

1 Senate BILL NO. 141
 2 INTRODUCED BY Murphy Manly Shivers Kolstad
 3 Jergeson Hall

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 16-1185 AND 76-108, R.C.M. 1947, TO PROVIDE FOR THE
 6 APPROPRIATION OF FEDERAL REVENUE SHARING FUNDS BY THE BOARD
 7 OF COUNTY COMMISSIONERS OF ANY COUNTY TO MONTANA
 8 CONSERVATION DISTRICTS; AND TO GRANT TO THE MONTANA
 9 CONSERVATION DISTRICTS THE AUTHORITY TO APPLY FOR AND
 10 RECEIVE FEDERAL REVENUE SHARING FUNDS."
 11

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

13 Section 1. Section 16-1185, R.C.M. 1947, is amended to
 14 read as follows:

15 "16-1185. Power of county to spend federal and state
 16 funds. The board of county commissioners of any county in
 17 the state of Montana shall have the power and authority to
 18 appropriate monies received from the federal or state
 19 government, regardless of the time the monies are received,
 20 by formal resolution. The resolution shall state the source
 21 of the monies, the expenditure program for the funds, and
 22 the effective date of the appropriation. The expenditure of
 23 said funds shall be according to federal requirements
 24 specified in the federal act, or state requirements
 specified in the state legislation. The moneys appropriated

1 under this section may include federal revenue sharing funds
 2 granted to Montana conservation districts organized under
 3 Title 76, chapter 1, R.C.M. 1947."

4 Section 2. Section 76-108, R.C.M. 1947, is amended to
 5 read as follows:

6 "76-108. Powers of districts and supervisors. A. A
 7 conservation district organized under the provisions of this
 8 act shall constitute a governmental subdivision of this
 9 state, and a public body corporate and politic, exercising
 10 public powers, and such district, and the supervisors
 11 thereof, shall have the following powers, in addition to
 12 others granted in other sections of this act:

13 (1) To conduct surveys, investigations, and research
 14 relating to the character of soil erosion, floodwater and
 15 sediment damages, and to the conservation, development,
 16 utilization, and disposal of water and the preventive and
 17 control measures and works of improvement needed, to publish
 18 the results of such surveys, investigations, or research,
 19 and to disseminate information concerning such preventive
 20 and control measures and works of improvement; provided,
 21 however, that in order to avoid duplication of research
 22 activities, no district shall initiate any research program
 23 except in co-operation with the government of this state or
 24 any of its agencies, or with the United States or any of its
 25 agencies;

1 (2) To conduct soil, vegetation, and water resources
 2 conservation projects on lands within the districts upon
 3 obtaining the consent of the owner of such lands or the
 4 necessary rights or interest in such land;

5 (3) To carry out preventive and control measures and
 6 works of improvement for flood prevention and the
 7 conservation, development, utilization, and disposal of
 8 water within the district, including, but not limited to,
 9 engineering operations, range management, methods of
 10 cultivation, the growing of vegetation, changes in use of
 11 land, and the measures listed in subsection C of section
 12 76-102, R. C. M. 1947, on lands owned or controlled by this
 13 state or any of its agencies with the co-operation of the
 14 agency administering and having jurisdiction thereof, and on
 15 any other lands within the district upon obtaining the
 16 consent of the occupier of such lands or the necessary
 17 rights or interests in such lands;

18 (4) To co-operate, or enter into agreements with, and
 19 within the limits of appropriations duly made available to
 20 it by law, to furnish financial or other aid to, any agency,
 21 governmental or otherwise, or any occupier of lands within
 22 the district, in the carrying on of erosion-control and
 23 prevention operations, and works of improvement for flood
 24 prevention and the conservation, development, utilization
 25 and disposal of water within the district, subject to such

1 conditions as the supervisors may deem necessary to advance
 2 the purposes of this act;

3 (5) To obtain options upon and to acquire, by
 4 purchase, exchange, lease, gift, grant, bequest, devise, or
 5 otherwise, any property, real or personal, or rights or
 6 interests therein, and all such property shall be exempt
 7 from taxation by the state or any political subdivision
 8 thereof, to maintain, administer, and improve any properties
 9 acquired, to receive income from such properties and to
 10 expend such income in carrying out the purposes and
 11 provisions of this act; and to sell, lease, or otherwise
 12 dispose of any of its property or interests therein in
 13 furtherance of the purposes and provisions of this act;

14 (6) To make available on such terms as it shall
 15 prescribe, to land occupiers within the district,
 16 agricultural and engineering machinery and equipment,
 17 fertilizer, seeds and seedlings, and such other material or
 18 equipment, as will assist such land occupiers to carry on
 19 operations upon their lands for the conservation of soil
 20 resources and for the prevention and control of soil
 21 erosion, and for flood prevention and the conservation,
 22 development, utilization, and disposal of water;

23 (7) To construct, improve, operate and maintain such
 24 structures as may be necessary or convenient for the
 25 performance of any of the operations authorized in this act;

1 (8) To develop comprehensive plans for the
 2 conservation of soil resources and for the control and
 3 prevention of soil erosion, and for flood prevention, and
 4 conservation, development, utilization, and disposal of
 5 water within the district, which plans shall specify in such
 6 detail as may be possible, the acts, procedures,
 7 performances, and avoidances which are necessary or
 8 desirable, for the effectuation of such plans, including the
 9 specification of engineering operations, range management,
 10 methods of cultivation, the growing of vegetation, cropping,
 11 and range programs, tillage and grazing practices, and
 12 changes in use of land; and to publish such plans and
 13 information and bring them to the attention of occupiers of
 14 lands within the district;

15 (9) To take over, by purchase, lease, or otherwise,
 16 and to administer any soil-conservation, flood-prevention,
 17 drainage, irrigation, water-management, erosion-control, or
 18 erosion-prevention project, or combinations thereof, located
 19 within its boundaries undertaken by the United States or any
 20 of its agencies, or by this state or any of its agencies; to
 21 manage, as agent of the United States or any of its
 22 agencies, or of this state or any of its agencies, any
 23 soil-conservation, flood-prevention, drainage, irrigation,
 24 water-management, erosion-control, or erosion-prevention
 25 project, or combination thereof, within its boundaries; to

1 act as agent for the United States, or any of its agencies,
 2 or for this state or any of its agencies, in connection with
 3 the acquisition, construction, operation, or administration
 4 of any soil-conservation, flood-prevention, drainage,
 5 irrigation, water-management, erosion-control, or
 6 erosion-prevention projects, or combination thereof, within
 7 its boundaries; to accept donations, gifts, and
 8 contributions in money, services, materials, or otherwise,
 9 from the United States or any of its agencies, or from this
 10 state or any of its agencies, and to use or expend such
 11 moneys, services, materials, or other contributions in
 12 carrying on its operations;

13 (10) To sue and be sued in the name of the district;
 14 to have a seal, which seal shall be judicially noticed; to
 15 have perpetual succession unless terminated as hereinafter
 16 provided; to make and execute contracts and other
 17 instruments, necessary or convenient to the exercise of its
 18 powers; to make, and from time to time amend and repeal,
 19 rules and regulations not consistent with this act, to carry
 20 into effect its purposes and powers;

21 (11) As a condition to the extending of any benefits
 22 under this act to, or the performance of work upon, any
 23 lands not owned or controlled by this state or any of its
 24 agencies, the supervisors may require contributions in
 25 money, services, materials, or otherwise to any operations

1 conferring such benefits, and may require land occupiers to
 2 enter into and perform such agreements or covenants as to
 3 the permanent use of such lands as will tend to prevent or
 4 control erosion and prevent floodwater and sediment damages
 5 thereon;

6 (12) To borrow money and incur indebtedness and to
 7 issue bonds or other evidence of such indebtedness; also to
 8 refund or retire an indebtedness or lien that may exist
 9 against the district or property thereof;

10 (13) To fix and revise as necessary and collect rates,
 11 fees, tolls, rents, or other charges for the use of or for
 12 services, facilities and materials furnished or provided.
 13 Revenues from these sources may be expended in carrying out
 14 the purposes and provisions of this act;

15 (14) To cause taxes to be levied in the same manner
 16 provided for in Title 76, chapter 2, R. C. M. 1947, for the
 17 purpose of paying any obligation of the district and to
 18 accomplish the purposes of this act in the manner herein
 19 provided.

20 (15) To apply for and receive federal revenue sharing
 21 funds in order to carry out the purposes and provisions of
 22 this chapter.

23 B. No provisions with respect to the acquisition,
 24 operation, or disposition of property by other public bodies
 25 shall be applicable to a district organized hereunder unless

1 the legislature shall specifically so state."

-End-

Approved by Comm.
on Local Government

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INTRODUCED BY Senate BILL NO. 141
Murphy Moyle Thieser Kolstad
Jergason Hall

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read as follows:

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funds. The board of county commissioners of any county in
the state of Montana shall have the power and authority to
appropriate monies received from the federal or state
government, regardless of the time the monies are received,
by formal resolution. The resolution shall state the source
of the monies, the expenditure program for the funds, and
the effective date of the appropriation. The expenditure of
said funds shall be according to federal requirements
specified in the federal act, or state requirements
specified in the state legislation. The moneys appropriated

under this section may include federal revenue sharing funds
granted to Montana conservation districts organized under
Title 76, chapter 1, R.C.M. 1947."

Section 2. Section 76-108, R.C.M. 1947, is amended to
read as follows:

"76-108. Powers of districts and supervisors. A. A
conservation district organized under the provisions of this
act shall constitute a governmental subdivision of this
state, and a public body corporate and politic, exercising
public powers, and such district, and the supervisors
thereof, shall have the following powers, in addition to
others granted in other sections of this act:

(1) To conduct surveys, investigations, and research
relating to the character of soil erosion, floodwater and
sediment damages, and to the conservation, development,
utilization, and disposal of water and the preventive and
control measures and works of improvement needed, to publish
the results of such surveys, investigations, or research,
and to disseminate information concerning such preventive
and control measures and works of improvement; provided,
however, that in order to avoid duplication of research
activities, no district shall initiate any research program
except in co-operation with the government of this state or
any of its agencies, or with the United States or any of its
agencies;

1 (2) To conduct soil, vegetation, and water resources
2 conservation projects on lands within the districts upon
3 obtaining the consent of the owner of such lands or the
4 necessary rights or interest in such land;

5 (3) To carry out preventive and control measures and
6 works of improvement for flood prevention and the
7 conservation, development, utilization, and disposal of
8 water within the district, including, but not limited to,
9 engineering operations, range management, methods of
10 cultivation, the growing of vegetation, changes in use of
11 land, and the measures listed in subsection C of section
12 76-102, R. C. M. 1947, on lands owned or controlled by this
13 state or any of its agencies with the co-operation of the
14 agency administering and having jurisdiction thereof, and on
15 any other lands within the district upon obtaining the
16 consent of the occupier of such lands or the necessary
17 rights or interests in such lands;

18 (4) To co-operate, or enter into agreements with, and
19 within the limits of appropriations duly made available to
20 it by law, to furnish financial or other aid to, any agency,
21 governmental or otherwise, or any occupier of lands within
22 the district, in the carrying on of erosion-control and
23 prevention operations, and works of improvement for flood
24 prevention and the conservation, development, utilization
25 and disposal of water within the district, subject to such

1 conditions as the supervisors may deem necessary to advance
2 the purposes of this act;

3 (5) To obtain options upon and to acquire, by
4 purchase, exchange, lease, gift, grant, bequest, devise, or
5 otherwise, any property, real or personal, or rights or
6 interests therein, and all such property shall be exempt
7 from taxation by the state or any political subdivision
8 thereof, to maintain, administer, and improve any properties
9 acquired, to receive income from such properties and to
10 expend such income in carrying out the purposes and
11 provisions of this act; and to sell, lease, or otherwise
12 dispose of any of its property or interests therein in
13 furtherance of the purposes and provisions of this act;

14 (6) To make available on such terms as it shall
15 prescribe, to land occupiers within the district,
16 agricultural and engineering machinery and equipment,
17 fertilizer, seeds and seedlings, and such other material or
18 equipment, as will assist such land occupiers to carry on
19 operations upon their lands for the conservation of soil
20 resources and for the prevention and control of soil
21 erosion, and for flood prevention and the conservation,
22 development, utilization, and disposal of water;

23 (7) To construct, improve, operate and maintain such
24 structures as may be necessary or convenient for the
25 performance of any of the operations authorized in this act;

1 (8) To develop comprehensive plans for the
 2 conservation of soil resources and for the control and
 3 prevention of soil erosion, and for flood prevention, and
 4 conservation, development, utilization, and disposal of
 5 water within the district, which plans shall specify in such
 6 detail as may be possible, the acts, procedures,
 7 performances, and avoidances which are necessary or
 8 desirable, for the effectuation of such plans, including the
 9 specification of engineering operations, range management,
 10 methods of cultivation, the growing of vegetation, cropping,
 11 and range programs, tillage and grazing practices, and
 12 changes in use of land; and to publish such plans and
 13 information and bring them to the attention of occupiers of
 14 lands within the district;

15 (9) To take over, by purchase, lease, or otherwise,
 16 and to administer any soil-conservation, flood-prevention,
 17 drainage, irrigation, water-management, erosion-control, or
 18 erosion-prevention project, or combinations thereof, located
 19 within its boundaries undertaken by the United States or any
 20 of its agencies, or by this state or any of its agencies; to
 21 manage, as agent of the United States or any of its
 22 agencies, or of this state or any of its agencies, any
 23 soil-conservation, flood-prevention, drainage, irrigation,
 24 water-management, erosion-control, or erosion-prevention
 25 project, or combination thereof, within its boundaries; to

1 act as agent for the United States, or any of its agencies,
 2 or for this state or any of its agencies, in connection with
 3 the acquisition, construction, operation, or administration
 4 of any soil-conservation, flood-prevention, drainage,
 5 irrigation, water-management, erosion-control, or
 6 erosion-prevention projects, or combination thereof, within
 7 its boundaries; to accept donations, gifts, and
 8 contributions in money, services, materials, or otherwise,
 9 from the United States or any of its agencies, or from this
 10 state or any of its agencies, and to use or expend such
 11 moneys, services, materials, or other contributions in
 12 carrying on its operations;

13 (10) To sue and be sued in the name of the district;
 14 to have a seal, which seal shall be judicially noticed; to
 15 have perpetual succession unless terminated as hereinafter
 16 provided; to make and execute contracts and other
 17 instruments, necessary or convenient to the exercise of its
 18 powers; to make, and from time to time amend and repeal,
 19 rules and regulations not consistent with this act, to carry
 20 into effect its purposes and powers;

21 (11) As a condition to the extending of any benefits
 22 under this act to, or the performance of work upon, any
 23 lands not owned or controlled by this state or any of its
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 25 money, services, materials, or otherwise to any operations

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6 (12) To borrow money and incur indebtedness and to
 7 issue bonds or other evidence of such indebtedness; also to
 8 refund or retire an indebtedness or lien that may exist
 9 against the district or property thereof;

10 (13) To fix and revise as necessary and collect rates,
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 12 services, facilities and materials furnished or provided.
 13 Revenues from these sources may be expended in carrying out
 14 the purposes and provisions of this act;

15 (14) To cause taxes to be levied in the same manner
 16 provided for in Title 76, chapter 2, R. C. M. 1947, for the
 17 purpose of paying any obligation of the district and to
 18 accomplish the purposes of this act in the manner herein
 19 provided.

20 (15) To apply for and receive federal revenue sharing
 21 funds in order to carry out the purposes and provisions of
 22 this chapter.

23 B. No provisions with respect to the acquisition,
 24 operation, or disposition of property by other public bodies
 25 shall be applicable to a district organized hereunder unless

1 the legislature shall specifically so state."

-End-

1 *Senate* BILL NO. *141*
 2 INTRODUCED BY *Murphy* *Manly* *Thieser* *Kolstad*
 3 *Jergason* *Hall*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
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 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 16-1185, R.C.M. 1947, is amended to
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 16 funds. The board of county commissioners of any county in
 17 the state of Montana shall have the power and authority to
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 19 government, regardless of the time the monies are received,
 20 by formal resolution. The resolution shall state the source
 21 of the monies, the expenditure program for the funds, and
 22 the effective date of the appropriation. The expenditure of
 23 said funds shall be according to federal requirements
 24 specified in the federal act, or state requirements
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1 under this section may include federal revenue sharing funds
 2 granted to Montana conservation districts organized under
 3 Title 76, chapter 1, R.C.M. 1947."

4 Section 2. Section 76-108, R.C.M. 1947, is amended to
 5 read as follows:

6 "76-108. Powers of districts and supervisors. A. A
 7 conservation district organized under the provisions of this
 8 act shall constitute a governmental subdivision of this
 9 state, and a public body corporate and politic, exercising
 10 public powers, and such district, and the supervisors
 11 thereof, shall have the following powers, in addition to
 12 others granted in other sections of this act:

13 (1) To conduct surveys, investigations, and research
 14 relating to the character of soil erosion, floodwater and
 15 sediment damages, and to the conservation, development,
 16 utilization, and disposal of water and the preventive and
 17 control measures and works of improvement needed, to publish
 18 the results of such surveys, investigations, or research,
 19 and to disseminate information concerning such preventive
 20 and control measures and works of improvement; provided,
 21 however, that in order to avoid duplication of research
 22 activities, no district shall initiate any research program
 23 except in co-operation with the government of this state or
 24 any of its agencies, or with the United States or any of its
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1 (2) To conduct soil, vegetation, and water resources
 2 conservation projects on lands within the districts upon
 3 obtaining the consent of the owner of such lands or the
 4 necessary rights or interest in such land;

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 6 works of improvement for flood prevention and the
 7 conservation, development, utilization, and disposal of
 8 water within the district, including, but not limited to,
 9 engineering operations, range management, methods of
 10 cultivation, the growing of vegetation, changes in use of
 11 land, and the measures listed in subsection C of section
 12 76-102, R. C. M. 1947, on lands owned or controlled by this
 13 state or any of its agencies with the co-operation of the
 14 agency administering and having jurisdiction thereof, and on
 15 any other lands within the district upon obtaining the
 16 consent of the occupier of such lands or the necessary
 17 rights or interests in such lands;

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 19 within the limits of appropriations duly made available to
 20 it by law, to furnish financial or other aid to, any agency,
 21 governmental or otherwise, or any occupier of lands within
 22 the district, in the carrying on of erosion-control and
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1 conditions as the supervisors may deem necessary to advance
 2 the purposes of this act;

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 8 thereof, to maintain, administer, and improve any properties
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1 SENATE BILL NO. 141

2 INTRODUCED BY MURPHY, MANLEY, THIESSEN,

3 KOLSTAD, JERGESON, HAZELBAKER
4

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4 obtaining the consent of the owner of such lands or the
5 necessary rights or interest in such land;

6 (3) To carry out preventive and control measures and
7 works of improvement for flood prevention and the
8 conservation, development, utilization, and disposal of
9 water within the district, including, but not limited to,
10 engineering operations, range management, methods of
11 cultivation, the growing of vegetation, changes in use of
12 land, and the measures listed in subsection C of section
13 76-102, R. C. M. 1947, on lands owned or controlled by this
14 state or any of its agencies with the co-operation of the
15 agency administering and having jurisdiction thereof, and on
16 any other lands within the district upon obtaining the
17 consent of the occupier of such lands or the necessary
18 rights or interests in such lands;

19 (4) To co-operate, or enter into agreements with, and
20 within the limits of appropriations duly made available to
21 it by law, to furnish financial or other aid to, any agency,
22 governmental or otherwise, or any occupier of lands within
23 the district, in the carrying on of erosion-control and
24 prevention operations, and works of improvement for flood
25 prevention and the conservation, development, utilization

1 and disposal of water within the district, subject to such
2 conditions as the supervisors may deem necessary to advance
3 the purposes of this act;

4 (5) To obtain options upon and to acquire, by
5 purchase, exchange, lease, gift, grant, bequest, devise, or
6 otherwise, any property, real or personal, or rights or
7 interests therein, and all such property shall be exempt
8 from taxation by the state or any political subdivision
9 thereof, to maintain, administer, and improve any properties
10 acquired, to receive income from such properties and to
11 expend such income in carrying out the purposes and
12 provisions of this act; and to sell, lease, or otherwise
13 dispose of any of its property or interests therein in
14 furtherance of the purposes and provisions of this act;

15 (6) To make available on such terms as it shall
16 prescribe, to land occupiers within the district,
17 agricultural and engineering machinery and equipment,
18 fertilizer, seeds and seedlings, and such other material or
19 equipment, as will assist such land occupiers to carry on
20 operations upon their lands for the conservation of soil
21 resources and for the prevention and control of soil
22 erosion, and for flood prevention and the conservation,
23 development, utilization, and disposal of water;

24 (7) To construct, improve, operate and maintain such
25 structures as may be necessary or convenient for the

1 performance of any of the operations authorized in this act;

2 (8) To develop comprehensive plans for the
3 conservation of soil resources and for the control and
4 prevention of soil erosion, and for flood prevention, and
5 conservation, development, utilization, and disposal of
6 water within the district, which plans shall specify in such
7 detail as may be possible, the acts, procedures,
8 performances, and avoidances which are necessary or
9 desirable, for the effectuation of such plans, including the
10 specification of engineering operations, range management,
11 methods of cultivation, the growing of vegetation, cropping,
12 and range programs, tillage and grazing practices, and
13 changes in use of land; and to publish such plans and
14 information and bring them to the attention of occupiers of
15 lands within the district;

16 (9) To take over, by purchase, lease, or otherwise,
17 and to administer any soil-conservation, flood-prevention,
18 drainage, irrigation, water-management, erosion-control, or
19 erosion-prevention project, or combinations thereof, located
20 within its boundaries undertaken by the United States or any
21 of its agencies, or by this state or any of its agencies; to
22 manage, as agent of the United States or any of its
23 agencies, or of this state or any of its agencies, any
24 soil-conservation, flood-prevention, drainage, irrigation,
25 water-management, erosion-control, or erosion-prevention

1 project, or combination thereof, within its boundaries; to
2 act as agent for the United States, or any of its agencies,
3 or for this state or any of its agencies, in connection with
4 the acquisition, construction, operation, or administration
5 of any soil-conservation, flood-prevention, drainage,
6 irrigation, water-management, erosion-control, or
7 erosion-prevention projects, or combination thereof, within
8 its boundaries; to accept donations, gifts, and
9 contributions in money, services, materials, or otherwise,
10 from the United States or any of its agencies, or from this
11 state or any of its agencies, and to use or expend such
12 moneys, services, materials, or other contributions in
13 carrying on its operations;

14 (10) To sue and be sued in the name of the district;
15 to have a seal, which seal shall be judicially noticed; to
16 have perpetual succession unless terminated as hereinafter
17 provided; to make and execute contracts and other
18 instruments, necessary or convenient to the exercise of its
19 powers; to make, and from time to time amend and repeal,
20 rules and regulations not consistent with this act, to carry
21 into effect its purposes and powers;

22 (11) As a condition to the extending of any benefits
23 under this act to, or the performance of work upon, any
24 lands not owned or controlled by this state or any of its
25 agencies, the supervisors may require contributions in

1 money, services, materials, or otherwise to any operations
 2 conferring such benefits, and may require land occupiers to
 3 enter into and perform such agreements or covenants as to
 4 the permanent use of such lands as will tend to prevent or
 5 control erosion and prevent floodwater and sediment damages
 6 thereon;

7 (12) To borrow money and incur indebtedness and to
 8 issue bonds or other evidence of such indebtedness; also to
 9 refund or retire an indebtedness or lien that may exist
 10 against the district or property thereof;

11 (13) To fix and revise as necessary and collect rates,
 12 fees, tolls, rents, or other charges for the use of or for
 13 services, facilities and materials furnished or provided.
 14 Revenues from these sources may be expended in carrying out
 15 the purposes and provisions of this act;

16 (14) To cause taxes to be levied in the same manner
 17 provided for in Title 76, chapter 2, R. C. M. 1947, for the
 18 purpose of paying any obligation of the district and to
 19 accomplish the purposes of this act in the manner herein
 20 provided.

21 (15) To apply for and receive federal revenue sharing
 22 funds in order to carry out the purposes and provisions of
 23 this chapter.

24 B. No provisions with respect to the acquisition,
 25 operation, or disposition of property by other public bodies

1 shall be applicable to a district organized hereunder unless
 2 the legislature shall specifically so state."

-End-