

CHAPTER NO. 253.

SENATE BILL NO. 340

INTRODUCED BY THOMAS

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

February 2, 1979	Introduced and referred to Committee on Local Government.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 14, 1979	Printed and placed on members' desks.
February 15, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 20, 1979	Introduced and referred to Committee on Local Government.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in.

IN THE SENATE

March 13, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 Sen. Thomas BILL NO. 340  
 2 INTRODUCED BY Thomas  
 3 BY REQUEST OF THE CODE COMMISSIONER

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO  
 7 TRANSPORTATION; TO HOUSING AND CONSTRUCTION; AND TO CULTURE,  
 8 SOCIAL SERVICES, AND RECREATION."

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

11 Section 1. Section 7-14-2307, MCA, is amended to read:

12 "7-14-2307. Payment of claims upon presentation of  
 13 superintendent's certificate. Upon the presentation of any  
 14 certificate issued by the superintendent and verification of  
 15 it by the holder as in other cases of claims against the  
 16 county, the board of county commissioners shall ~~cease to be~~  
 17 ~~issued~~ have a warrant issued for the amount of the  
 18 certificate, drawn on the ~~treasurer~~ treasury against the  
 19 county road fund."

20 Section 2. Section 7-14-2308, MCA, is amended to read:

21 "7-14-2308. Superintendent's report. At least once  
 22 each year and more often if required by the board of county  
 23 commissioners, the superintendent shall file a report with  
 24 the board detailing the activities and expenditures of his  
 25 office and containing any other information the board

1 ~~requires.~~ At the first monthly or quarterly meeting held  
 2 after filing of the a superintendent's report, the board of  
 3 county commissioners shall examine it."

4 Section 3. Section 7-14-2511, MCA, is amended to read:

5 "7-14-2511. Creation of county motor vehicle fund. ~~At~~  
 6 ~~license and registration fees~~ When collected by the  
 7 treasurer of the county in which any a motor vehicle is  
 8 registered, all license and registration fees for which  
 9 there is no specific provision as to disposition of the fee  
 10 shall be credited to the county motor vehicle fund."

11 Section 4. Section 7-14-2702, MCA, is amended to read:

12 "7-14-2702. Petition for opening or improving road.  
 13 (1) A petition for laying out, opening, constructing, or  
 14 improving a county road may be presented to the board by the  
 15 owners of two-thirds of the lineal feet of land fronting on  
 16 the proposed or existing road or by two-thirds of the  
 17 residents of the proposed district. If any such land ~~stands~~  
 18 ~~is~~ in the name of a deceased person or any a person for whom  
 19 a guardian has been appointed, the signature of the  
 20 executor, administrator, or guardian ~~shall be~~ is equivalent  
 21 to the signature of the owner.

22 (2) The petition must set forth:

23 (a) that the petitioners are ~~such owners~~ qualified to  
 24 sign the petition and that they desire the petitioned  
 25 action;

(b) the kind and nature of the improvement desired;

(c) the mode of payment of the assessments to be levied for defraying the cost thereof, whether immediate payment or by payment in installments;

(d) the portion of the costs which the district, if formed, will assume and pay."

Section 5. Section 7-14-2705, MCA, is amended to read:

"7-14-2705. Meeting between county road superintendent, and residents, and owners of land. (1) After receipt of the petition and passage of the resolution, the board shall make an order fixing a time and place in the vicinity of the road for a meeting between the county road superintendent or his deputy, ~~and the petitioners--and~~ all owners upon whose lands special assessments will be levied, and all residents within the proposed district.

(2) ~~The petitioners--and--all~~ All owners of land fronting on the road or land within 2 miles on either side of it upon which special assessments will be levied and all residents within the proposed district may meet with the superintendent or his duly appointed deputy."

Section 6. Section 7-14-2707, MCA, is amended to read:

"7-14-2707. Meeting procedure -- election of committee of supervisors. (1) The superintendent or his deputy, or in their absence one of the landowners or residents present, shall preside. Those present shall elect three as a

committee of supervisors; at least one of them shall be a petitioner.

(2) A majority of the owners and residents present and voting shall be sufficient for election. The presiding officer shall certify to the board the names of the owners elected to the committee.

(3) Those elected shall qualify immediately by taking an oath that they are owners of land benefited by the improvements and to be included within the local ~~assessment~~ improvement district or residents within the proposed district. They shall take an oath that they will fully, impartially, and faithfully perform their duties as supervisors. The superintendent or his deputy may administer the oath, or it may be administered by anyone so authorized by law."

Section 7. Section 7-14-2711, MCA, is amended to read:

"7-14-2711. Division of local improvement district into parts. (1) The boundaries of ~~each--local~~ each district--shall be fixed districts within a local improvement district are as follows:

(a) The lands extending from the center of the road one-half mile on each side thereof (measuring 1 mile in width) ~~shall~~ constitute Part One of the district.

(b) The lands embraced within an area 1 mile wide on each side of Part One ~~shall~~ constitute Part Two of the

1 district.

2 (c) The lands embraced within an area 1 mile wide on  
3 either side of Part Two ~~shall~~ constitute Part Three of the  
4 district.

5 (2) Each of the parts ~~shall~~-extend extends the full  
6 length of the proposed road and 1 mile beyond the terminus  
7 unless the committee ~~shall~~ otherwise provide provides."

8 Section 8. Section 7-14-2821, MCA, is amended to read:

9 "7-14-2821. Permission to operate ferry between  
10 counties. (1) When authority to erect and keep a ferry over  
11 waters dividing two counties is desired, application must be  
12 made to the board of commissioners of ~~that the~~ county  
13 situated on the left bank descending ~~such the~~ river, creek,  
14 or slough.

15 (2) The board ~~may~~ not grant authority to erect a toll  
16 ferry until the notice of the intended application ~~has--been~~  
17 is given as required in 7-14-2822.

18 (3) After notice is given, ~~an~~ application must be made  
19 in writing, under oath, to the board of the proper county.  
20 ~~the landings of the proposed ferry must be described and the~~  
21 ~~names of the owners thereof given--if known--and--if--the~~  
22 ~~applicant--is--not--the--owner--of--the--land--that--notice--of--the~~  
23 ~~application--has--been--served--on--the--owner--thereof--at--least--10~~  
24 ~~days--prior--to--the--application.~~ The applications must contain  
25 a description of the proposed ferry landings; the names of

1 the owners, if known, of the proposed landings; and a  
2 statement that notice of the application has been served at  
3 least 10 days prior to the date of application on those  
4 landowners who are not parties to the application."

5 Section 9. Section 7-14-2824, MCA, is amended to read:

6 "7-14-2824. Preference for landowner. The owner of the  
7 land on either bank of the waters to be crossed, ~~and with~~  
8 the owner of the land on the left bank descending, given  
9 preference over the owner of the land on the right bank, is  
10 entitled to preference in procuring authority to construct a  
11 ferry. ~~Where such owner fails or neglects to~~ Whenever the  
12 owners of the banks do not apply for such authority within a  
13 reasonable time after the necessity therefor arises, the  
14 board of commissioners may grant such authority to another."

15 Section 10. Section 7-14-4109, MCA, is amended to  
16 read:

17 "7-14-4109. Power to order certain improvements  
18 without creation of special improvement district. (1)  
19 Without the formation of a special improvement district, the  
20 city council may order sidewalks, curbs, ~~and or~~ gutters or  
21 ~~any combination--thereof~~ constructed in front of any lot or  
22 parcel of land and may order alley approaches constructed or  
23 replaced adjacent to any lot or parcel of land.

24 (2) Whenever the council ~~shall~~-order orders any such  
25 sidewalk, curb, and ~~or~~ gutter ~~or any combination thereof~~

constructed or any such alley approach constructed or replaced, such ~~the~~ order shall be entered upon the minutes of the council and shall name the street along which ~~said~~ ~~the~~ sidewalk, curb, and ~~or~~ gutter or ~~any combination thereof~~ is to be constructed or along which ~~said the~~ alley approach is to be constructed or replaced.

(3) After the making of such order, written notice thereof shall be given the owner or agent ~~of the owner~~ of such property or the owners or agents of all adjacent owners having access to their properties by ~~said the~~ alley approach, as appropriate, in such manner as the council may direct.

(4) If the owner or agent ~~of the owner~~ of such lot or parcel of land or if the owners or agents of all adjacent owners having access to their property by ~~said the~~ alley approach ~~shall~~ fail or neglect for a period of 30 days after the date of service of ~~such the~~ notice to cause such sidewalk, curb, and ~~or~~ gutter or ~~any combination thereof~~ to be constructed or to cause such alley approaches to be constructed or replaced, the city may construct or cause ~~such the~~ sidewalk, curb, and ~~or~~ gutter or ~~any combination thereof~~ to be constructed or may construct or cause ~~such the~~ alley approach to be constructed and shall assess the cost thereof, including engineering costs and the costs enumerated in 7-12-4121 and 7-12-4169, against the property

in front of which the same is constructed or against the lots or parcels of land having access ~~to said property~~ via the ~~said the~~ constructed alley approaches. The collection of the assessed costs shall be as provided in 7-12-4181 through 7-12-4191.

(5) (a) When any ~~such~~ sidewalk, curb, and ~~or~~ gutter or ~~any combination thereof~~ or alley approach is constructed by or under direction of the city council, payment for the construction thereof shall be made by special warrants in such form as may be prescribed by ordinance ~~and~~ drawn against a fund to be known as the special sidewalk, curb, and gutter fund or the special alley approach fund, as appropriate, and the council may provide for the payment of ~~said~~ interest annually.

(b) The warrants drawn on the special alley approach fund shall bear interest at ~~the~~ a rate of up to 6% a year."

Section 11. Section 7-14-4302, MCA, is amended to read:

"7-14-4302. Regulation of lighting for railway right-of-way -- crossings. (1) The city or town council has ~~power to~~ ~~may~~ require the lighting of any railroad track or route within a city or town, the cars of which are propelled by ~~stream steam~~ or otherwise, and fix and determine the number, style, and size of lampposts, burners, lamps, and all other fixtures and apparatus necessary for such lighting

1 and the points of location of the lampposts.

2 (2) The city or town council ~~has power to say:~~

3 (a) require the construction of crossings on the line  
4 of any railroad track or route within the city or town, the  
5 cars of which are propelled by ~~steam~~ steam or otherwise,  
6 where the track intersects or crosses any street, alley, or  
7 public highway or runs along the same; and

8 (b) fix and determine the size, ~~and kind, and grade of~~  
9 ~~such the crossing and the grades thereof.~~

10 (3) In case the owner of such railroad fails to comply  
11 with ~~such the~~ requirements, the council may cause the same  
12 to be done. The council may assess the expense thereof  
13 against ~~such the~~ owner, and the ~~same expense~~ constitutes a  
14 lien on any property belonging to ~~such the~~ owner within ~~such~~  
15 ~~the~~ city or town and may be collected as other taxes."

16 Section 12. Section 7-14-4404, MCA, is amended to  
17 read:

18 "7-14-4404. Tax levy for contracts to operate bus  
19 service. For the purpose of raising the necessary money to  
20 defray the cost of the transportation service authorized by  
21 7-14-4401(2) pursuant to such contract ~~or contracts, lease,~~  
22 or lease and operating agreement with such independent  
23 carrier or carriers, the city or town council ~~shall have~~  
24 ~~power to may~~ annually levy a tax on the taxable value of all  
25 taxable property within the limits of ~~such the~~ city or town.

1 Whenever the council of ~~such the~~ city or town ~~shall deem~~  
2 considers it necessary to raise money by taxation for such  
3 purpose in excess of the levy now allowed by law, the  
4 council of ~~such the~~ city or town shall in the manner  
5 prescribed by law submit the question of such additional  
6 levy to the ~~legal voters~~ qualified electors of ~~such the~~ city  
7 or town ~~who are taxpaying freeholders therein~~, either at the  
8 regular annual election held in ~~said the~~ city or town or at  
9 a special election called for that purpose by the council of  
10 ~~such the~~ city or town. ~~Such the~~ additional levy in excess of  
11 the levy now allowed by law ~~shall may~~ not exceed 1 1/2  
12 mills."

13 Section 13. Section 7-14-4711, MCA, is amended to  
14 read:

15 "7-14-4711. Authorization for improvement districts  
16 for pedestrian malls, offstreet parking, ~~parkings~~ and  
17 parkways. (1) An improvement district may be formed for the  
18 sole purpose of operating, maintaining, repairing, and  
19 improving pedestrian malls, offstreet parking facilities,  
20 and ~~parkings and~~ parkways.

21 (2) Subject to the powers granted and the limitations  
22 contained in this part, the powers and duties of the  
23 municipality and the procedure to be followed are as  
24 provided in parts 41 through 44 of chapter 12 for other  
25 types of special improvement districts."

Section 14. Section 7-14-4716, MCA, is amended to read:

"7-14-4716. Procedure to issue bonds. (1) When the governing body determines that improvement bonds are to be issued, it shall so declare in the resolution of intention for the work and shall specify the rate of interest which ~~they shall the bonds will~~ bear. A like description of the bonds, including the manner of repayment, shall be inserted in all notices of the proceedings required to be published or posted, ~~and a notice that the bonds will be paid from a special fund collected, in not to exceed 25 annual installments, from the assessments of \$25 or over remaining unpaid 30 days after the date of the warrant or 5 days after the decision of the governing body upon an objection.~~ A like description of the bonds shall be included in the warrant.

(2) All other proceedings for the work up to and including the approval of the assessment by the governing body and including delivery of the assessment to the contractor, demand of payment of the several assessments, and the return and record thereof shall be in all respects as provided in this part and parts 41 and 42 of chapter 12."

Section 15. Section 7-14-4734, MCA, is amended to read:

"7-14-4734. Expense estimate -- assessments and tax levy. (1) The governing body shall:

(a) make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district;

(b) publish notice thereof; and

(c) have hearings thereon and adopt an ordinance ~~thereon~~ at the times and in the manner provided for incorporated cities and towns by the applicable portions of 7-12-4175.

(2) The governing body, on or before the second Monday in August of each year, shall fix, levy, and assess the amount to be raised by ad valorem taxes upon all of the property of the district. All statutes providing for the levy and collection of state and county taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes provided for under this section.

(3) No assessment for district purposes against the property within such district shall may exceed 12 mills upon each dollar of taxable valuation thereof in any tax year."

Section 16. Section 7-15-2114, MCA, is amended to read:

"7-15-2114. Certain laws controlling. Insofar as the provisions of ~~Chapter 153, Laws of 1941, this part~~ are inconsistent with the provisions of any other law, the

1 provisions of Chapter ~~153, Laws of 1941~~ shall be this part  
2 are controlling."

3 Section 17. Section 7-15-4207, MCA, is amended to  
4 read:

5 "7-15-4207. Prohibition against discrimination. For  
6 all of the purposes of this part and part 43, no person may  
7 be subjected to discrimination because of sex, race,  
8 religion, creed, religion, age, physical or mental handicap,  
9 color, or national origin."

10 Section 18. Section 7-15-4238, MCA, is amended to  
11 read:

12 "7-15-4238. Employment of necessary staff. The urban  
13 renewal agency or department or officers exercising urban  
14 renewal project powers shall be staffed supplied with the  
15 necessary technical experts and such other agents and  
16 employees, permanent and temporary, as ~~it may require are~~  
17 required."

18 Section 19. Section 7-15-4302, MCA, is amended to  
19 read:

20 "7-15-4302. Authorization to issue general obligation  
21 bonds. (1) For the purpose of 7-15-4267 or for the purpose  
22 of aiding in the planning, undertaking, or carrying out of  
23 an urban renewal project of a municipality, ~~such the~~  
24 municipality, in addition to any authority to issue bonds  
25 pursuant to 7-15-4301, may issue and sell its general

1 obligation bonds.

2 (2) Any bonds issued pursuant to this section shall be  
3 issued in the manner and within the limitations prescribed  
4 by the laws of this state for the issuance and authorization  
5 of bonds by such municipality for public purposes generally.

6 (3) Aiding in the planning, undertaking, or carrying  
7 out of an approved urban renewal project ~~shall be deemed is~~  
8 considered a single purpose for the issuance of general  
9 obligation bonds, and the proceeds of ~~such the~~ bonds  
10 authorized for any such project may be used to finance the  
11 exercise of any and all powers conferred upon the  
12 municipality by this part and part 42 which are necessary or  
13 proper to complete ~~such the~~ project in accordance with the  
14 approved plan and any modification thereof duly adopted by  
15 the local governing body.

16 ~~(4) Sections 7-7-4221(3) and 7-7-4223 through 7-7-4225~~  
17 ~~shall not be applicable to the issuance of such bonds."~~

18 Section 20. Section 7-15-4322, MCA, is amended to  
19 read:

20 "7-15-4322. Details relating to urban renewal bonds.  
21 (1) Bonds issued under 7-15-4301 may be issued in one or  
22 more series and shall bear such date or dates, be payable  
23 upon demand or mature at such time or times, bear interest  
24 at such rate or rates not exceeding 9% a year, be in such  
25 denomination or denominations, be in such form (either



coupon or registered), carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution, ordinance, or trust indenture or mortgage authorized pursuant thereto.

(2) (a) ~~Except as provided in subsection (2)(b), such~~ the bonds may be sold at not less than 98% of par at public or private sale or may be exchanged for other bonds on the basis of par.

(b) Such the bonds may be sold to the federal government at private sale at not less than par, and ~~in the event if~~ less than all of the authorized principal amount of such the bonds is sold to the federal government, the balance may be sold at public or private sale at not less than 98% of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government."

Section 21. Section 7-15-4402, MCA, is amended to read:

"7-15-4402. Definitions. ~~The following terms, wherever used or referred to as used~~ in this part or part 45, shall have the following respective meanings unless a different

~~meaning clearly appears from the context~~ clearly indicates otherwise, the following definitions apply:

(1) "Authority" or "housing authority" ~~shall mean~~ means a public body and a body corporate and politic organized in accordance with the provisions of this part for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Bonds" ~~shall mean~~ means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this part or part 45.

(3) "City" ~~shall mean~~ means any city which is or is about to be included in the territorial boundaries of an authority ~~when created hereunder~~.

(4) "City clerk" and "mayor" ~~shall mean~~ means the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and ~~mayor, respectively~~.

(5) "Commissioner" ~~shall mean~~ means one of the member of an authority appointed in accordance with the provisions of this part.

(6) "Community facilities" ~~shall include~~ means real and personal property and buildings and equipment for recreational or social assemblies and for educational, health, or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing

1 authority and/or the occupants of the dwelling  
2 accommodations.

3 (7) "Contract" ~~shall-mean~~ means any agreement of an  
4 authority with or for the benefit of an obligee, whether  
5 contained in a resolution, trust indenture, mortgage, lease,  
6 bond, or other instrument.

7 (8) "Council" ~~shall-mean~~ means the legislative body,  
8 council, board of commissioners, board of trustees, or other  
9 body charged with governing the a city.

10 (9) "Elderly families" ~~shall-mean~~ means families the  
11 head of which (or his spouse) is 60 years of age or over and  
12 who otherwise qualify as persons of low income within the  
13 meaning of the definition set forth in subsection (16).

14 (10) "Federal government" ~~shall-include~~ means the  
15 United States of--America--the--federal--emergency  
16 administration--of--public--works, or any agency or  
17 instrumentality, corporate or otherwise, of the United  
18 States-of-America.

19 (11) "Government" ~~shall-include~~ means the state and  
20 federal governments and any subdivision, agency, or  
21 instrumentality, corporate or otherwise, of either of--them.

22 (12) (a) "Housing project" ~~shall-include~~ means all real  
23 and personal property, buildings and improvements, stores,  
24 offices, lands for farming and gardening, and community  
25 facilities acquired or constructed or to be acquired or

1 constructed pursuant to a single plan or undertaking:

2 (i) to demolish, clear, remove, alter, or repair  
3 unsanitary or unsafe housing; and/or

4 (ii) to provide safe and sanitary dwelling  
5 accommodations for persons of low income.

6 (b) The term "housing project" may also be applied to  
7 the planning of the buildings and improvements; the  
8 acquisition of property; the demolition of existing  
9 structures; the construction, reconstruction, alteration,  
10 and repair of the improvements; and all other work in  
11 connection therewith.

12 (13) "Mortgage" ~~shall-include~~ means deeds of trust,  
13 mortgages, building and loan contracts, or other instruments  
14 conveying real or personal property as security for bonds  
15 and conferring a right to foreclose and cause a sale  
16 thereof.

17 (14) "Municipality" ~~shall-mean~~ means any city, town, or  
18 incorporated village which is located within the territorial  
19 boundaries of an authority.

20 (15) "Obligee of the authority" or "obligee" ~~shall~~  
21 ~~include~~ means any bondholder, trustee or--trustees for any  
22 bondholder, any lessor demising property to the authority  
23 used in connection with a housing project or any assignee or  
24 assignees of such lessor's interest or any part thereof, and  
25 the United States of--America when it is a party to any

1 contract with the authority.

2 (16) "Persons of low income" ~~shall-mean~~ means persons  
3 or families who lack the amount of income which is necessary  
4 (as determined by the authority undertaking the housing  
5 project) to enable them, without financial assistance, to  
6 live in decent, safe, and sanitary dwellings without  
7 overcrowding.

8 (17) "Real property" ~~shall-include~~ means lands, lands  
9 under water, structures, and any and all easements,  
10 franchises, and incorporeal hereditaments and every estate  
11 and right therein, legal and equitable, including terms for  
12 years and liens by way of judgment, mortgage, or otherwise.

13 (18) "State" ~~shall-mean~~ means the state of Montana.

14 (19) "Trust indenture" ~~shall-include~~ means instruments  
15 pledging the revenues of real or personal properties but not  
16 conveying such properties or conferring a right to foreclose  
17 and cause a sale thereof."

18 Section 22. Section 7-15-4417, MCA, is amended to  
19 read:

20 "7-15-4417. Initial funding of housing authority.  
21 Immediately after the incorporation of the a housing  
22 authority, the council or other governing body of the a  
23 first- or second-class city included within the territorial  
24 boundaries of such the authority:

25 (1) shall make an estimate of the amount of money

1 necessary for the administrative expenses and overhead of  
2 the housing authority during the first year following the  
3 incorporation of such the housing authority;

4 (2) shall appropriate such amount to the authority out  
5 of any money in the city treasury not appropriated to some  
6 other purpose; and

7 (3) shall cause the money so appropriated to be paid  
8 the authority as a donation."

9 Section 23. Section 7-15-4418, MCA, is amended to  
10 read:

11 "7-15-4418. Interim funding of housing authority. In  
12 addition to the power granted in 7-15-4417, the-city-and any  
13 municipality located in whole or in part within the  
14 boundaries of a housing authority ~~shall-have-the-power~~ may,  
15 annually and from time to time, to make donations or  
16 advances to the authority of such sums as the city-or  
17 municipality in its discretion may determine."

18 Section 24. Section 7-15-4419, MCA, is amended to  
19 read:

20 "7-15-4419. Authority to reimburse municipality for  
21 loans. The authority, when it has money available therefor,  
22 shall reimburse the-city-or a municipality for all advances  
23 made to it by way of loan."

24 Section 25. Section 7-15-4528, MCA, is amended to  
25 read:

1 "7-15-4528. Use of bond trustee. In connection with  
2 the issuance of bonds and/or the incurring of any obligation  
3 under a lease and in order to secure the payment of ~~such the~~  
4 bonds and/or obligations, the authority ~~shall have power to~~  
5 may:

6 (1) vest in a trustee or trustees the right to enforce  
7 any covenant made to secure to pay or in relation to the  
8 bonds, the payment of the bonds and/or obligations;

9 (2) to provide for the powers and duties of such the  
10 trustee or trustees to and limit his liabilities; thereof  
11 and

12 (3) to provide the terms and conditions upon which the  
13 trustee or trustees or a designated proportion of the  
14 holders of bonds or any proportion of them may enforce any  
15 such covenant."

16 Section 26. Section 7-16-2324, MCA, is amended to  
17 read:

18 "7-16-2324. Sale, lease, or exchange of dedicated park  
19 lands. (1) For the purposes of this section and part 25 of  
20 chapter 8, lands dedicated to the public use for park or  
21 playground purposes under 76-3-606 and 76-3-607 or a similar  
22 statute or pursuant to any instrument not specifically  
23 conveying land to be a governmental unit other than a county  
24 are ~~deemed to be~~ considered county lands.

25 (2) A county may not sell, lease, or exchange lands

1 dedicated for park or playground purposes except as provided  
2 under this section and part 25 of chapter 8.

3 (3) Prior to selling, leasing, or exchanging any  
4 county land dedicated to public use for park or playground  
5 purposes, a county shall:

6 (a) compile an inventory of all public parks and  
7 playgrounds within the county;

8 (b) prepare a comprehensive plan for the provision of  
9 outdoor recreation and open space within the county;

10 (c) determine that the proposed sale, lease, or  
11 exchange furthers or is consistent with the county's outdoor  
12 recreation and open space comprehensive plan;

13 (d) publish notice of intention to sell, lease, or  
14 dispose of such lands, giving the people of the county  
15 opportunity to be heard regarding such action;

16 (e) if the land is within an incorporated city or  
17 town, secure the approval of the governing body thereof for  
18 the action; and

19 (f) comply with any other applicable requirements  
20 under part 25 of chapter 8.

21 (4) Any revenue realized by a county from the sale,  
22 exchange, or disposal of lands dedicated to public use for  
23 park or playground purposes shall be paid into the park fund  
24 and used in the manner prescribed in 76-3-606 and 76-3-607  
25 for cash received in lieu of dedication."

1 Section 27. Section 7-16-2326, MCA, is amended to  
2 read:

3 "7-16-2326. Discrimination in employment prohibited.  
4 No contract of employment may be entered into except in  
5 compliance with the ~~the--Equal--Opportunity--Act--of--1966--and~~  
6 ~~executive order of 1966~~ Federal and state statutes, orders,  
7 and rules providing that there may be no discrimination in  
8 the employment ~~of persons because of race, religion, creed,~~  
9 ~~color, or national origin."~~

10 Section 28. Section 7-16-2331, MCA, is amended to  
11 read:

12 "7-16-2331. Disbursement of money. All money paid out  
13 by the park commissioners under the provisions of this part  
14 shall be by warrant drawn upon the county ~~treasurer~~  
15 treasury, which may be signed by the secretary and  
16 countersigned by the president or, in his absence, by the  
17 vice-president of the board of park commissioners. Upon  
18 approval by a majority of the members of the board of park  
19 commissioners at a regular meeting of the board at which a  
20 quorum is in attendance and voting and with due notice and  
21 report being made to the board of county commissioners,  
22 payments so authorized may be made by warrant drawn upon the  
23 county ~~treasurer treasury~~, signed by the chairman of the  
24 board of county commissioners and countersigned by the  
25 county clerk and recorder."

1 Section 29. Section 7-16-4104, MCA, is amended to  
2 read:

3 "7-16-4104. Authorization for municipal indebtedness  
4 for various cultural, social, and recreational purposes. (1)  
5 A city or town council or commission ~~in addition to the~~  
6 ~~power it now has under the law has and is hereby granted~~  
7 ~~and given the further power to~~ may contract an indebtedness  
8 on behalf of ~~a the~~ city or town, upon the credit thereof, by  
9 borrowing money or issuing bonds:

10 (a) for the purpose of purchasing and improving lands  
11 for public parks and grounds; ~~and/or~~

12 (b) for procuring by purchase, construction, or  
13 otherwise swimming pools, athletic fields, skating rinks,  
14 playgrounds, museums, a golf course, a site and building for  
15 a civic center, a youth center, or combination thereof; and

16 (c) for furnishing and equipping the same.

17 (2) The total amount of indebtedness authorized to be  
18 contracted in any form, including the then-existing  
19 indebtedness, ~~must may~~ not at any time exceed 3% of the  
20 value of the taxable property of the city or town as  
21 ascertained by the last assessment for state and county  
22 taxes previous to the incurring of such indebtedness. No  
23 money ~~must may~~ be borrowed on bonds issued for the purchase  
24 of lands and improving ~~the~~ same for any such purpose until  
25 the proposition has been submitted to the vote of ~~those the~~

1 qualified under the provisions of the state constitution to  
2 vote at such election in electors of the city or town  
3 affected thereby and a majority vote is cast in favor  
4 thereof.

5 ~~{3}--Nothing in this section shall be so construed as~~  
6 ~~to repeat or annul [former 11-901 through 11-908 or any part~~  
7 ~~or portion thereof]."~~

8 Section 30. Section 7-16-4107, MCA, is amended to  
9 read:

10 "7-16-4107. Use of park funds for public recreation.  
11 {1} Any city or town, including any board of park  
12 commissioners, may expend funds from the band fund and the  
13 park fund of said the city or town {and any school district  
14 or board thereof may cooperate for the purpose of operating  
15 a program of public recreation and playgrounds} and for this  
16 purpose may acquire, equip, and maintain land, buildings,  
17 and/or other recreation facilities.

18 {2} Any school district may cooperate in such  
19 programs."

20 Section 31. Section 7-16-4111, MCA, is amended to  
21 read:

22 "7-16-4111. Financing of public baths. To defray the  
23 cost and expense of maintaining the public bathing place  
24 authorized by 7-16-4110, ~~said a~~ city or town ~~is hereby~~  
25 ~~authorized and empowered to may~~ contract an indebtedness

1 upon behalf of said ~~the~~ city or town and upon the credit  
2 thereof by borrowing money or issuing bonds. No money may be  
3 borrowed and no bonds may be issued for said purpose until  
4 the proposition has been submitted to the vote of the  
5 taxpayers affected thereby qualified electors of the city or  
6 town and a majority vote be is cast therefor."

7 Section 32. Section 7-16-4203, MCA, is amended to  
8 read:

9 "7-16-4203. Qualifications of park commissioners. The  
10 six persons to be so appointed shall have the same  
11 qualifications for the office of park commissioner as are  
12 required by 7-4-4301 for the office of mayor--or--city  
13 manager."

14 Section 33. Section 7-16-4228, MCA, is amended to  
15 read:

16 "7-16-4228. Disbursement of money. All money paid out  
17 by the park commissioners under the provisions of this part  
18 shall be by warrant drawn upon the city treasurer treasury,  
19 which shall be signed by the city clerk and countersigned by  
20 the president or, in his absence, by the vice-president of  
21 the board of park commissioners."

-End-

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## Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

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LC 0622

1979 Legislature  
Code Commissioner Bill - Summary

House Bill No. 340

AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO TRANSPORTATION, TO HOUSING AND CONSTRUCTION, AND TO CULTURE, SOCIAL SERVICES, AND RECREATION.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 7-14-2307. "Treasurer" is changed to "treasury" because warrants are drawn on the treasury not the treasurer.

Section 2. 7-14-2308. The existing language refers to the superintendent's report. However, there is no language which requires such a report to be made. To remedy this situation additional language is proposed.

Section 3. 7-14-2511. This section is rewritten to reflect the fact that certain fees collected by the county treasurer are paid to the state and do not get placed in the county motor vehicle fund, see 61-10-225 for example.

Sections 4, 5, and 6. 7-14-2702, 7-14-2705, and 7-14-2707. These sections are rewritten to permit residents of a proposed local improvement district to play a role in the creation and operation of the district in addition to the landowners of the district. Especially in view of 7-14-2703 and 7-14-2733, which permit general county funds to be used for district purposes, and in view of the holdings of the United States Supreme Court, and the Montana Supreme Court, there are constitutional problems in not permitting the residents now owning land to have a say in the creation and operation of the district. For a discussion of these cases, see 35L. Ed2d 843 (1974) and Sadler v Connelly, 575 P2d 51 (1978). In 7-4-2707(3), "assessment" is changed to "improvement" to correct improper terminology (see discussion section 7).

Section 7. 7-4-2711. The introductory clause in sub-section (1) is rewritten for clarity. Prior to this section, because of the proposed amendment to 7-4-2707, there is no reference to assessment districts, which are really portions of the improvement district. Hence, the language was modified for clarity.

Section 8. 7-14-2821. The last portion of subsection (3) is rewritten for clarity.

Section 9. 7-14-2824. This section is rewritten for clarity.

Section 10. 7-14-4109. This section is rewritten for clarity. In subsection (4), a method for collecting assessments is provided. Because of the separation of this material from the general special improvement law found in Title 7, chapter 12, as a result of recodification, this language needs to be added to the section.

Section 11. 7-14-4302. This section is rewritten for clarity. In subsections (1) and (2)(a), "stream" is changed to "steam" to correct what appears to be a typographical error.

Section 12. 7-14-4404. The requirement that voters in certain elections be taxpaying freeholders is deleted. The "taxpaying freeholder" requirement appears to be unconstitutional under the holdings of the United States Supreme Court (see discussion 35 L. Ed. 2d 843 (1974)).

Section 13. 7-14-4711. In subsection (1), the word "parkings" is deleted. It is archaic language and does not seem to have any meaning.

Section 14. 7-14-4716. The last sentence in subsection (1) is rewritten to eliminate the language which details the manner of repayment of bonds. In part this is redundant with 7-14-4720 et seq, and the reference to objections is nowhere mentioned in this part. The more general language added to replace the deleted language will accomplish the same purpose with less redundancy.

Section 15. 7-14-4734. In subsection (1)(c), "an ordinance thereon" is added to correct an obvious omission. The ordinance language is used inasmuch as the referenced section, 7-12-4175, relates to passage of an ordinance.

Section 16. 7-15-2114. References to "Chapter 153, Laws of 1941" are changed to "this part". Under recodification, 7-15-2115 was placed in this part, but was not enacted by chapter 153, Laws of 1941. The intent of 7-15-2114 would seem to indicate that inclusion of 7-15-2114 by changing the session law reference to this part is acceptable, and the change provides a more suitable reference for the user of the codes.

Section 17. 7-15-4207. In the list of factors to be considered with respect to discrimination, "sex", "age", and "physical or mental handicaps" are added. This will bring the section into agreement with 49-2-305, which is located in the title on human rights.



Section 18. 7-15-4238. This section is rewritten for clarity to remove a logical difficulty. As written, "officers" would be "staffed with" assistants; officers need to be supplied with help; one staffs the office, not the officer. The term "supplied" is appropriate for use with both subjects.

Section 19. 7-15-4302. Subsection (4) is deleted. The reference is no longer required. Previously a petition was required under the general law to submit a general obligation bond issue to the people. In 1973, amendments to the general bond law (Title 7, chapter 7, part 42) permitted the governing body to initiate action, hence there is no longer a need for the exception provided by subsection (4).

Section 20. 7-15-4322. In subsection (2)(a), the introductory phrase is ~~deleted~~. This language was added during recodification. Upon further analysis, it became apparent that the phrase was not needed. Because the material had gone to press, the deletion could not be made by the printer and instead is made here by amendment.

Section 21. 7-15-4402. This section is rewritten for clarity and to employ uniform terminology for definitional sections. In subsection (10), a reference to a federal agency which no longer exists is deleted.

Section 22. 7-15-4417. In the introductory clause "the" and "a" are interchanged for clarity.

Section 23 and 24. 7-15-4418 and 7-15-4419. The phrase "the city" is deleted for clarity. There may be more than one city (or one first-class city) located within the boundaries of the housing authority. Moreover, as used in these sections, the language is redundant.

Section 25. 7-15-4528. This section is rewritten for clarity.

Section 26. 7-16-2324. In subsection (1), "be" is deleted to correct what appears to be improper terminology. The phrase makes little sense with "be" contained.

Section 27. 7-16-2326. This section is rewritten for clarity. The reference to specific federal acts and orders appears to be incorrect and was deleted, being replaced by a general reference. The specific factors at the end of the section were deleted and are covered by the reference to federal and state laws, orders, and rules which has been added. In particular 49-2-303 contains the factors listed in this section plus additional factors with respect to employment discrimination.

Section 28. 7-16-2331. "Treasurer" is changed to "treasury" in two places. Warrants are drawn on the treasury, not the treasurer.

Section 29. 7-16-4104. This section is rewritten for clarity. Redundant language in subsections (1) and (2) is deleted. Subsection (3) is deleted as redundant. The reference in subsection (3) would be virtually impossible to replace with an MCA reference because of the extensive reorganization of Title 7.

Section 30. 7-16-4107. This section is rewritten for clarity and for consistency with a suggested amendment to the school laws where this language is also codified.

Section 31. 7-16-4111. This section is rewritten for clarity. The requirement that voters in certain elections be taxpayers is deleted. The "taxpayer" requirement appears to be unconstitutional in view of the holdings of the United States Supreme Court (see discussion in 35 L. Ed.2d 843 (1974)).

Section 32. 7-16-4203. A reference to "city manager" is deleted. Section 7-4-4301, which is referred to in 7-16-4203, contains the qualifications for the mayor and not those for the city manager.

Section 33. 7-16-4228. "Treasurer" is changed to "treasury". Warrants are drawn on the treasury, not the treasurer.

Approved by Comm.  
on Local Government

SENATE BILL NO. 340

INTRODUCED BY THOMAS

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO TRANSPORTATION; TO HOUSING AND CONSTRUCTION; AND TO CULTURE, SOCIAL SERVICES, AND RECREATION."

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

Section 1. Section 7-14-2307, MCA, is amended to read:

"7-14-2307. Payment of claims upon presentation of superintendent's certificate. Upon the presentation of any certificate issued by the superintendent and verification of it by the holder as in other cases of claims against the county, the board of county commissioners shall ~~cause to be~~ issued ~~have~~ a warrant ~~issued~~ for the amount of the certificate, drawn on the ~~treasurer treasury~~ against the county road fund."

Section 2. Section 7-14-2308, MCA, is amended to read:

"7-14-2308. Superintendent's report. ~~At least once each year and more often if required by the board of county commissioners, the superintendent shall file a report with the board detailing the activities and expenditures of his office and containing any other information the board~~

~~requires.~~ At the first monthly or quarterly meeting held after filing of the a superintendent's report, the board of county commissioners shall examine it."

Section 3. Section 7-14-2511, MCA, is amended to read:

"7-14-2511. Creation of county motor vehicle fund. ~~At license--and--registration--fees when~~ collected by the treasurer of the county in which any a motor vehicle is registered, ~~all license and registration fees for which there is no specific provision as to disposition of the fee~~ shall be credited to the county motor vehicle fund."

Section 4. Section 7-14-2702, MCA, is amended to read:

"7-14-2702. Petition for opening or improving road.

(1) A petition for laying out, opening, constructing, or improving a county road may be presented to the board by the owners of two-thirds of the lineal feet of land fronting on the proposed or existing road ~~or by two-thirds of the residents of the proposed district.~~ If any such land stands ~~is~~ in the name of a deceased person or any a person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian ~~shall be~~ ~~is~~ equivalent to the signature of the owner.

(2) The petition must set forth:

(a) that the petitioners are such-owners ~~qualified to sign the petition~~ and that they desire the petitioned action;

The changes in ~~SB 340~~ are on pages 10

*Please refer to white copy*

1 Whenever the council of such ~~the~~ city or town shall--deem  
 2 ~~considers~~ it necessary to raise money by taxation for such  
 3 purpose in excess of the levy now allowed by law, the  
 4 council of such ~~the~~ city or town shall in the manner  
 5 prescribed by law submit the question of such additional  
 6 levy to the ~~toget~~-voters ~~qualified electors~~ of such ~~the~~ city  
 7 or town who ~~are~~-taxpaying-freeholders-therein, either at the  
 8 regular annual election held in said ~~the~~ city or town or at  
 9 a special election called for that purpose by the council of  
 10 such ~~the~~ city or town. Such ~~the~~ additional levy in excess of  
 11 the levy now allowed by law shall ~~may~~ not exceed 1 1/2  
 12 mills."

13 Section ~~13~~--Section--7-14-4716--MCA,--is--amended--to  
 14 read:

15 "7-14-4716--Authorization--for--improvement--districts  
 16 for--pedestrian--walks--offstreet--parking--parkings--and  
 17 parkways--(1)--An-improvement-district-may-be-formed-for-the  
 18 sole--purpose--of--operating--maintaining--repairing--and  
 19 improving--pedestrian--walks--offstreet-parking-facilities  
 20 and-parkings-and-parkways--

21 (2)--Subject-to-the-powers-granted-and-the--limitations  
 22 contained--in--this--part--the--powers--and--duties--of--the  
 23 municipality--and--the--procedure--to--be--followed--are--as  
 24 provided--in--parts--41--through--44--of--chapter--12--for--other  
 25 types-of-special-improvement-districts."

1 Section 13. Section 7-14-4716, MCA, is amended to  
 2 read:

3 "7-14-4716. Procedure to issue bonds. (1) When the  
 4 governing body determines that improvement bonds ~~are~~ to be  
 5 issued, it shall so declare in the resolution of intention  
 6 for the work and shall specify the rate of interest which  
 7 they--shall the bonds will bear. A like description of the  
 8 bonds, including the manner of repayment, shall be inserted  
 9 in all notices of the proceedings required to be published  
 10 or posted--and--a--notice--that--the--bonds--will--be--paid--from--a  
 11 special--fund--collected--in--not--to--exceed--25--annual  
 12 installments--from--the--assessments--of--\$25--or--over--remaining  
 13 unpaid--30--days--after--the--date--of--the--warrant--or--5--days--after  
 14 the--decision--of--the--governing--body--upon--an--objection. A like  
 15 description of the bonds shall be included in the warrant.

16 (2) All other proceedings for the work up to and  
 17 including the approval of the assessment by the governing  
 18 body and including delivery of the assessment to the  
 19 contractor, demand of payment of the several assessments,  
 20 and the return and record thereof shall be in all respects  
 21 as provided in this part and parts 41 and 42 of chapter 12."

22 Section 14. Section 7-14-4734, MCA, is amended to  
 23 read:

24 "7-14-4734. Expense estimate -- assessments and to  
 25 levy. (1) The governing body shall:

## SENATE BILL NO. 340

INTRODUCED BY THOMAS

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO TRANSPORTATION; TO HOUSING AND CONSTRUCTION; AND TO CULTURE, SOCIAL SERVICES, AND RECREATION."

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

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Section 2. Section 7-14-2308, MCA, is amended to read:

"7-14-2308. Superintendent's report. At least once each year and more often if required by the board of county commissioners, the superintendent shall file a report with the board detailing the activities and expenditures of his office and containing any other information the board

~~requires.~~ At the first monthly or quarterly meeting held after filing of the a superintendent's report, the board of county commissioners shall examine it."

Section 3. Section 7-14-2511, MCA, is amended to read:

"7-14-2511. Creation of county motor vehicle fund. ~~At~~ ~~license--and--registration--fees~~ ~~when~~ collected by the treasurer of the county in which any a motor vehicle is registered, all license and registration fees for which there is no specific provision as to disposition of the fee shall be credited to the county motor vehicle fund."

Section 4. Section 7-14-2702, MCA, is amended to read:

"7-14-2702. Petition for opening or improving road.

(1) A petition for laying out, opening, constructing, or improving a county road may be presented to the board by the owners of two-thirds of the lineal feet of land fronting on the proposed or existing road or by two-thirds of the residents of the proposed district. If any such land stands ~~is~~ in the name of a deceased person or any a person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian ~~shall be~~ is equivalent to the signature of the owner.

(2) The petition must set forth:

(a) that the petitioners are such-owners qualified to sign the petition and that they desire the petitioned action;

(b) the kind and nature of the improvement desired;

(c) the mode of payment of the assessments to be levied for defraying the cost thereof, whether immediate payment or by payment in installments;

(d) the portion of the costs which the district, if formed, will assume and pay."

Section 5. Section 7-14-2705, MCA, is amended to read:

"7-14-2705. Meeting between county road superintendents and ~~residents~~ and owners of land. (1) After receipt of the petition and passage of the resolution, the board shall make an order fixing a time and place in the vicinity of the road for a meeting between the county road superintendent or his deputy, ~~and the petitioners~~ and all owners upon whose lands special assessments will be levied, and all residents within the proposed district.

(2) ~~The petitioners and~~ All owners of land fronting on the road or land within 2 miles on either side of it upon which special assessments will be levied and all residents within the proposed district may meet with the superintendent or his duly appointed deputy."

Section 6. Section 7-14-2707, MCA, is amended to read:

"7-14-2707. Meeting procedure -- election of committee of supervisors. (1) The superintendent or his deputy, or in their absence one of the landowners or residents present, shall preside. Those present shall elect three as a

committee of supervisors; at least one of them shall be a petitioner.

(2) A majority of the owners and residents present and voting shall be sufficient for election. The presiding officer shall certify to the board the names of the owners elected to the committee.

(3) Those elected shall qualify immediately by taking an oath that they are owners of land benefited by the improvements and to be included within the local assessment improvement district or residents within the proposed district. They shall take an oath that they will fully, impartially, and faithfully perform their duties as supervisors. The superintendent or his deputy may administer the oath, or it may be administered by anyone so authorized by law."

Section 7. Section 7-14-2711, MCA, is amended to read:

"7-14-2711. Division of local improvement district into parts. (1) The boundaries of each ~~local~~ assessment ~~district shall be fixed~~ districts within a local improvement district are as follows:

(a) The lands extending from the center of the road one-half mile on each side thereof (measuring 1 mile in width) ~~shall~~ constitute Part One of the district.

(b) The lands embraced within an area 1 mile wide on each side of Part One ~~shall~~ constitute Part Two of the

1 district.

2 (c) The lands embraced within an area 1 mile wide on  
3 either side of Part Two shall constitute Part Three of the  
4 district.

5 (2) Each of the parts shall extend ~~extends~~ the full  
6 length of the proposed road and 1 mile beyond the terminus  
7 unless the committee shall otherwise provide provides."

8 Section 8. Section 7-14-2821, MCA, is amended to read:

9 "7-14-2821. Permission to operate ferry between  
10 counties. (1) When authority to erect and keep a ferry over  
11 waters dividing two counties is desired, application must be  
12 made to the board of commissioners of that ~~the~~ county  
13 situated on the left bank descending such ~~the~~ river, creek,  
14 or slough.

15 (2) The board may not grant authority to erect a toll  
16 ferry until the notice of the intended application has--been  
17 ~~is~~ given as required in 7-14-2822.

18 (3) After notice is given, ~~an~~ application must be made  
19 in writing, under oath, to the board of the proper county.  
20 ~~The landings of the proposed ferry must be described and the~~  
21 ~~names of the owners thereof given--if--known--and--if--the~~  
22 ~~applicant--is--not--the--owner--of--the--land--that--notice--of--the~~  
23 ~~application has been served on the owner thereof at least 10~~  
24 ~~days prior to the application. The applications must contain~~  
25 ~~a description of the proposed ferry landings; the names of~~

1 ~~the owners, if known, of the proposed landings; and a~~  
2 ~~statement that notice of the application has been served at~~  
3 ~~least 10 days prior to the date of application on those~~  
4 ~~landowners who are not parties to the application."~~

5 Section 9. Section 7-14-2824, MCA, is amended to read:

6 "7-14-2824. Preference for landowner. The owner of the  
7 land on either ~~bank~~ of the waters to be crossed, ~~and with~~  
8 the owner of the land on the left bank descending, given  
9 preference over the owner of the land on the right bank, is  
10 entitled to preference in procuring authority to construct a  
11 ferry. ~~Where--such--owner--fails--or--neglects--to~~ Whenever the  
12 owners of the banks do not apply for such authority within a  
13 reasonable time after the necessity therefor arises, the  
14 board of commissioners may grant such authority to another."

15 Section 10. Section 7-14-4109, MCA, is amended to  
16 read:

17 "7-14-4109. Power to order certain improvements  
18 without creation of special improvement district. (1)  
19 Without the formation of a special improvement district, the  
20 city council may order sidewalks, curbs, and or gutters or  
21 ~~any--combination--thereof~~ constructed in front of any lot or  
22 parcel of land and may order alley approaches constructed or  
23 replaced adjacent to any lot or parcel of land.

24 (2) Whenever the council shall order orders any such  
25 sidewalk, curb, and or gutter or ~~any combination thereof~~

constructed or any such alley approach constructed or replaced, such ~~the~~ order shall be entered upon the minutes of the council and shall name the street along which ~~said~~ ~~the~~ sidewalk, curb, and ~~or~~ gutter or ~~any-combination-thereof~~ is to be constructed or along which ~~said the~~ alley approach is to be constructed or replaced.

(3) After the making of such order, written notice thereof shall be given the owner or agent of the owner of such property or the owners or agents of all adjacent owners having access to their properties by ~~said the~~ alley approach, as appropriate, in such manner as the council may direct.

(4) If the owner or agent of the owner of such lot or parcel of land or if the owners or agents of all adjacent owners having access to their property by ~~said the~~ alley approach ~~shall~~ fail or neglect for a period of 30 days after the date of service of such ~~the~~ notice to cause such sidewalk, curb, and ~~or~~ gutter or ~~any-combination-thereof~~ to be constructed or to cause such alley approaches to be constructed or replaced, the city may construct or cause such ~~the~~ sidewalk, curb, and ~~or~~ gutter or ~~any-combination~~ thereof to be constructed or may construct or cause such ~~the~~ alley approach to be constructed and shall assess the cost thereof, including engineering costs and the costs enumerated in 7-12-4121 and 7-12-4169, against the property

in front of which the same is constructed or against the lots or parcels of land having access to ~~said--property~~ via the ~~said the~~ constructed alley approaches. The collection of the assessed cost: shall be as provided in 7-12-4181 through 7-12-4191.

(5) (a) When any such sidewalk, curb, and ~~or~~ gutter or ~~any--combination-thereof~~ or alley approach is constructed by or under direction of the city council, payment for the construction thereof shall be made by special warrants in such form as may be prescribed by ordinance ~~and~~ drawn against a fund to be known as the special sidewalk, curb, and gutter fund or the special alley approach fund, as appropriate, and the council may provide for the payment of ~~said~~ interest annually.

(b) The warrants drawn on the special alley approach fund shall bear interest at ~~the~~ a rate of up to 6% a year."

Section 11. Section 7-14-4302, MCA, is amended to read:

"7-14-4302. Regulation of lighting for railway right-of-way -- crossings. (1) The city or town council has power--to ~~may~~ require the lighting of any railroad track or route within a city or town, the cars of which are propelled by ~~steam~~ ~~steam~~ or otherwise, and fix and determine the number, style, and size of lampposts, burners, lamps, and all other fixtures and apparatus necessary for such lighting



1 and the points of location of the lampposts.

2 (2) The city or town council has power to may:

3 (a) require the construction of crossings on the line  
4 of any railroad track or route within the city or town; the  
5 cars of which are propelled by steam ~~steam~~ or otherwise,  
6 where the track intersects or crosses any street, alley, or  
7 public highway or runs along the same; and

8 (b) fix and determine the size, end kind, and grade of  
9 such ~~the~~ crossing and the grades thereof.

10 (3) In case the owner of such railroad fails to comply  
11 with such ~~the~~ requirements, the council may cause the same  
12 to be done. The council may assess the expense thereof  
13 against such ~~the~~ owner, and the same ~~expense~~ constitutes a  
14 lien on any property belonging to such ~~the~~ owner within such  
15 ~~the~~ city or town and may be collected as other taxes."

16 Section 12. Section 7-14-4404, MCA, is amended to  
17 read:

18 "7-14-4404. Tax levy for contracts to operate bus  
19 service. For the purpose of raising the necessary money to  
20 defray the cost of the transportation service authorized by  
21 7-14-4401(2) pursuant to such contract or contracts, lease,  
22 or lease and operating agreement with such independent  
23 carrier or carriers, the city or town council shall have  
24 power to may annually levy a tax on the taxable value of all  
25 taxable property within the limits of such ~~the~~ city or town.

1 Whenever the council of such ~~the~~ city or town shall--deem  
2 ~~considers~~ it necessary to raise money by taxation for such  
3 purpose in excess of the levy now allowed by law, the  
4 council of such ~~the~~ city or town shall in the manner  
5 prescribed by law submit the question of such additional  
6 levy to the ~~legislature~~ ~~qualified electors~~ of such ~~the~~ city  
7 or town who are taxpaying freeholders therein, either at the  
8 regular annual election held in said ~~the~~ city or town or at  
9 a special election called for that purpose by the council of  
10 such ~~the~~ city or town. Such ~~the~~ additional levy in excess of  
11 the levy now allowed by law shall may not exceed 1 1/2  
12 mills."

13 Section 13. Section 7-14-4711, MCA, is amended to  
14 read:

15 "7-14-4711. Authorization for improvement districts  
16 for pedestrian malls, offstreet parking, parkways, and  
17 parkways. (1) An improvement district may be formed for the  
18 sole purpose of operating, maintaining, repairing, and  
19 improving pedestrian malls, offstreet parking facilities,  
20 and parkways and parkways.

21 (2) Subject to the powers granted and the limitations  
22 contained in this part, the powers and duties of the  
23 municipality and the procedure to be followed are as  
24 provided in parts 41 through 44 of chapter 12 for other  
25 types of special improvement districts."

1 Section 13. Section 7-14-4716, MCA, is amended to  
2 read:

3 "7-14-4716. Procedure to issue bonds. (1) When the  
4 governing body determines that improvement bonds ~~are to~~ be  
5 issued, it shall so declare in the resolution of intention  
6 for the work and shall specify the rate of interest which  
7 ~~they shall~~ the bonds will bear. A like description of the  
8 ~~bonds, including the manner of repayment,~~ shall be inserted  
9 in all notices of the proceedings required to be published  
10 or posted ~~and a notice that the bonds will be paid from a~~  
11 ~~special fund collected in not to exceed 25 annual~~  
12 ~~installments from the assessments of \$25 or over remaining~~  
13 ~~unpaid 30 days after the date of the warrant or 5 days after~~  
14 ~~the decision of the governing body upon an objection.~~ A like  
15 description of the bonds shall be included in the warrant.

16 (2) All other proceedings for the work up to and  
17 including the approval of the assessment by the governing  
18 body and including delivery of the assessment to the  
19 contractor, demand of payment of the several assessments,  
20 and the return and record thereof shall be in all respects  
21 as provided in this part and parts 41 and 42 of chapter 12."

22 Section 14. Section 7-14-4734, MCA, is amended to  
23 read:

24 "7-14-4734. Expense estimate -- assessments and tax  
25 levy. (1) The governing body shall:

1 (a) make annual statements and estimates of the  
2 expenses of the district which shall be provided for by the  
3 levy and collection of ad valorem taxes upon the assessed  
4 value of all the real and personal property in the district;

5 (b) publish notice thereof; and

6 (c) have hearings thereon and adopt an ordinance  
7 ~~thereon~~ at the times and in the manner provided for  
8 incorporated cities and towns by the applicable portions of  
9 7-12-4175.

10 (2) The governing body, on or before the second Monday  
11 in August of each year, shall fix, levy, and assess the  
12 amount to be raised by ad valorem taxes upon all of the  
13 property of the district. All statutes providing for the  
14 levy and collection of state and county taxes, including the  
15 collection of delinquent taxes and sale of property for  
16 nonpayment of taxes, are applicable to the district taxes  
17 provided for under this section.

18 (3) No assessment for district purposes against the  
19 property within such district shall ~~may~~ exceed 12 mills upon  
20 each dollar of taxable valuation thereof in any tax year."

21 Section 15. Section 7-15-2114, MCA, is amended to  
22 read:

23 "7-15-2114. Certain laws controlling. Insofar as the  
24 provisions of ~~Chapter 153, Laws of 1941~~ this part are  
25 inconsistent with the provisions of any other law, the

1 provisions of Chapter 153, Laws of 1941, shall be this part  
2 and controlling."

3 Section 16. Section 7-15-4207, MCA, is amended to  
4 read:

5 "7-15-4207. Prohibition against discrimination. For  
6 all of the purposes of this part and part 43, no person may  
7 be subjected to discrimination because of ~~sex,~~ race,  
8 ~~religion,~~ creed, religion, age, physical or mental handicap,  
9 color, or national origin."

10 Section 17. Section 7-15-4238, MCA, is amended to  
11 read:

12 "7-15-4238. Employment of necessary staff. The urban  
13 renewal agency or department or officers exercising urban  
14 renewal project powers shall be ~~staffed~~ supplied with the  
15 necessary technical experts and such other agents and  
16 employees, permanent and temporary, as ~~it may require~~ are  
17 required."

18 Section 18. Section 7-15-4302, MCA, is amended to  
19 read:

20 "7-15-4302. Authorization to issue general obligation  
21 bonds. (1) For the purpose of 7-15-4267 or for the purpose  
22 of aiding in the planning, undertaking, or carrying out of  
23 an urban renewal project of a municipality, ~~such the~~  
24 municipality, in addition to any authority to issue bonds  
25 pursuant to 7-15-4301, may issue and sell its general

1 obligation bonds.

2 (2) Any bonds issued pursuant to this section shall be  
3 issued in the manner and within the limitations prescribed  
4 by the laws of this state for the issuance and authorization  
5 of bonds by such municipality for public purposes generally.

6 (3) Aiding in the planning, undertaking, or carrying  
7 out of an approved urban renewal project ~~shall be deemed is~~  
8 ~~considered~~ a single purpose for the issuance of general  
9 obligation bonds, and the proceeds of ~~such the~~ bonds  
10 authorized for any such project may be used to finance the  
11 exercise of any and all powers conferred upon the  
12 municipality by this part and part 42 which are necessary or  
13 proper to complete ~~such the~~ project in accordance with the  
14 approved plan and any modification thereof duly adopted by  
15 the local governing body.

16 ~~44--Sections 7-7-4221(3) and 7-7-4223 through 7-7-4225~~  
17 ~~shall not be applicable to the issuance of such bonds."~~

18 Section 19. Section 7-15-4322, MCA, is amended to  
19 read:

20 "7-15-4322. Details relating to urban renewal bonds.  
21 (1) Bonds issued under 7-15-4301 may be issued in one or  
22 more series and shall bear such date or dates, be payable  
23 upon demand or mature at such time or times, bear interest  
24 at such rate or rates not exceeding 9% a year, be in such  
25 denomination or denominations, be in such form (either

coupon or registered), carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution, ordinance, or trust indenture or mortgage authorized pursuant thereto.

(2) (a) Except as provided in subsection (2)(b), such ~~the~~ bonds may be sold at not less than 98% of par at public or private sale or may be exchanged for other bonds on the basis of par.

(b) Such ~~the~~ bonds may be sold to the federal government at private sale at not less than par, and in the event if less than all of the authorized principal amount of such ~~the~~ bonds is sold to the federal government, the balance may be sold at public or private sale at not less than 98% of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government."

Section 20. Section 7-15-4402, MCA, is amended to read:

"7-15-4402. Definitions. The following terms, wherever used or referred to as used in this part or part 45, shall have the following respective meanings unless a different

~~meaning clearly appears from the context~~ clearly indicates otherwise, the following definitions apply:

(1) "Authority" or "housing authority" shall mean means a public body and a body corporate and politic organized in accordance with the provisions of this part for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Bonds" shall mean means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this part or part 45.

(3) "City" shall mean means any city which is or is about to be included in the territorial boundaries of an authority when created hereunder.

(4) "City clerk" and "mayor" shall mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor, respectively.

(5) "Commissioner" shall mean means one of the members of an authority appointed in accordance with the provisions of this part.

(6) "Community facilities" shall include means real and personal property and buildings and equipment for recreational or social assemblies and for educational, health, or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing

1 authority and/or the occupants of the dwelling  
2 accommodations.

3 (7) "Contract" shall-mean ~~means~~ any agreement of an  
4 authority with or for the benefit of an obligee, whether  
5 contained in a resolution, trust indenture, mortgage, lease,  
6 bond, or other instrument.

7 (8) "Council" shall-mean ~~means~~ the legislative body,  
8 council, board of commissioners, board of trustees, or other  
9 body charged with governing the a city.

10 (9) "Elderly families" shall-mean ~~means~~ families the  
11 head of which (or his spouse) is 60 years of age or over and  
12 who otherwise qualify as persons of low income within the  
13 meaning of the definition set forth in subsection (16).

14 (10) "Federal government" shall--include ~~means~~ the  
15 United States of---America,---the---federat---emergency  
16 administration---of---public---works, or any agency or  
17 instrumentality, corporate or otherwise, of the United  
18 States-of-America.

19 (11) "Government" shall--include ~~means~~ the state and  
20 federal governments and any subdivision, agency, or  
21 instrumentality, corporate or otherwise, of either of-them.

22 (12) (a) "Housing project" shall-include ~~means~~ all real  
23 and personal property, buildings and improvements, stores,  
24 offices, lands for farming and gardening, and community  
25 facilities acquired or constructed or to be acquired or

1 constructed pursuant to a single plan or undertaking;

2 (i) to demolish, clear, remove, alter, or repair  
3 unsanitary or unsafe housing; and/or

4 (ii) to provide safe and sanitary dwelling  
5 accommodations for persons of low income.

6 (b) The term "housing project" may also be applied to  
7 the planning of the buildings and improvements; the  
8 acquisition of property; the demolition of existing  
9 structures; the construction, reconstruction, alteration,  
10 and repair of the improvements; and all other work in  
11 connection therewith.

12 (13) "Mortgage" shall-include ~~means~~ deeds of trust,  
13 mortgages, building and loan contracts, or other instruments  
14 conveying real or personal property as security for bonds  
15 and conferring a right to foreclose and cause a sale  
16 thereof.

17 (14) "Municipality" shall-mean ~~means~~ any city, town, or  
18 incorporated village which is located within the territorial  
19 boundaries of an authority.

20 (15) "Obligee of the authority" or "obligee" shall  
21 include ~~means~~ any bondholder, trustee or--trustees for any  
22 bondholder, any lessor demising property to the authority  
23 used in connection with a housing project or any assignee or  
24 assignees of such lessor's interest or any part thereof, and  
25 the United States of-America when it is a party to any

1 contract with the authority.

2 (16) "Persons of low income" shall-mean ~~means~~ persons  
3 or families who lack the amount of income which is necessary  
4 (as determined by the authority undertaking the housing  
5 project) to enable them, without financial assistance, to  
6 live in decent, safe, and sanitary dwellings without  
7 overcrowding.

8 (17) "Real property" shall-include ~~means~~ lands, lands  
9 under water, structures, and any and all easements,  
10 franchises, and incorporeal hereditaments and every estate  
11 and right therein, legal and equitable, including terms for  
12 years, and liens by way of judgment, mortgage, or otherwise.

13 (18) "State" shall-mean ~~means~~ the state of Montana.

14 (19) "Trust indenture" shall-include ~~means~~ instruments  
15 pledging the revenues of real or personal properties but not  
16 conveying such properties or conferring a right to foreclose  
17 and cause a sale thereof."

18 Section 21. Section 7-15-4417, MCA, is amended to  
19 read:

20 "7-15-4417. Initial funding of housing authority.  
21 Immediately after the incorporation of the a housing  
22 authority, the council or other governing body of the a  
23 first- or second-class city included within the territorial  
24 boundaries of such ~~the~~ authority:

25 (1) shall make an estimate of the amount of money

1 necessary for the administrative expenses and overhead of  
2 the housing authority during the first year following the  
3 incorporation of such ~~the~~ housing authority;

4 (2) shall appropriate such amount to the authority out  
5 of any money in the city treasury not appropriated to some  
6 other purpose; and

7 (3) shall cause the money so appropriated to be paid  
8 the authority as a donation."

9 Section 22. Section 7-15-4418, MCA, is amended to  
10 read:

11 "7-15-4418. Interim funding of housing authority. In  
12 addition to the power granted in 7-15-4417, the-city-and any  
13 municipality located in whole or in part within the  
14 boundaries of a housing authority shall-have-the-power ~~may~~,  
15 annually and from time to time, to make donations or  
16 advances to the authority of such sums as the city--or  
17 municipality in its discretion may determine."

18 Section 23. Section 7-15-4419, MCA, is amended to  
19 read:

20 "7-15-4419. Authority to reimburse municipality for  
21 loans. The authority, when it has money available therefor,  
22 shall reimburse the-city-or a municipality for all advances  
23 made to it by way of loan."

24 Section 24. Section 7-15-4528, MCA, is amended to  
25 read:

"7-15-4528. Use of bond trustee. In connection with the issuance of bonds and/or the incurring of any obligation under a lease and in order to secure the payment of such ~~the~~ bonds and/or obligations, the authority ~~shall have power to~~ may:

(1) vest in a trustee ~~or trustees~~ the right to enforce any covenant made to secure ~~to pay or in relation to the bonds the payment of the bonds and/or obligations;~~

(2) to provide for the powers and duties of such ~~the~~ trustee ~~or trustees~~ ~~to and~~ limit ~~his~~ liabilities; thereof and

(3) to provide the terms and conditions upon which the trustee ~~or trustees~~ or a designated proportion of the holders of bonds ~~or any proportion of them~~ may enforce any such covenant."

Section 25. Section 7-16-2324, MCA, is amended to read:

"7-16-2324. Sale, lease, or exchange of dedicated park lands. (1) For the purposes of this section and part 25 of chapter 8, lands dedicated to the public use for park or playground purposes under 76-3-606 and 76-3-607 or a similar statute or pursuant to any instrument not specifically conveying land to be a governmental unit other than a county are ~~deemed to be~~ considered county lands.

(2) A county may not sell, lease, or exchange lands

dedicated for park or playground purposes except as provided under this section and part 25 of chapter 8.

(3) Prior to selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes, a county shall:

(a) compile an inventory of all public parks and playgrounds within the county;

(b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;

(c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;

(d) publish notice of intention to sell, lease, or dispose of such lands, giving the people of the county opportunity to be heard regarding such action;

(e) if the land is within an incorporated city or town, secure the approval of the governing body thereof for the action; and

(f) comply with any other applicable requirements under part 25 of chapter 8.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into the park fund and used in the manner prescribed in 76-3-606 and 76-3-607 for cash received in lieu of dedication."

1 Section 26. Section 7-16-2326, MCA, is amended to  
2 read:

3 "7-16-2326. Discrimination in employment prohibited.  
4 No contract of employment may be entered into except in  
5 compliance with the--Equal--Opportunity--Act--of--1966--and  
6 executive--order-of-1966 federal and state statutes, orders,  
7 and rules providing that there may be no discrimination in  
8 the employment-of-persons-because-of-race-religion-creed-  
9 color-or-national-origin."

10 Section 27. Section 7-16-2331, MCA, is amended to  
11 read:

12 "7-16-2331. Disbursement of money. All money paid out  
13 by the park commissioners under the provisions of this part  
14 shall be by warrant drawn upon the county treasurer  
15 treasury, which may be signed by the secretary and  
16 countersigned by the president or, in his absence, by the  
17 vice-president of the board of park commissioners. Upon  
18 approval by a majority of the members of the board of park  
19 commissioners at a regular meeting of the board at which a  
20 quorum is in attendance and voting and with due notice and  
21 report being made to the board of county commissioners,  
22 payments so authorized may be made by warrant drawn upon the  
23 county treasurer treasury, signed by the chairman of the  
24 board of county commissioners and countersigned by the  
25 county clerk and recorder."

1 Section 28. Section 7-16-4104, MCA, is amended to  
2 read:

3 "7-16-4104. Authorization for municipal indebtedness  
4 for various cultural, social, and recreational purposes. (1)  
5 A city or town council or commission--in-addition-to-the  
6 power-it-now-has-under-the-law-has-and--is--hereby--granted  
7 end--given-the-further-power-to may contract an indebtedness  
8 on behalf of a the city or town, upon the credit thereof, by  
9 borrowing money or issuing bonds:

10 (a) for the purpose of purchasing and improving lands  
11 for public parks and grounds; and/or

12 (b) for procuring by purchase, construction, or  
13 otherwise swimming pools, athletic fields, skating rinks,  
14 playgrounds, museums, a golf course, a site and building for  
15 a civic center, a youth center, or combination thereof; and

16 (c) for furnishing and equipping the same.

17 (2) The total amount of indebtedness authorized to be  
18 contracted in any form, including the then-existing  
19 indebtedness, must may not at any time exceed 3% of the  
20 value of the taxable property of the city or town as  
21 ascertained by the last assessment for state and county  
22 taxes previous to the incurring of such indebtedness. No  
23 money must may be borrowed on bonds issued for the purchase  
24 of lands and improving the same for any such purpose until  
25 the proposition has been submitted to the vote of those the



qualified under the provisions of the state constitution to vote at such election in electors of the city or town effected thereby and a majority vote is cast in favor thereof.

~~Nothing in this section shall be so construed as to repeal or annul former 7-16-4107 through 7-16-4108 or any part or portion thereof.~~

Section 29. Section 7-16-4107, MCA, is amended to read:

"7-16-4107. Use of park funds for public recreation. Any city or town, including any board of park commissioners, may expend funds from the band fund and the park fund of said ~~the~~ city or town ~~and any school district or board thereof may cooperate~~ for the purpose of operating a program of public recreation and playgrounds ~~and for this purpose may~~ acquire, equip, and maintain land, buildings, and/or other recreation facilities.

(2) Any school district may cooperate in such programs.

Section 30. Section 7-16-4111, MCA, is amended to read:

"7-16-4111. Financing of public baths. To defray the cost and expense of maintaining the public bathing place authorized by 7-16-4110, ~~said a~~ city or town ~~is hereby authorized and empowered to~~ may contract an indebtedness

upon behalf of ~~said the~~ city or town and upon the credit thereof by borrowing money or issuing bonds. No money may be borrowed and no bonds may be issued ~~for said purpose~~ until the proposition has been submitted to the vote of the ~~taxpayers effected thereby~~ qualified electors of the city or town and a majority vote ~~be~~ is cast therefor."

Section 31. Section 7-16-4203, MCA, is amended to read:

"7-16-4203. Qualifications of park commissioners. The six persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by 7-4-4301 for the office of ~~mayor or city manager.~~

Section 32. Section 7-16-4228, MCA, is amended to read:

"7-16-4228. Disbursement of money. All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the city ~~treasurer~~ treasury, which shall be signed by the city clerk and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners."

-End-

SENATE BILL NO. 340

INTRODUCED BY THOMAS

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO TRANSPORTATION; TO HOUSING AND CONSTRUCTION; AND TO CULTURE, SOCIAL SERVICES, AND RECREATION."

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

Section 1. Section 7-14-2307, MCA, is amended to read:

"7-14-2307. Payment of claims upon presentation of superintendent's certificate. Upon the presentation of any certificate issued by the superintendent and verification of it by the holder as in other cases of claims against the county, the board of county commissioners shall ~~cause to be~~ issued ~~have~~ a warrant ~~issued~~ for the amount of the certificate, drawn on the ~~treasurer~~ treasury against the county road fund."

Section 2. Section 7-14-2308, MCA, is amended to read:

"7-14-2308. Superintendent's report. ~~At least once each year and more often if required by the board of county commissioners, the superintendent shall file a report with the board detailing the activities and expenditures of his office and containing any other information the board~~

~~requires.~~ At the first monthly or quarterly meeting held after filing of the a superintendent's report, the board of county commissioners shall examine it."

Section 3. Section 7-14-2511, MCA, is amended to read:

"7-14-2511. Creation of county motor vehicle fund. ~~++~~ ~~License--and--registration--fees~~ ~~when~~ collected by the treasurer of the county in which any a motor vehicle is registered, ~~all license and registration fees for which there is no specific provision as to disposition of the fee~~ shall be credited to the county motor vehicle fund."

Section 4. Section 7-14-2702, MCA, is amended to read:

"7-14-2702. Petition for opening or improving road. (1) A petition for laying out, opening, constructing, or improving a county road may be presented to the board by the owners of two-thirds of the lineal feet of land fronting on the proposed or existing road ~~or by two-thirds of the residents of the proposed district.~~ If any such land stands is in the name of a deceased person or any a person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian ~~shall be is~~ equivalent to the signature of the owner.

(2) The petition must set forth:

(a) that the petitioners are ~~such-owners~~ qualified to sign the petition and that they desire the petitioned action;

(b) the kind and nature of the improvement desired;

(c) the mode of payment of the assessments to be levied for defraying the cost thereof, whether immediate payment or by payment in installments;

(d) the portion of the costs which the district, if formed, will assume and pay."

Section 5. Section 7-14-2705, MCA, is amended to read:

"7-14-2705. Meeting between county road superintendent, and residents, and owners of land. (1) After receipt of the petition and passage of the resolution, the board shall make an order fixing a time and place in the vicinity of the road for a meeting between the county road superintendent or his deputy, ~~and the petitioners~~ and all owners upon whose lands special assessments will be levied, and all residents within the proposed district.

(2) ~~The petitioners and all~~ All owners of land fronting on the road or land within 2 miles on either side of it upon which special assessments will be levied and all residents within the proposed district may meet with the superintendent or his duly appointed deputy."

Section 6. Section 7-14-2707, MCA, is amended to read:

"7-14-2707. Meeting procedure -- election of committee of supervisors. (1) The superintendent or his deputy, or in their absence one of the landowners or residents present, shall preside. Those present shall elect three as a

committee of supervisors; at least one of them shall be a petitioner.

(2) A majority of the owners and residents present and voting shall be sufficient for election. The presiding officer shall certify to the board the names of the owners elected to the committee.

(3) Those elected shall qualify immediately by taking an oath that they are owners of land benefited by the improvements and to be included within the local assessment improvement district or residents within the proposed district. They shall take an oath that they will fully, impartially, and faithfully perform their duties as supervisors. The superintendent or his deputy may administer the oath, or it may be administered by anyone so authorized by law."

Section 7. Section 7-14-2711, MCA, is amended to read:

"7-14-2711. Division of local improvement district into parts. (1) The boundaries of each ~~local~~ assessment ~~district shall be fixed~~ districts within a local improvement district are as follows:

(a) The lands extending from the center of the road one-half mile on each side thereof (measuring 1 mile in width) ~~shall~~ constitute Part One of the district.

(b) The lands embraced within an area 1 mile wide on each side of Part One ~~shall~~ constitute Part Two of the

1 district.

2 (c) The lands embraced within an area 1 mile wide on  
3 either side of Part Two shall constitute Part Three of the  
4 district.

5 (2) Each of the parts shall ~~extend~~ extends the full  
6 length of the proposed road and 1 mile beyond the terminus  
7 unless the committee shall otherwise provide ~~provides~~.

8 Section 8. Section 7-14-2821, MCA, is amended to read:

9 "7-14-2821. Permission to operate ferry between  
10 counties. (1) When authority to erect and keep a ferry over  
11 waters dividing two counties is desired, application must be  
12 made to the board of commissioners of ~~that the~~ county  
13 situated on the left bank descending such ~~the~~ river, creek,  
14 or slough.

15 (2) The board may not grant authority to erect a toll  
16 ferry until the notice of the intended application ~~has--been~~  
17 is given as required in 7-14-2822.

18 (3) After notice is given, an application must be made  
19 in writing, under oath, to the board of the proper county.  
20 ~~The landings of the proposed ferry must be described and the~~  
21 ~~names of the owners thereof given--if--known--and--if--the~~  
22 ~~applicant--is--not--the--owner--of--the--land--that--notice--of--the~~  
23 ~~application--has--been--served--on--the--owner--thereof--at--least--10~~  
24 ~~days--prior--to--the--application.~~ The applications must contain  
25 a description of the proposed ferry landings; the names of

1 the owners, if known, of the proposed landings; and a  
2 statement that notice of the application has been served at  
3 least 10 days prior to the date of application on those  
4 landowners who are not parties to the application."

5 Section 9. Section 7-14-2824, MCA, is amended to read:

6 "7-14-2824. Preference for landowner. The owner of the  
7 land on either bank of the waters to be crossed, and with  
8 the owner of the land on the left bank descending, given  
9 preference over the owner of the land on the right bank, is  
10 entitled to preference in procuring authority to construct a  
11 ferry. ~~Where--such--owner--fails--or--neglects--to~~ Whenever the  
12 owners of the banks do not apply for such authority within a  
13 reasonable time after the necessity therefor arises, the  
14 board of commissioners may grant such authority to another."

15 Section 10. Section 7-14-4109, MCA, is amended to  
16 read:

17 "7-14-4109. Power to order certain improvements  
18 without creation of special improvement district. (1)  
19 without the formation of a special improvement district, the  
20 city council may order sidewalks, curbs, and or gutters or  
21 ~~any--combination--thereof~~ constructed in front of any lot or  
22 parcel of land and may order alley approaches constructed or  
23 replaced adjacent to any lot or parcel of land.

24 (2) Whenever the council shall ~~order~~ orders any such  
25 sidewalk, curb, and or gutter ~~or any combination thereof~~

1 constructed or any such alley approach constructed or  
 2 replaced, ~~such the~~ order shall be entered upon the minutes  
 3 of the council and shall name the street along which ~~said~~  
 4 ~~the~~ sidewalk, curb, and ~~or gutter or-any-combination-thereof~~  
 5 is to be constructed or along which ~~said the~~ alley approach  
 6 is to be constructed or replaced.

7 (3) After the making of such order, written notice  
 8 thereof shall be given the owner or agent ~~of the owner~~ of  
 9 such property or the owners or agents of all adjacent owners  
 10 having access to their properties by ~~said the~~ alley  
 11 approach, as appropriate, in such manner as the council may  
 12 direct.

13 (4) If the owner or agent ~~of the owner~~ of such lot or  
 14 parcel of land or if the owners or agents of all adjacent  
 15 owners having access to their property by ~~said the~~ alley  
 16 approach ~~shall~~ fail or neglect for a period of 30 days after  
 17 the date of service of such ~~the~~ notice to cause such  
 18 sidewalk, curb, and ~~or gutter or-any-combination-thereof~~ to  
 19 be constructed or to cause such alley approaches to be  
 20 constructed or replaced, the city may construct or cause  
 21 such ~~the~~ sidewalk, curb, and ~~or gutter or-any-combination~~  
 22 thereof to be constructed or may construct or cause ~~said the~~  
 23 alley approach to be constructed and shall assess the cost  
 24 thereof, including engineering costs and the costs  
 25 enumerated in 7-12-4121 and 7-12-4169, against the property

1 in front of which the same is constructed or against the  
 2 lots or parcels of land having access ~~to-said--property~~ via  
 3 the ~~said the~~ constructed alley approaches. ~~The collection of~~  
 4 ~~the assessed costs shall be as provided in 7-12-4181 through~~  
 5 ~~7-12-4191.~~

6 (5) (a) When any such sidewalk, curb, and ~~or gutter or~~  
 7 ~~any--combination-thereof~~ or alley approach is constructed by  
 8 or under direction of the city council, payment for the  
 9 construction thereof shall be made by special warrants in  
 10 such form as may be prescribed by ordinance and drawn  
 11 against a fund to be known as the special sidewalk, curb,  
 12 and gutter fund or the special alley approach fund, as  
 13 appropriate, and the council may provide for the payment of  
 14 ~~said~~ interest annually.

15 (b) The warrants drawn on the special alley approach  
 16 fund shall bear interest at the a rate of up to 6% a year."

17 Section 11. Section 7-14-4302, MCA, is amended to  
 18 read:

19 "7-14-4302. Regulation of lighting for railway  
 20 right-of-way -- crossings. (1) The city or town council ~~has~~  
 21 ~~power--to~~ may require the lighting of any railroad track or  
 22 route within a city or town, the cars of which are propelled  
 23 by ~~stream steam~~ or otherwise, and fix and determine the  
 24 number, style, and size of lampposts, burners, lamps, and  
 25 all other fixtures and apparatus necessary for such lighting

1 and the points of location of the lampposts.

2 (2) The city or town council ~~has power to~~ may:

3 (a) require the construction of crossings on the line  
4 of any railroad track or route within the city or town, the  
5 cars of which are propelled by ~~stream~~ steam or otherwise,  
6 where the track intersects or crosses any street, alley, or  
7 public highway or runs along the same; and

8 (b) fix and determine the size, ~~and kind, and grade of~~  
9 ~~such the crossing and the grades thereof.~~

10 (3) In case the owner of such railroad fails to comply  
11 with ~~such the~~ requirements, the council may cause the same  
12 to be done. The council ~~may~~ assess the expense thereof  
13 against ~~such the~~ owner, and the ~~same expense~~ constitutes a  
14 lien on any property belonging to ~~such the~~ owner within ~~such~~  
15 ~~the~~ city or town and may be collected as other taxes."

16 Section 12. Section 7-14-4404, MCA, is amended to  
17 read:

18 "7-14-4404. Tax levy for contracts to operate bus  
19 service. For the purpose of raising the necessary money to  
20 defray the cost of the transportation service authorized by  
21 7-14-4401(2) pursuant to such contract or contracts, lease,  
22 or lease and operating agreement with such independent  
23 carrier or carriers, the city or town council ~~shall have~~  
24 ~~power to~~ may annually levy a tax on the taxable value of all  
25 taxable property within the limits of ~~such the~~ city or town.

1 Whenever the council of ~~such the~~ city or town ~~shall deem~~  
2 ~~considers~~ it necessary to raise money by taxation for such  
3 purpose in excess of the levy now allowed by law, the  
4 council of ~~such the~~ city or town shall in the manner  
5 prescribed by law submit the question of such additional  
6 levy to the ~~legislature~~ qualified electors of ~~such the~~ city  
7 or town ~~who are taxpaying freeholders therein~~, either at the  
8 regular annual election held in ~~and the~~ city or town or at  
9 a special election called for that purpose by the council of  
10 ~~such the~~ city or town. ~~Such the~~ additional levy in excess of  
11 the levy now allowed by law ~~shall~~ may not exceed 1 1/2  
12 mills."

13 Section 13. ~~Section 7-14-4711, MCA, is amended to~~  
14 read:

15 "7-14-4711. ~~Authorization for improvement districts~~  
16 ~~for pedestrian malls, offstreet parking, parking, and~~  
17 ~~parkways. (1) An improvement district may be formed for the~~  
18 ~~sole purpose of operating, maintaining, repairing, and~~  
19 ~~improving pedestrian malls, offstreet parking facilities,~~  
20 ~~and parking and parkways.~~

21 (2) ~~Subject to the powers granted and the limitations~~  
22 ~~contained in this part, the powers and duties of the~~  
23 ~~municipality and the procedure to be followed are as~~  
24 ~~provided in parts 41 through 44 of chapter 12 for other~~  
25 ~~types of special improvement districts.~~"

1 Section 13. Section 7-14-4716, MCA, is amended to  
2 read:

3 "7-14-4716. Procedure to issue bonds. (1) When the  
4 governing body determines that improvement bonds ~~are to~~ be  
5 issued, it shall so declare in the resolution of intention  
6 for the work and shall specify the rate of interest which  
7 ~~they shall the bonds will~~ bear. A like description of the  
8 bonds, ~~including the manner of repayment,~~ shall be inserted  
9 in all notices of the proceedings required to be published  
10 or posted, ~~and a notice that the bonds will be paid from a~~  
11 ~~special fund collected in not to exceed 25 annual~~  
12 ~~installments from the assessments of 25 or over remaining~~  
13 ~~unpaid 30 days after the date of the warrant or 5 days after~~  
14 ~~the decision of the governing body upon an objection.~~ A like  
15 description of the bonds shall be included in the warrant.

16 (2) All other proceedings for the work up to and  
17 including the approval of the assessment by the governing  
18 body and including delivery of the assessment to the  
19 contractor, demand of payment of the several assessments,  
20 and the return and record thereof shall be in all respects  
21 as provided in this part and parts 41 and 42 of chapter 12."

22 Section 14. Section 7-14-4734, MCA, is amended to  
23 read:

24 "7-14-4734. Expense estimate -- assessments and tax  
25 levy. (1) The governing body shall:

1 (a) make annual statements and estimates of the  
2 expenses of the district which shall be provided for by the  
3 levy and collection of ad valorem taxes upon the assessed  
4 value of all the real and personal property in the district;

5 (b) publish notice thereof; and

6 (c) have hearings thereon and adopt ~~an ordinance~~  
7 ~~thereon~~ at the times and in the manner provided for  
8 incorporated cities and towns by the applicable portions of  
9 7-12-4175.

10 (2) The governing body, on or before the second Monday  
11 in August of each year, shall fix, levy, and assess the  
12 amount to be raised by ad valorem taxes upon all of the  
13 property of the district. All statutes providing for the  
14 levy and collection of state and county taxes, including the  
15 collection of delinquent taxes and sale of property for  
16 nonpayment of taxes, are applicable to the district taxes  
17 provided for under this section.

18 (3) No assessment for district purposes against the  
19 property within such district shall ~~may~~ exceed 12 mills upon  
20 each dollar of taxable valuation thereof in any tax year."

21 Section 15. Section 7-15-2114, MCA, is amended to  
22 read:

23 "7-15-2114. Certain laws controlling. Insofar as the  
24 provisions of ~~Chapter 153 of 1941~~ this part are  
25 inconsistent with the provisions of any other law, the

1 provisions of ~~Chapter 153, Laws of 1941, shall be this part~~  
2 ~~are controlling.~~"

3 Section 16. Section 7-15-4207, MCA, is amended to  
4 read:

5 "7-15-4207. Prohibition against discrimination. For  
6 all of the purposes of this part and part 43, no person may  
7 be subjected to discrimination because of ~~sex,~~ race,  
8 ~~religion, creed, religion, age, physical or mental handicap,~~  
9 color, or national origin."

10 Section 17. Section 7-15-4238, MCA, is amended to  
11 read:

12 "7-15-4238. Employment of necessary staff. The urban  
13 renewal agency or department or officers exercising urban  
14 renewal project powers shall be ~~staffed~~ supplied with the  
15 necessary technical experts and such other agents and  
16 employees, permanent and temporary, as ~~it may require~~ are  
17 required."

18 Section 18. Section 7-15-4302, MCA, is amended to  
19 read:

20 "7-15-4302. Authorization to issue general obligation  
21 bonds. (1) For the purpose of 7-15-4267 or for the purpose  
22 of aiding in the planning, undertaking, or carrying out of  
23 an urban renewal project of a municipality, ~~such the~~  
24 municipality, in addition to any authority to issue bonds  
25 pursuant to 7-15-4301, may issue and sell its general

1 obligation bonds.

2 (2) Any bonds issued pursuant to this section shall be  
3 issued in the manner and within the limitations prescribed  
4 by the laws of this state for the issuance and authorization  
5 of bonds by such municipality for public purposes generally.

6 (3) Aiding in the planning, undertaking, or carrying  
7 out of an approved urban renewal project ~~shall be deemed is~~  
8 ~~considered~~ a single purpose for the issuance of general  
9 obligation bonds, and the proceeds of ~~such the~~ bonds  
10 authorized for any such project may be used to finance the  
11 exercise of any and all powers conferred upon the  
12 municipality by this part and part 42 which are necessary or  
13 proper to complete ~~such the~~ project in accordance with the  
14 approved plan and any modification thereof duly adopted by  
15 the local governing body.

16 ~~(4) Sections 7-7-4221(3) and 7-7-4223 through 7-7-4225~~  
17 ~~shall not be applicable to the issuance of such bonds.~~"

18 Section 19. Section 7-15-4322, MCA, is amended to  
19 read:

20 "7-15-4322. Details relating to urban renewal bonds.  
21 (1) Bonds issued under 7-15-4301 may be issued in one or  
22 more series and shall bear such date or dates, be payable  
23 upon demand or mature at such time or times, bear interest  
24 at such rate or rates not exceeding 9% a year, be in such  
25 denomination or denominations, be in such form (either



coupon or registered), carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution, ordinance, or trust indenture or mortgage authorized pursuant thereto.

(2) (a) ~~Except as provided in subsection (2)(b), such~~ ~~the~~ bonds may be sold at not less than 98% of par at public or private sale or may be exchanged for other bonds on the basis of par.

(b) ~~Such~~ ~~the~~ bonds may be sold to the federal government at private sale at not less than par, and ~~in the event if~~ less than all of the authorized principal amount of such ~~the~~ bonds is sold to the federal government, the balance may be sold at public or private sale at not less than 98% of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government."

Section 20. Section 7-15-4402, MCA, is amended to read:

"7-15-4402. Definitions. ~~The following terms, wherever used or referred to as used~~ in this part or part 45, shall have the following respective meanings unless a different

meaning clearly appears from the context clearly indicates otherwise, the following definitions apply:

(1) "Authority" or "housing authority" shall mean means a public body and a body corporate and politic organized in accordance with the provisions of this part for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Bonds" shall mean means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this part or part 45.

(3) "City" shall mean means any city which is or is about to be included in the territorial boundaries of an authority when created hereunder.

(4) "City clerk" and "mayor" shall mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor, respectively.

(5) "Commissioner" shall mean means one of the members of an authority appointed in accordance with the provisions of this part.

(6) "Community facilities" shall include means real and personal property and buildings and equipment for recreational or social assemblies and for educational, health, or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing

1 authority and/or the occupants of the dwelling  
2 accommodations.

3 (7) "Contract" shall-mean ~~means~~ any agreement of an  
4 authority with or for the benefit of an obligee, whether  
5 contained in a resolution, trust indenture, mortgage, lease,  
6 bond, or other instrument.

7 (8) "Council" shall-mean ~~means~~ the legislative body,  
8 council, board of commissioners, board of trustees, or other  
9 body charged with governing the a city.

10 (9) "Elderly families" shall-mean ~~means~~ families the  
11 head of which (or his spouse) is 60 years of age or over and  
12 who otherwise qualify as persons of low income within the  
13 meaning of the definition set forth in subsection (16).

14 (10) "Federal government" shall--include ~~means~~ the  
15 United States of---Americay---the---federal---emergency  
16 administration---of---public---works, or any agency or  
17 instrumentality, corporate or otherwise, of the United  
18 States-of-America.

19 (11) "Government" shall--include ~~means~~ the state and  
20 federal governments and any subdivision, agency, or  
21 instrumentality, corporate or otherwise, of either of-them.

22 (12) (a) "Housing project" shall-include ~~means~~ all real  
23 and personal property, buildings and improvements, stores,  
24 offices, lands for farming and gardening, and community  
25 facilities acquired or constructed or to be acquired or

1 constructed pursuant to a single plan or undertaking:

2 (i) to demolish, clear, remove, alter, or repair  
3 unsanitary or unsafe housing; and/or

4 (ii) to provide safe and sanitary dwelling  
5 accommodations for persons of low income.

6 (b) The term "housing project" may also be applied to  
7 the planning of the buildings and improvements; the  
8 acquisition of property; the demolition of existing  
9 structures; the construction, reconstruction, alteration,  
10 and repair of the improvements; and all other work in  
11 connection therewith.

12 (13) "Mortgage" shall-include ~~means~~ deeds of trust,  
13 mortgages, building and loan contracts, or other instruments  
14 conveying real or personal property as security for bonds  
15 and conferring a right to foreclose and cause a sale  
16 thereof.

17 (14) "Municipality" shall-mean ~~means~~ any city, town, or  
18 incorporated village which is located within the territorial  
19 boundaries of an authority.

20 (15) "Obligee of the authority" or "obligee" shall  
21 include ~~means~~ any bondholder, trustee or--trustees for any  
22 bondholder, any lessor demising property to the authority  
23 used in connection with a housing project or any assignee or  
24 assignees of such lessor's interest or any part thereof, and  
25 the United States of-America when it is a party to any

1 contract with the authority.

2 (16) "Persons of low income" shall-mean ~~means~~ persons  
3 or families who lack the amount of income which is necessary  
4 (as determined by the authority undertaking the housing  
5 project) to enable them, without financial assistance, to  
6 live in decent, safe, and sanitary dwellings without  
7 overcrowding.

8 (17) "Real property" shall-include ~~means~~ lands, lands  
9 under water, structures, and any and all easements,  
10 franchises, and incorporeal hereditaments and every estate  
11 and right therein, legal and equitable, including terms for  
12 years and liens by way of judgment, mortgage, or otherwise.

13 (18) "State" shall-mean ~~means~~ the state of Montana.

14 (19) "Trust indenture" shall-include ~~means~~ instruments  
15 pledging the revenues of real or personal properties but not  
16 conveying such properties or conferring a right to foreclose  
17 and cause a sale thereof."

18 Section 21. Section 7-15-4417, MCA, is amended to  
19 read:

20 "7-15-4417. Initial funding of housing authority.  
21 Immediately after the incorporation of the a housing  
22 authority, the council or other governing body of the a  
23 first- or second-class city included within the territorial  
24 boundaries of such ~~the~~ authority:

25 (1) shall make an estimate of the amount of money

1 necessary for the administrative expenses and overhead of  
2 the housing authority during the first year following the  
3 incorporation of such ~~the~~ housing authority;

4 (2) shall appropriate such amount to the authority out  
5 of any money in the city treasury not appropriated to some  
6 other purpose; and

7 (3) shall cause the money so appropriated to be paid  
8 the authority as a donation."

9 Section 22. Section 7-15-4418, MCA, is amended to  
10 read:

11 "7-15-4418. Interim funding of housing authority. In  
12 addition to the power granted in 7-15-4417, the-city-and any  
13 municipality located in whole or in part within the  
14 boundaries of a housing authority shall-have-the-power ~~may~~,  
15 annually and from time to time, to make donations or  
16 advances to the authority of such sums as the city--or  
17 municipality in its discretion may determine."

18 Section 23. Section 7-15-4419, MCA, is amended to  
19 read:

20 "7-15-4419. Authority to reimburse municipality for  
21 loans. The authority, when it has money available therefor,  
22 shall reimburse the-city-or a municipality for all advances  
23 made to it by way of loan."

24 Section 24. Section 7-15-4528, MCA, is amended to  
25 read:

"7-15-4528. Use of bond trustee. In connection with the issuance of bonds and/or the incurring of any obligation under a lease and in order to secure the payment of such ~~the~~ bonds and/or obligations, the authority ~~shall have power to~~ may:

(1) vest in a trustee ~~or trustees~~ the right to enforce any covenant made to secure ~~to pay or in relation to the~~ bonds ~~the payment of the bonds and/or obligations~~;

(2) to provide for the powers and duties of such ~~the~~ trustee ~~or trustees~~ to ~~and~~ limit ~~his~~ liabilities; thereof and

(3) to provide the terms and conditions upon which the trustee ~~or trustees~~ or a designated proportion of the holders of bonds ~~or any proportion of them~~ may enforce any such covenant."

Section 25. Section 7-16-2324, MCA, is amended to read:

"7-16-2324. Sale, lease, or exchange of dedicated park lands. (1) For the purposes of this section and part 25 of chapter 8, lands dedicated to the public use for park or playground purposes under 76-3-606 and 76-3-607 or a similar statute or pursuant to any instrument not specifically conveying land to be a governmental unit other than a county are ~~deemed to be~~ considered county lands.

(2) A county may not sell, lease, or exchange lands

dedicated for park or playground purposes except as provided under this section and part 25 of chapter 8.

(3) Prior to selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes, a county shall:

(a) compile an inventory of all public parks and playgrounds within the county;

(b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;

(c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;

(d) publish notice of intention to sell, lease, or dispose of such lands, giving the people of the county opportunity to be heard regarding such action;

(e) if the land is within an incorporated city or town, secure the approval of the governing body thereof for the action; and

(f) comply with any other applicable requirements under part 25 of chapter 8.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into the park fund and used in the manner prescribed in 76-3-606 and 76-3-607 for cash received in lieu of dedication."

1 Section 26. Section 7-16-2326, MCA, is amended to  
2 read:

3 "7-16-2326. Discrimination in employment prohibited.  
4 No contract of employment may be entered into except in  
5 compliance with the--Equal-Opportunity-Act-of--1966--and  
6 executive--order-of-1966 federal and state statutes, orders,  
7 and rules providing that there may be no discrimination in  
8 the employment-of-persons-because-of-race-religion-creed-  
9 color-or-national-origin."

10 Section 27. Section 7-16-2331, MCA, is amended to  
11 read:

12 "7-16-2331. Disbursement of money. All money paid out  
13 by the park commissioners under the provisions of this part  
14 shall be by warrant drawn upon the county treasurer  
15 treasury, which may be signed by the secretary and  
16 countersigned by the president or, in his absence, by the  
17 vice-president of the board of park commissioners. Upon  
18 approval by a majority of the members of the board of park  
19 commissioners at a regular meeting of the board at which a  
20 quorum is in attendance and voting and with due notice and  
21 report being made to the board of county commissioners,  
22 payments so authorized may be made by warrant drawn upon the  
23 county treasurer treasury, signed by the chairman of the  
24 board of county commissioners and countersigned by the  
25 county clerk and recorder."

1 Section 28. Section 7-16-4104, MCA, is amended to  
2 read:

3 "7-16-4104. Authorization for municipal indebtedness  
4 for various cultural, social, and recreational purposes. (1)  
5 A city or town council or commission--in-addition-to-the  
6 power-it-now-has-under-the-law-has-and--is--hereby--granted  
7 and--given-the-further-power-to may contract an indebtedness  
8 on behalf of a the city or town, upon the credit thereof, by  
9 borrowing money or issuing bonds:

10 (a) for the purpose of purchasing and improving lands  
11 for public parks and grounds; and/or

12 (b) for procuring by purchase, construction, or  
13 otherwise swimming pools, athletic fields, skating rinks,  
14 playgrounds, museums, a golf course, a site and building for  
15 a civic center, a youth center, or combination thereof; and

16 (c) for furnishing and equipping the same.

17 (2) The total amount of indebtedness authorized to be  
18 contracted in any form, including the then-existing  
19 indebtedness, must may not at any time exceed 3% of the  
20 value of the taxable property of the city or town as  
21 ascertained by the last assessment for state and county  
22 taxes previous to the incurring of such indebtedness. No  
23 money must may be borrowed on bonds issued for the purchase  
24 of lands and improving the same for any such purpose until  
25 the proposition has been submitted to the vote of these the

qualified under the provisions of the state constitution to vote at such election in electors of the city or town affected thereby and a majority vote is cast in favor thereof.

~~{3}--Nothing in this section shall be so construed as to repeat or annul [former 11-981 through 11-988 or any part or portion thereof].~~

Section 29. Section 7-16-4107, MCA, is amended to read:

"7-16-4107. Use of park funds for public recreation. 111 Any city or town, including any board of park commissioners, may expend funds from the band fund and the park fund of said the city or town ~~(and any school district or board thereof may cooperate for the purpose of operating a program of public recreation and playgrounds)~~ and for this purpose may acquire, equip, and maintain land, buildings, and/or other recreation facilities.

{2} Any school district may cooperate in such programs.

Section 30. Section 7-16-4111, MCA, is amended to read:

"7-16-4111. Financing of public baths. To defray the cost and expense of maintaining the public bathing place authorized by 7-16-4110, said a city or town ~~is hereby~~ authorized and empowered to may contract an indebtedness

upon behalf of said the city or town and upon the credit thereof by borrowing money or issuing bonds. No money may be borrowed and no bonds may be issued ~~for said purpose~~ until the proposition has been submitted to the vote of the taxpayers affected thereby qualified electors of the city or town and a majority vote be is cast therefor."

Section 31. Section 7-16-4203, MCA, is amended to read:

"7-16-4203. Qualifications of park commissioners. The six persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by 7-4-4301 for the office of mayor--or-city manager."

Section 32. Section 7-16-4228, MCA, is amended to read:

"7-16-4228. Disbursement of money. All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the city treasurer treasury, which shall be signed by the city clerk and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners."

-End-