CHAPTER NO. 51 -

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### HOUSE BILL NO. 168

# INTRODUCED BY KVAALEN

## BY REQUEST OF THE CODE COMMISSIONER

IN THE HOUSE

January 15, 1979	Introduced and referred to Committee on Natural Resources.
January 25, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 26, 1979	Printed and placed on members' desks.
January 30, 1979	Third Reading Consent Calendar passed. Transmitted to Second House.
IN THE SE	NATE
January 31, 1979	Introduced and referred to Committee on Natural Resources.
February 6, 1979	Committee recommend bill be concurred in. Report adopted.
February 8, 1979	Second Reading, concurred in.
February 10, 1979	Third Reading, concurred in.
IN THE HO	DUSE
February 12, 1979	Returned from Second House. Concurred in.
	Sent to enrolling. Reported correctly enrolled.

HOLLE BILL NO. 168 1 Kiraali INTRODUCED BY 2 BY REQUEST OF THE CODE COMMISSIONER 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
CLARIFY THE LAW RELATING TO PLANNING, RESEARCH, AND
DEVELOPMENT; AMENDING SECTIONS 90-1-108, 90-2-112, 90-5-102,
90-6-116, MCA, AND REPEALING SECTIONS 90-2-105 AND 90-2-106,
MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 90-1-108, MCA, is amended to read: 12 "90-1-108. County land planning assistance. (1) The 13 department of community affairs shall annually distribute 14 the funds appropriated to it from the county land planning 15 account. Each county shall be allotted \$3,000. After this 16 disbursement has been made, 40% of the balance in the 17 account shall be apportioned to the counties according to 18 the ratio of each county's land area to the total land area 19 of the state, and 60% of the balance shall be apportioned to 20 the counties according to each county's portion of the total 21 22 population of the state. If a multijurisdictional planning board has been established in the county, it may receive and 23 expend part or all of the funds allocated to that county. 24 (2) Counties, cities, or joint planning boards 25

receiving funds under this section shall use such funds for
 land planning purposes.

3 (3) At the end of each fiscal years every local
4 governing body and planning agency receiving funds under
5 this section shall provide an accounting of how the moneys
6 were money was spents in a form acceptable to the department
7 of community affairs. Any surplus of funds shall revert to
8 the education trust fund accounts<sup>m</sup>

0 Section 2. Section 90-2-112, HCA, is amended to read: 10 #90-2-112. Bond proceeds not for grants. Unless 11 specifically authorized by the legislature, no bond proceeds 12 shell may be used for the purpose of making grants. Grants 13 may only be made in <u>only from</u> such sums as may-be are 14 deposited in the sinking fund account from the collection of the strip coal mines-license severance tax as provided in 15 16 90-2-124.\*

17 Section 3. Section 90-5-102, MCA, is amended to read: 18 #90-5-102. General municipal and county powers. (1) In 19 addition to any other powers which it may now have, each 20 municipality and each county shall-have-without-any-other 21 authority-the-following-powers may:

(a) to acquire, whether by construction, purchase,
devise, gift, or lease or any one-or-more combination of
such methods, one or more projects which--shall--be located
within this state, and The projects may be located within,
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1 without, or partially withing-or and partially without the 8 municipality or countyta

3 (b) to lease to others any or all of its projects for
4 such rentals and upon such terms and conditions<u>e\_consistent</u>
5 <u>with\_the provisions of this parts</u> as the governing body may
6 deem <u>considers</u> advisable and as shall-not-conflict-with the
7 provisions-of-this-part;

8 (c) to issue revenue bonds for the purpose of 9 defraying the cost of acquiring or improving any project or 10 projects and to secure the payment of such bonds as provided 11 in this party, which The revenue bonds may be issued in two 12 or more series or issues where deemed considered advisable. 13 and each such series or issue way contain different maturity 14 dates, interest rates, priorities on revenues available for payment of such the bonds and, priorities on securities 15 16 available for guaranteeing payment thereof, and such other 17 differing terms and conditions as are deemed considered 18 necessary and are not in conflict with the provisions of this part; and 19

20 (d) to sell and convey any real or personal property
21 acquired as provided by subsection (1)(a) of this section
27 and make such any order respecting the same it as may be
23 deemed conducive to the best interest of the municipality or
24 countyte provided that such sale or conveyance shall be
25 subject to the terms of any lease but shall be free and

1 clear of any other encumbrance. 2 (2) No municipality or county shall-have-the-power-to may operate a project referred to in this section as a 3 business or in any manner except as the lessor thereof  $y_{\pm}$  only 4 5 project-referred-to-in-this-sectiony-nor-shall-they-have-ony power--to No\_ municipality or county may acquire env-such a 6 7 project or any part thereof by condemnation." Section 4. Section 90-6-116, MCA, is amended to read: R 3 "90-6-116. Trust indenture. (1) In the discretion of 10 the board, the bonds may be secured by a trust indenture 11 between the board and a corporate trustee, which may be a trust company or bank having the power of a trust company 12 within or without the state. A trust indenture may contain 13 provisions for protecting and enforcing the rights and 14 15 remedies of the bondholders as which are reasonable and proper and not in violation of law, including covenants 16 17 setting forth the duties of the board in relation to take exercise of its powersy and the custodyy safeguardingy and 18 19 application of all moneys money. The board may provide by a 20 trust indenture for the payment of the proceeds of the bonds 21 and the revenues to the trustee under the trust indenture of 22 another depository and for the method of disbursement, with 23 safequards and restrictions as it determines considers 24 necessary. 25 (2) All expenditures incurred in carrying out a trust

1 indenture may be treated as part of the operating

- 2 expenditures of the board."
- 3 Section 5. Repealer. Sections 90-2-105 and 90-2-106.
- 4 HCA, are repealed.

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Approved by Committee on Natural Resources

ı	HOLLE BILL NO. 168
2	INTRODUCED BYKiraalin
3	BY REQUEST OF THE CODE COMMISSIONER

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 6 CLARIFY THE LAW RELATING TO PLANNING, RESEARCH, AND 7 DEVELOPMENT; AMENDING SECTIONS 90-1-108, 90-2-112, 90-5-102, 8 90-6-116, MCA, AND REPEALING SECTIONS 90-2-105 AND 90-2-106, 9 MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 90-1-108. MCA, is amended to read: 13 "90-1-108. County land planning assistance. (1) The 14 department of community affairs shall annually distribute the funds appropriated to it from the county land planning 15 16 account. Each county shall be allotted \$3,000. After this 17 disbursement has been made, 40% of the balance in the account shall be apportioned to the counties according to 18 19 the ratio of each county's land area to the total land area 20 of the state, and 60% of the balance shall be apportioned to 21 the counties according to each county's portion of the total 22 population of the state. If a multijurisdictional planning Z3 board has been established in the county, it may receive and 24 expend part or all of the funds allocated to that county. 25 (2) Counties, cities, or joint planning boards receiving funds under this section shall use such funds for
 land planning purposes.

3 (3) At the end of each fiscal years every local
4 governing body and planning agency receiving funds under
5 this section shall provide an accounting of how the moneys
6 were money was spents in a form acceptable to the department
7 of community affairs. Any surplus of funds shall revert to
8 the education trust fund account.\*

9 Section Z. Section 90-2-112, MCA, is amended to read: 10 "90-2-112. Bond proceeds not for grants. Unless 11 specifically authorized by the legislature, no bond proceeds shell may be used for the purpose of making grants. Grants 12 13 may only be made in only from such sums as may be are 14 deposited in the sinking fund account from the collection of 15 the strip coal mines-license severance tax as provided in 16 90-2-124.\*

Section 3. Section 90-5-102, MCA, is amended to read: m90-5-102. General municipal and county powers. (1) In addition to any other powers which it may now have, each municipality and each county shall-hove-without-ony-other suthority-the-following-powers may:

(a) to acquire, whether by construction, purchase,
devise, gift, or lease or any one-or-more combination of
such methods, one or more projects which--shall--be located
within this state ond The projects may be located within,

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1 without, or partially withing-or and partially without the 2 municipality or countyfa

3 (b) to lease to others any or all of its projects for
4 such rentals and upon such terms and conditions<u>a</u> consistent
5 with the provisions of this parts as the governing body may
6 deem considers advisable and-as-shall-not-conflict with the provisions-of-this parts

8 (c) to issue revenue bonds for the purpose of degraying the cost of acquiring or improving any project or 9 projects and to secure the payment of such bonds as provided 10 n in this party, which The revenue bonds may be issued in two 12 or more series or issues where deemed considered advisable. 13 and each such series or issue may contain different maturity dates, interest rates, priorities on revenues available for 14 payment of such the bonds and priorities on securities 15 available for guaranteeing payment thereof, and such other 16 17 differing terms and conditions as are deamed considered necessary and are not in conflict with the provisions of 18 19 this part; and

20 [d] to sell and convey any real or personal property 21 acquired as provided by subsection (1)(a) of this section 22 and make such any order respecting the some it as may be 23 deemed conducive to the best interest of the municipality or 24 countyty providedy that such sale or conveyance shall be 25 subject to the terms of any lease but shall be free and LC 0043/01

1 clear of any other encumbrance.

2 (2) No municipality or county shall-have-the-power-to
3 may operate a project referred to in this section as a
4 business or in any manner except as the lessor thereof y<sub>a</sub> ony
5 project-referred-to-in-this-sectiony-nor-shall-they-have-any
6 power-to No municipality or county may acquire ony-such a
7 project or any part thereof by condemnation."

8 Section 4. Section 90-6-116. MCA. is amended to read: 9 "90-6-116. Trust indenture. (1) In the discretion of 10 the board, the bonds may be secured by a trust indenture 11 between the board and a corporate trustee, which may be a 12 trust company or bank having the power of a trust company 13 within or without the state. A trust indenture may contain 14 provisions for protecting and enforcing the rights and remedies of the bondholders as which are reasonable and 15 16 proper and not in violation of law, including covenants 17 setting forth the duties of the board in relation to the exercise of its powersy and the custodyy safeguarding, and 18 19 application of all moneys money. The board may provide by a 20 trust indenture for the payment of the proceeds of the bonds 21 and the revenues to the trustee under the trust indenture of 22 another depository and for the method of disbursement, with 23 safequards and restrictions as it determines considers 24 necessary.

25 (2) All expenditures incurred in carrying out a trust

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1 indenture may be treated as part of the operating

2 expenditures of the board."

3 Section 5. Repeater. Sections 90-2-105 and 90-2-106.

4 MCA, are repealed.

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HB 0168/02

1	HOUSE BILL NO. 160
2	INTRODUCED BY KVAALEN
3	BY REQUEST OF THE CODE COMMISSIONER
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6	CLARIFY THE LAW RELATING TO PLANNING+ RESEARCH+ AND
٦	DEVELOPMENT; AMENDING SECTIONS 90-1-108, 90-2-112, 90-5-102,
8	90-5-116, MCA, AND REPEALING SECTIONS 90-2-105 AND 90-2-106,
9	MCAs"
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14	department of community affairs shall annually distribute
15	the funds appropriated <u>to it</u> from the county land planning
16	account. Each county shall be allotted \$3,000. After this
17	disbursement has been made+ 40% of the balance in the
19	account shall be apportioned to the counties according to
19	the ratio of each county's land area to the total land area
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21	the counties according to each county's portion of the total
22	population of the state. If a multijurisdictional planning
23	board has been established in the county, it may receive and
24	expend part or all of the funds allocated to that county.
25	(2) Counties, cities, or joint planning boards

ł receiving funds under this section shall use such funds for 2 land planning purposes. (3) At the end of each fiscal years every local 3 4 governing body and planning agency receiving funds under this section shall provide an accounting of how the moneys 5 6 were money\_was spent1 in a form acceptable to the department of community affairs. Any surplus of funds shall revert to 7 the education trust fund account.\* 8 9 Section 2. Section 90-2-112, MCA, is amended to read: #90-2-112. Bond proceeds not for grants. Unless

10 "90-2-112. Bond proceeds not for grants. Unless 11 specifically authorized by the legislature, no bond proceeds 12 shelf may be used for the purpose of making grants. Grants 13 may only be made in <u>only\_from</u> such sums as may-be are 14 deposited in the sinking fund account from the collection of 15 the strip coal mines-license severance tax as provided in 16 90-2-124."

Section 3. Section 90-5-102, MCA, is amended to read: #90-5-102. General municipal and county powers. (1) In addition to any other powers which it may now have. each municipality and each county shall-have-without-any-other suthority-the-following-powers max: (a) to acquire, whether by construction, purchase.

23 devise, gift, or lease or any one-or-more <u>combination</u> of 24 such methods, one or more projects which--shall--be located 25 within this state<u>a</u> ond <u>The projects</u> may be located within,

> +2- H8 168 HOUSE CONSENT CALENDAR SENATE REFERENCE BILL

1 without: or partially within-or and partially without the 2 municipality or county;

3 (b) to lease to others any or all of its projects for
4 such rentals and upon such terms and conditions<u>1</u> consistent
5 with\_the\_provisions\_of\_this\_parts as the governing body may
6 deem considers advisable and-as-shall-not-conflict-with--the
7 provisions-of-this-part;

8 (c) to issue revenue bonds for the purpose of 9 defraying the cost of acquiring or improving any project or 10 projects and to secure the payment of such bonds as provided 11 in this party, which The revenue bonds may be issued in two or more series or issues where deemed considered advisable. 12 13 and each such series or issue may contain different maturity 14 dates, interest rates, priorities on revenues available for payment of such the bonds and, priorities on securities 15 16 available for guaranteeing payment thereof, and such other 17 differing terms and conditions as are deemed considered 18 necessary and are not in conflict with the provisions of this part; and 19

20 (d) to sell and convey any real or personal property 21 acquired as provided by subsection (1)(a) of this section 22 and make such any order respecting the-same it as may be 23 deemed conducive to the best interest of the municipality or 24 countyt provided that such sale or conveyance shall be 25 subject to the terms of any lease but shall be free and

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1 clear of any other encumbrance.

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- 1 indenture may be treated as part of the operating
- 2 expenditures of the board."
- 3 Section 5. Repealer. Sections 90-2-105 and 90-2-106.
- 4 MCA, are repealed.

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-End-