

CHAPTER NO. 51

HOUSE BILL NO. 168

INTRODUCED BY KVAALEN

BY REQUEST OF THE CODE COMMISSIONER

IN THE HOUSE

|                  |                                                                                              |
|------------------|----------------------------------------------------------------------------------------------|
| January 15, 1979 | Introduced and referred to<br>Committee on Natural Resources.                                |
| January 25, 1979 | Committee recommend bill<br>do pass and be placed on<br>Consent Calendar.<br>Report adopted. |
| January 26, 1979 | Printed and placed on<br>members' desks.                                                     |
| January 30, 1979 | Third Reading Consent<br>Calendar passed.<br>Transmitted to Second House.                    |

IN THE SENATE

|                   |                                                               |
|-------------------|---------------------------------------------------------------|
| January 31, 1979  | Introduced and referred to<br>Committee on Natural Resources. |
| February 6, 1979  | Committee recommend bill<br>be concurred in. Report adopted.  |
| February 8, 1979  | Second Reading, concurred in.                                 |
| February 10, 1979 | Third Reading, concurred in.                                  |

IN THE HOUSE

|                   |                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------|
| February 12, 1979 | Returned from Second House.<br>Concurred in.<br><br>Sent to enrolling.<br>Reported correctly enrolled. |
|-------------------|--------------------------------------------------------------------------------------------------------|

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

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  
 15 the funds appropriated ~~to it 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  
 18 account shall be apportioned to the counties according to  
 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  
 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

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

3 (3) At the end of each fiscal year, 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~~ spent, 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 2. 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  
 12 ~~shall may~~ be used for the purpose of making grants. Grants  
 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."

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:~~

22 (a) to acquire, whether by construction, purchase,  
 23 devise, gift, or lease or any one-or-more ~~combination~~ of  
 24 such methods, one or more projects which ~~shall be~~ located  
 25 within this state, and ~~the projects may~~ be located within,

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 ~~consistent~~  
5 ~~with the provisions of this part~~ as the governing body may  
6 deem ~~considers~~ advisable ~~and 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 part, 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  
14 dates, interest rates, priorities on revenues available for  
15 payment of such ~~the~~ bonds and, priorities on securities  
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  
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 same~~ ~~it~~ as may be  
23 deemed conducive to the best interest of the municipality or  
24 county; 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~~  
3 ~~may operate a project referred to in this section~~ as a  
4 business or in any manner except as the lessor thereof, ~~any~~  
5 ~~project referred to in this section, nor shall they have any~~  
6 ~~power to~~ No municipality or county may acquire any 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  
15 remedies of the bondholders ~~as~~ which are reasonable and  
16 proper and not in violation of law, including covenants  
17 setting forth the duties of the board in relation to the  
18 exercise of its powers, ~~and~~ the custody, safeguarding, and  
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 safeguards 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. Repealer. Sections 90-2-105 and 90-2-106,  
4 MCA, are repealed.

-End-

Approved by Committee  
on Natural Resources

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17 disbursement has been made, 40% of the balance in the  
18 account shall be apportioned to the counties according to  
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  
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

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

3 (3) At the end of each fiscal year, 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 spent~~ in a form acceptable to the department  
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8 the education trust fund account."

9 Section 2. Section 90-2-112, MCA, is amended to read:

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11 specifically authorized by the legislature, no bond proceeds  
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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."

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:~~

22 (a) to acquire, whether by construction, purchase,  
23 devise, gift, or lease or any one-or-more combination of  
24 such methods, one or more projects which ~~shall be~~ located  
25 within this state, and the projects may be located within,

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 consistent  
5 with the provisions of this part, 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  
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12 or more series or issues where deemed considered advisable,  
13 and each such series or issue may contain different maturity  
14 dates, interest rates, priorities on revenues available for  
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25 subject to the terms of any lease but shall be free and

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