 (a) For each lot up to and including one hundred,
10 fifty cents (50%);

11 (b) For each additional lot in excess of one hundred,
12 ten cents (10%);

13 (c) For recording the field notes of survey of a
14 townsite, per folio, fifty cents (50%).

15 (8) Where recording is done by photographic or similar
16 process the county clerk and recorder shall charge, for
17 filing and indexing, two dollars (\$2) for each page or
18 fraction of a page of the instrument;

19 (9) For a copy of a record or paper, for each folio,
20 thirty cents (30%) and for each certification with seal
21 affixed, one dollar (\$1). In all cases where copies of a
22 record or paper are to be certified by the county clerk and
23 the copy is furnished to the clerk for certification, the
24 clerk shall not charge a fee for the comparison of the copy,
25 other than the fee of one dollar (\$1) for his certificate

1 and seal;

2 (10) For searching an index record of files of the
3 office, for each year when required, in abstracting or
4 otherwise, thirty cents (30%);

5 (11) For each entry of discharge or satisfaction of a
6 mortgage, lien, or other instrument on the margin of record
7 of it, or upon the original instrument, and noting the entry
8 in the indexes concerned, fifty cents (50%);

9 (12) For administering an oath with certificate and
10 seal, no charge;

11 (13) For taking and certifying an acknowledgment, with
12 seal affixed, for signature to it, no charge;

13 (14) For recording and indexing an instrument which may
14 be recorded under section 73-104, and which pertains to land
15 allotted to an Indian or land within an Indian reservation,
16 except fee patents, no charge;

17 (15) For filing, indexing, or other services provided
18 for by sections 87A-9-401 through 87A-9-407, the fees
19 prescribed in those sections;

20 (16) For filing, recording, or indexing any other
21 instrument not expressly provided for in this section, the
22 same fee provided in this section for a similar service;

23 (17) On each instrument delivered to him for recording,
24 the county clerk shall endorse on it all charges made for
25 each service and the encroachment shall be recorded as a part

1 of the instrument in his office in order that the department
2 of ~~intergovernmental relations~~ community affairs may verify
3 the charges and may see that they have been properly entered
4 on the fee book or reception record in the county clerk's
5 office."

6 Section 33. Section 27-222, R.C.M. 1947, is amended to
7 read as follows:

8 "27-222. Application for applicator's license.

9 (1) Application for a pesticide applicator's license
10 provided for in section 27-221 shall be made annually,
11 before applying pesticides in any calendar year, from the
12 department of agriculture.

13 (2) If the application is made for a license to engage
14 in aerial application of pesticides, the applicant shall
15 first meet all of the requirements of the federal aviation
16 agency and the department of ~~intergovernmental relations~~
17 community affairs to operate the equipment described in the
18 application."

19 Section 34. Section 32-4602, R.C.M. 1947, is amended
20 to read as follows:

21 "32-4602. Definitions. Unless the context requires
22 otherwise, in this chapter:

23 (1) "Highway traffic safety program" means a program
24 designed to reduce traffic accidents, deaths, and injuries
25 to persons, and damage to property. The program shall be in

1 accordance with uniform standards established by the
2 secretary of commerce of the United States under Title 23,
3 United States Code Annotated, as amended. Nothing in this
4 chapter restricts or prohibits the establishment of
5 standards which enlarge or implement the federal standards.

6 (2) "Political subdivisions" means every county,
7 incorporated city or town, and school district within the
8 boundaries of the state.

9 (3) "Department" means the department of
10 ~~intergovernmental relations~~ community affairs provided for
11 in Title 82A, chapter 9."

12 Section 35. Section 32-4605, R.C.M. 1947, is amended
13 to read as follows:

14 "32-4605. Duties. (1) The governor is responsible for
15 the administration of the highway traffic safety program.
16 The governor may contract and do all other things necessary
17 to secure the full benefits available to this state under
18 the Federal Highway Safety Act of 1966, and, in so doing,
19 may co-operate with federal and state agencies, private and
20 public organizations, and individuals to effectuate the
21 purposes of that enactment, and all amendments to it. For
22 purposes of participation in the Federal Highway Safety Act
23 of 1966, the governor shall designate the superintendent of
24 public instruction as the state agency responsible for all
25 aspects of federally assisted driver education and safety

1 programs in the public schools, including the approval of
 2 the programs; certification of teachers; and the acceptance,
 3 allocation, and expenditure of funds for driver education in
 4 accordance with applicable federal laws and regulations.
 5 Nothing in this chapter interferes with the provisions of
 6 section 75-7303 or chapter 79 of Title 75, R.C.M., 1947.

7 (2) The department of ~~intergovernmental relations~~
 8 community affairs shall:

9 (a) advise and assist the governor in all matters of
 10 highway safety and establish comprehensive training
 11 programs, including establishment and regulation of driver
 12 training schools and certification of the schools and
 13 instructors and establishment of adult training and
 14 retraining programs;

15 (b) develop and procure practice driving facilities,
 16 simulators, and other teaching aids for school and driver
 17 training use;

18 (c) establish a continuing and adequate research
 19 program designed to determine the causes of accidents and
 20 effect a program of prevention;

21 (d) establish a uniform system of driver licensing,
 22 including mental and physical standards; and

23 (e) prescribe and establish safety regulations for
 24 motor vehicles and operators."

25 Section 36. Section 59-514, R.C.M. 1947, is amended to

1 read as follows:

2 *59-514. Destruction of old county records may be
 3 ordered by commissioners with approval of department of
 4 ~~intergovernmental relations~~ community affairs -- destruction
 5 of old school district records may be ordered by trustees
 6 with approval of the department of ~~intergovernmental~~
 7 ~~relations~~ community affairs. (1) A county officer may
 8 destroy old worthless reports, papers, or records in his
 9 office that have served their purpose and that are
 10 substantiated by permanent records, upon the order of the
 11 board of county commissioners and with the approval of the
 12 department of ~~intergovernmental relations~~ community affairs.

13 (2) A school officer may destroy old worthless
 14 reports, papers, or records in his office that have served
 15 their purpose and that are substantiated by permanent
 16 records, upon the order of the board of trustees and with
 17 the approval of the department of ~~intergovernmental~~
 18 ~~relations~~ community affairs."

19 Section 37. Section 59-515, R.C.M. 1947, is amended to
 20 read as follows:

21 *59-515. Destruction of old city or town records. A
 22 city or town officer may destroy old worthless reports,
 23 papers, or records in his office that have served their
 24 purpose and that are substantiated by permanent records,
 25 upon the order of the city or town council or commission and

1 with the approval of the ~~Department~~ department of
 2 ~~Intergovernmental Relations~~ community affairs, except that
 3 records relating to the operation of any public utility by a
 4 city or town may be destroyed without the approval of the
 5 ~~Department~~ department of ~~Intergovernmental Relations~~
 6 community affairs after the expiration of the period during
 7 which they must be kept by said city or town as specified in
 8 the appropriate regulations of the Public Service Commission
 9 of Montana."

10 Section 38. Section 69-7002, R.C.M. 1947, is amended
 11 to read as follows:

12 "69-7002. Emergency medical services program — duties
 13 of department. The department of health and environmental
 14 sciences shall establish and administer an emergency medical
 15 services program. The department is authorized to confer and
 16 cooperate with any and all other persons, organizations and
 17 governmental agencies that have an interest in emergency
 18 medical services problems and needs, and the department is
 19 authorized to accept, receive, expend and administer any and
 20 all funds which are now available or which may be donated,
 21 granted or appropriated to the department of health and
 22 environmental sciences. The department of health and
 23 environmental sciences and the department of
 24 ~~intergovernmental relations~~ community affairs, highway
 25 safety division and other interested departments or

1 divisions, shall develop in writing a mutually agreeable
 2 plan of cooperation, so that governmental effort will not be
 3 duplicated and governmental resources will be applied on a
 4 reasonable priority basis."

5 Section 39. Section 70-807, R.C.M. 1947, is amended to
 6 read as follows:

7 "70-807. Study, evaluation and report on proposed
 8 facility — application for amendment of certificate —
 9 hearings. (1) Upon receipt of an application complying with
 10 section 70-806, the department shall commence an intensive
 11 study and evaluation of the proposed facility and its
 12 effects, pursuant to section 70-816 of this act. Within six
 13 hundred (600) days following receipt of the application for
 14 a facility as defined in sections 70-803 (3) (a), 70-803
 15 (b) (iv), 70-803 (3) (c), 70-803 (3) (d) and within one hundred
 16 eighty (180) days for a facility as defined in sections
 17 70-803 (b) (iii) the department shall make a report to the
 18 board, which shall contain the department's studies,
 19 evaluations, recommendations, other pertinent documents
 20 resulting from its study and evaluation pursuant to section
 21 70-816 of this act and the final environmental impact
 22 statement.

23 The departments of health and environmental sciences,
 24 highways, ~~intergovernmental relations~~ community affairs,
 25 fish and game, and public service regulation shall report to

1 the department information relating to the impact of the
 2 proposed site on each department's area of expertise. Such
 3 information may include opinions as to the advisability of
 4 granting or denying the certificate. The department shall
 5 allocate funds obtained from filing fees to the departments
 6 making reports to reimburse them for the costs of compiling
 7 information and issuing the required report.

8 (2) On an application for an amendment of a
 9 certificate, the board shall hold a hearing in the same
 10 manner as a hearing is held on an application for a
 11 certificate if the proposed change in the facility would
 12 result in any material increase in any environmental impact
 13 of the facility or a substantial change in the location of
 14 all or a portion of such facility other than as provided in
 15 the alternates set forth in the application.

16 (3) Upon receipt of the department's report submitted
 17 under subsection (1) of this section, the board shall set a
 18 hearing date not more than sixty (60) days after such
 19 receipt."

20 Section 40. Section 70-814, R.C.M. 1947, is amended to
 21 read as follows:

22 "70-814. Annual long-range plan submitted — contents
 23 — available to public. (1) Each utility shall furnish
 24 annually to the department for its review, a long-range plan
 25 for the construction and operation of utility facilities.

1 Such plan shall be submitted on April 1 of each year. The
 2 plan shall include the following:

3 (a) the general location, size and type of all utility
 4 facilities to be owned and operated by the utility whose
 5 construction is projected to commence during the ensuing ten
 6 (10) years, as well as those facilities to be removed from
 7 service during the planning period;

8 (b) a description of efforts by the utility to
 9 coordinate the plan with other utilities so as to provide a
 10 coordinated regional plan for meeting the utility needs of
 11 the region;

12 (c) a description of the efforts to involve
 13 environmental protection and land-use planning agencies in
 14 the planning process, as well as other efforts to identify
 15 and minimize environmental problems at the earliest possible
 16 stage in the planning process;

17 (d) projections of the demand for the service rendered
 18 by the utility and explanation of the basis for such
 19 projections, and a description of the manner and extent to
 20 which the proposed facilities will meet the projected
 21 demand; and

22 (e) additional information that the department on its
 23 own initiative or upon the advice of interested state
 24 agencies might request in order to carry out the purposes of
 25 this act.

1 (2) The plan shall be made available to the public by
 2 the department, and the utility shall be required to give
 3 public notice throughout the state of its plan by filing the
 4 plan with the environmental quality council, the department
 5 of health and environmental science, the department of
 6 highways, the department of public service regulation, the
 7 department of state lands and the department of
 8 ~~intergovernmental relations~~ community affairs. Citizen
 9 environmental protection and resource planning groups, and
 10 other interested persons may obtain a plan by written
 11 request and payment therefor."

12 Section 41. Section 75-6917, R.C.M. 1947, is amended
 13 to read as follows:

14 "75-6917. Purpose of state equalization aid and duties
 15 of the board of public education for distribution. Except as
 16 provided in 75-6917.1, the moneys available for state
 17 equalization aid shall be distributed and apportioned to
 18 provide an annual minimum operating revenue for the
 19 elementary and high schools in each county, exclusive of
 20 revenues required for debt service and for the payment of
 21 any and all costs and expense incurred in connection with
 22 any adult education program, recreation program, school food
 23 services program, new buildings, new grounds, and
 24 transportation.

25 The board of public education shall administer and

1 distribute the state equalization aid in the manner and with
 2 the powers and duties provided by law. To this end, the
 3 board of public education shall:

4 (1) adopt policies for regulating the distribution of
 5 state equalization aid in accordance with the provisions of
 6 law;

7 (2) have the power to require such reports from the
 8 county superintendents, budget boards, county treasurers,
 9 and trustees as it may deem necessary; and

10 (3) order the superintendent of public instruction to
 11 distribute the state equalization aid on the basis of each
 12 district's annual entitlement to such aid as established by
 13 the superintendent of public instruction. In ordering the
 14 distribution of state equalization aid, the board of public
 15 education shall not increase or decrease the state
 16 equalization aid distribution to any district on account of
 17 any difference which may occur during the school fiscal year
 18 between budgeted and actual receipts from any other source
 19 of school revenue.

20 Should a district receive more state equalization aid
 21 than it is entitled to, the county treasurer must return the
 22 overpayment to the state upon the request of the
 23 superintendent of public instruction in the manner
 24 prescribed by the municipal division of the department of
 25 ~~intergovernmental relations~~ community affairs."

1 Section 42. Section 80-2618, R.C.M. 1947, is amended
 2 to read as follows:

3 "80-2618. County funding to be supplied. Every
 4 participating county of the state shall annually budget and
 5 appropriate for the establishment, support and operation of
 6 public developmental disabilities facilities and services an
 7 amount equal to fifty cents (\$.50) per capita of the
 8 population of such county as shown by the division of
 9 planning and economic development of the state department of
 10 ~~intergovernmental relations~~ community affairs. The
 11 appropriation may be in an amount greater than the minimum
 12 herein provided and shall be made under the authority
 13 contained in section 9 [80-2619] herein and may be
 14 appropriated either out of the general fund of the county or
 15 by use of the permissive special mill levy as herein
 16 provided."

17 Section 43. Section 82-3702, R.C.M. 1947, is amended
 18 to read as follows:

19 "82-3702. Declaration of necessity and public policy.
 20 It is hereby declared to be a necessity and the public
 21 policy of the state to promote, stimulate, and encourage the
 22 planning and development of the economy of the state in
 23 order to provide for the social and economic prosperity of
 24 its citizens. Such promotion and development of industry,
 25 commerce, agriculture, labor, and natural resources of the

1 state requires that cognizance be taken of the continuing
 2 migration of people to the urban areas in search of job
 3 opportunities, and the fact that Montana is making a needed
 4 transition to a diversified economy. Community planning,
 5 greater diversification, and attraction of additional
 6 industry, accelerated development of natural resources,
 7 expansion of existing industry, creation of new uses for
 8 agricultural products, greater emphasis on scientific
 9 research, development of new markets for the products of the
 10 state, and the attainment of a proper balance in the
 11 over-all economic base are all necessary in order to create
 12 additional employment opportunities, increase personal
 13 income, and promote the general welfare of the people of
 14 this state. The department of ~~intergovernmental relations~~
 15 community affairs shall be regarded as performing a
 16 governmental function in carrying out the provisions of this
 17 chapter."

18 Section 44. Section 82-3705, R.C.M. 1947, is amended
 19 to read as follows:

20 "82-3705. Functions of department of ~~intergovernmental~~
 21 ~~relations~~ community affairs — state planning. The
 22 department of ~~intergovernmental relations~~ community affairs
 23 shall:

- 24 (A) State Planning.
- 25 (1) Develop and adopt a comprehensive plan for the

1 physical development of the state;

2 (2) Make economic and social studies needed to
3 accomplish the purposes of this chapter;

4 (3) Co-ordinate and assist regional development groups
5 in the comprehensive development of the resources of the
6 region to the betterment of Montana;

7 (4) Assemble and correlate information for the purpose
8 of making long-range plans for economic and resource
9 development of the state and its subdivisions relating to
10 all of the factors which influence the development of new
11 and existing economic enterprises, including taxes and the
12 regulation of industry;

13 (5) Provide advice and assistance to Montana business
14 and labor in the field of economic development and bring to
15 the attention of the governor those significant problems
16 adversely affecting economic development which may be
17 relieved by state action;

18 (6) Locate and maintain information on prime sites for
19 industrial, agricultural, mineral, forestry, commercial, and
20 residential development and on sites of historical
21 importance, and make recommendations for protecting and
22 preserving those sites;

23 (7) Apply for, accept, and administer grants from the
24 federal government or other public or private sources to
25 accomplish the objectives of this chapter, and enter into

1 contracts, including agreements with adjoining states, with
2 respect to planning involving adjoining states;

3 (8) Serve as the consultative, co-ordinating, and
4 advisory agency for state departments, officials, and
5 agencies in state planning and for encouraging and aiding
6 local planning bodies, either directly or by securing
7 planning assistance, consulting services, and technical aid,
8 which may include land use, demographic, and economic
9 studies and surveys, and comprehensive plans.*

10 Section 45. Section 82-3705.1, H.C.M. 1947, is amended
11 to read as follows:

12 *82-3705.1. Functions of department of
13 ~~intergovernmental relations~~ community affairs — community
14 development. The department of ~~intergovernmental relations~~
15 community affairs shall: (1) Cooperate with and provide
16 technical assistance to county, municipal, state, and
17 regional planning commissions, zoning commissions, parks or
18 recreation boards, community development groups, community
19 action agencies, and similar agencies created for the
20 purposes of aiding and encouraging orderly, productive, and
21 coordinated development of the communities of the state;

22 (2) Assist the governor in coordinating the activities
23 of state agencies which have an impact on solution of
24 community development problems and implementation of
25 community plans;

1 (3) Serve as a clearinghouse for information, data,
 2 and other materials which may be helpful or necessary to
 3 local governments to discharge their responsibilities and
 4 provide information on available federal and state financial
 5 and technical assistance;

6 (4) Carry out continuing studies and analyses of the
 7 problems faced by communities within the state and develop
 8 those recommendations for administrative or legislative
 9 action as appear necessary. In carrying out the studies and
 10 analyses, the department shall pay particular attention to
 11 the problems of metropolitan, suburban, and other areas in
 12 which economic and population factors are rapidly changing."

13 Section 46. Section 82-3705.2, R.C.M. 1947, is amended
 14 to read as follows:

15 "82-3705.2. Functions of department of
 16 ~~intergovernmental relations~~ community affairs —
 17 recreational development. The department of
 18 ~~intergovernmental relations~~ community affairs shall:

19 (1) Exercise state responsibility for that part of
 20 recreational planning and development which is directly
 21 related to private investment in recreational facilities;

22 (2) Assemble and correlate information which may
 23 influence the development of recreational enterprises and
 24 disseminate it to persons, firms, or corporations interested
 25 in constructing or maintaining recreational facilities open

1 to the public."

2 Section 47. Section 82-3705.3, R.C.M. 1947, is amended
 3 to read as follows:

4 "82-3705.3. Functions of department of
 5 ~~intergovernmental relations~~ community affairs — economic
 6 development. The department of ~~intergovernmental relations~~
 7 community affairs shall: (1) Provide coordinating services
 8 to aid state and local groups in the promotion of new
 9 economic enterprises and conduct publicity and promotional
 10 activities in connection with new economic enterprises;

11 (2) Collect and disseminate information regarding the
 12 advantages of developing agricultural, recreational,
 13 commercial, and industrial enterprises within this state;

14 (3) Serve as the state's official liaison between
 15 persons interested in locating new economic enterprises in
 16 Montana and state and local groups seeking new enterprises;

17 (4) Aid communities interested in obtaining new
 18 business or expanding existing business;

19 (5) Study and promote means of expanding markets for
 20 Montana products;

21 (6) Encourage and coordinate public and private
 22 agencies or bodies in publicizing the facilities and
 23 attractions of the state."

24 Section 48. Section 82-4501, R.C.M. 1947, is amended
 25 to read as follows:

1 *82-4501. Definition. Unless the context requires
2 otherwise, in this chapter "department" means the department
3 of ~~intergovernmental relations~~ community affairs provided
4 for in Title 82A, Chapter 9."

5 Section 49. Section 82A-104, R.C.H. 1947, is amended
6 to read as follows:

7 *82A-104. Structure of executive branch of state
8 government. (1) In accordance with the constitution, all
9 executive and administrative offices, boards, commissions,
10 agencies, and instrumentalities of the executive branch of
11 state government, and their respective functions, are
12 allocated by this title among and within the following
13 departments or entities:

- 14 (a) Department of administration.
- 15 (b) Department of agriculture.
- 16 (c) Department of business regulation.
- 17 (d) State board of education.
- 18 (e) Department of fish and game.
- 19 (f) Department of health and environmental sciences.
- 20 (g) Department of highways.
- 21 (h) Department of institutions.
- 22 (i) Department of ~~intergovernmental relations~~
23 community affairs.
- 24 (j) Department of labor and industry.
- 25 (k) Department of justice.

- 1 (l) Department of livestock.
- 2 (m) Department of military affairs.
- 3 (n) Department of natural resources and conservation.
- 4 (o) Department of professional and occupational
5 licensing.
- 6 (p) Department of public service regulation.
- 7 (q) Department of revenue.
- 8 (r) Department of social and rehabilitation services.
- 9 (s) Department of state lands.

10 (2) For its internal structure, each department shall
11 adhere to the following standard terms:

12 (a) The principal unit of a department is a
13 "division." Each division shall be headed by an
14 "administrator."

15 (b) The principal unit of a division is a "bureau."
16 Each bureau shall be headed by a "chief."

17 (c) The principal unit of a bureau is a "section."
18 Each section shall be headed by a "supervisor."*

19 Section 50. Section 82A-403, R.C.H. 1947, is amended
20 to read as follows:

21 *82A-403. Additional functions transferred to
22 department. (1) The functions of the state examiner, except
23 the functions with respect to the political subdivisions of
24 the state and their officers and employees transferred to
25 the department of ~~intergovernmental relations~~ community

1 affairs and enumerated in chapter 9 of this act, are
 2 transferred to the department. In accordance with article
 3 VII, section 8 of the Montana constitution, the state
 4 examiner retains the function of examining the accounts of
 5 the state treasurer, supreme court clerks, district court
 6 clerks, and county treasurers. Unless inconsistent with this
 7 act, any reference in the Revised Codes of Montana, 1947, to
 8 the state examiner, except the references contained in the
 9 citations enumerated above in this subsection, means the
 10 department of business regulation.

11 (2) The functions of the Montana milk control board,
 12 which is created in Title 27, chapter 4, R.C.M. 1947, except
 13 the quasi-judicial functions contained in section 27-407,
 14 R.C.M. 1947 (pertaining to fixing minimum prices for milk),
 15 retained in the board under section 82A-406 of this chapter,
 16 are transferred to the department. Unless inconsistent with
 17 this act, any reference in the Revised Codes of Montana,
 18 1947, to the Montana milk control board, except the
 19 references in section 27-407, R.C.M. 1947, relating to the
 20 quasi-judicial functions retained in the board under section
 21 82A-406 of this chapter, means the department of business
 22 regulation.

23 (3) The functions of the commissioner of agriculture,
 24 which are contained in Title 60, chapter 2, R.C.M. 1947
 25 (pertaining to petroleum products regulation), are

1 transferred to the department. Unless inconsistent with this
 2 act, any reference in Title 60, chapter 2, R.C.M. 1947, to
 3 the commissioner of agriculture means the department of
 4 business regulation.

5 (4) The functions of the department of agriculture,
 6 which are contained in Title 90, chapter 1, R.C.M. 1947
 7 (pertaining to weights and measures), are transferred to the
 8 department of business regulation. Unless inconsistent with
 9 this act, any reference in Title 90, chapter 1, R.C.M.
 10 1947, to the department of agriculture means the department
 11 of business regulation."

12 Section 51. Section 89-1215, R.C.M. 1947, is amended
 13 to read as follows:

14 "89-1215. Records required to be kept -- examination
 15 by ~~state examiner department of community affairs~~. It shall
 16 be the duty of the board of control to keep, or cause to be
 17 kept, a full and complete book and record of the accounts,
 18 records, contracts, securities, minutes of meetings and
 19 other matters of every kind pertaining to or belonging to
 20 the joint operation of the irrigation districts, in the form
 21 prescribed by the department of ~~intergovernmental relations~~
 22 community affairs.

23 It is hereby made the duty of the department of
 24 ~~intergovernmental relations~~ community affairs to prescribe
 25 such forms for the use of the board of control, and to

1 examine the same as provided by law for the examination of
 2 the affairs of county offices."

3 Section 52. Section 89-2107, R.C.B. 1947, is amended
 4 to read as follows:

5 "89-2107. Records — inspection — fees — reports.

6 (1) The board of commissioners shall keep a complete book
 7 and record of the accounts, records, contracts, securities,
 8 minutes of meetings, and other matters of every kind
 9 pertaining to or belonging to the irrigation district, in
 10 the form prescribed by the department of ~~intergovernmental~~
 11 ~~relations~~ community affairs. The department of
 12 ~~intergovernmental relations~~ community affairs shall
 13 prescribe forms for the use of irrigation districts and
 14 examine them as provided by law for the examination of the
 15 affairs of county officers. The books and records shall be
 16 open to the inspection of any landowner of the district the
 17 same as other public records. The failure of the board of
 18 commissioners to comply with this section is grounds for
 19 removal from office, and the county attorney of any county
 20 in which the irrigation district is situated shall prosecute
 21 ouster proceedings against any commissioner or
 22 commissioners. The cost of the proceedings is a charge
 23 against the irrigation district, and shall be paid as are
 24 other bills against the districts.

25 (2) If a district is appointed fiscal agent of the

1 United States, or by the United States is authorized to make
 2 collections for or on behalf of the United States in
 3 connection with a federal irrigation project, the board of
 4 commissioners or its secretary shall at any time allow any
 5 officer or employee of the United States, when acting under
 6 the orders of the secretary of the interior, to have access
 7 to all books, records, and vouchers of the district which
 8 are in possession or control of the secretary or board.

9 (3) The board of commissioners shall annually file
 10 with the county clerk and recorder of the county in which
 11 the district is located, within ten (10) days after March 1
 12 of each year, a sworn report showing the assets and
 13 liabilities of the district, the amount of money received
 14 during the preceding year, and the amount spent during that
 15 time, and shall publish the report at least once in a
 16 newspaper of the county.

17 (4) The department of ~~intergovernmental relations~~
 18 community affairs shall notify the secretaries of the
 19 districts of the time of presenting the books and records at
 20 the courthouse for examination."

21 Section 53. Section 89-3422, R.C.B. 1947, is amended
 22 to read as follows:

23 "89-3422. ~~State examiner~~ Department of community
 24 affairs to examine financial records — report — fee. At
 25 least once each year the department of ~~intergovernmental~~

1 ~~relations~~ community affairs shall examine the financial
2 records of each district and file a report of the
3 examination with the department of natural resources and
4 conservation and court. The department of ~~intergovernmental~~
5 ~~relations~~ community affairs shall collect a fee for the
6 examination equal to that charged irrigation districts."

7 Section 54. There is a new R.C.M. section that reads
8 as follows:

9 Construction of this act. This act shall take effect on
10 July 1, 1975. After that date, every reference to the
11 department of intergovernmental relations shall be to the
12 department of community affairs.

-End-