

# 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.
----------------	---

1 *Seach* BILL NO. 380  
2 INTRODUCED BY Thomas  
3 BY REQUEST OF THE CODE COMMISSIONER

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

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 cause 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. ~~All~~

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 roads.  
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;

1        (b) the kind and nature of the improvement desired;  
 2        (c) the mode of payment of the assessments to be  
 3        levied for defraying the cost thereof, whether immediate  
 4        payment or by payment in installments;  
 5        (d) the portion of the costs which the district, if  
 6        formed, will assume and pay."

7        Section 5. Section 7-14-2705, MCA, is amended to read:  
 8        "7-14-2705. Meeting between county road  
 9        superintendent and residents, and owners of land. (1) After  
 10      receipt of the petition and passage of the resolution, the  
 11      board shall make an order fixing a time and place in the  
 12      vicinity of the road for a meeting between the county road  
 13      superintendent or his deputy, and the petitioners--and all  
 14      owners upon whose lands special assessments will be levied  
 15      and all residents within the proposed district.

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

21        Section 6. Section 7-14-2707, MCA, is amended to read:  
 22        "7-14-2707. Meeting procedure -- election of committee  
 23      of supervisors. (1) The superintendent or his deputy, or in  
 24      their absence one of the landowners or residents present,  
 25      shall preside. Those present shall elect three as a

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

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

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

16        Section 7. Section 7-14-2711, MCA, is amended to read:  
 17        "7-14-2711. Division of local improvement district  
 18      into parts. (1) The boundaries of each--local assessment  
 19      district--shall--be--fixed districts within a local improvement  
 20      district are as follows:

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

24        (b) The lands embraced within an area 1 mile wide on  
 25      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.  
the-landings-of-the-proposed-ferry-must-be-described-and-the  
20 names-of-the-owners-thereof-given--if--known--and--if--the  
21 applicant--is--not--the--owner--of--the--land--that--notice--of--the  
22 application--has--been--served--on--the--owner--thereof--at--least--10  
23 days--prior--to--the--application. The applications must contain  
24 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 such 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 steam 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 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."

1       Section 14. 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      spectral fund collected—~~in not to exceed 25 consecutive~~  
 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 15. 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 16. 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 153-1942 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 ~~7-15-4221(3) and 7-15-4223 through 7-15-4225~~  
 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

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

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

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

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

23     "7-15-4402. Definitions. The--following--terms--wherever  
 24     used--or--referred--to As used in this part or part 45, shall  
 25     have--the--following--respective--meanings unless a--different

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

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

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

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

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

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

21     (6) "Community facilities" shall--include means real  
 22     and personal property and buildings and equipment for  
 23     recreational or social assemblies and for educational,  
 24     health, or welfare purposes and necessary utilities, when  
 25     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 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 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 the state of Montana.

14 (19) "Trust indenture" shall include 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~~r~~ to pay~~r~~ or in relation to the  
 8        bonds or the payment of the bonds and/or obligations;

9        ~~(2)~~ to provide for the powers and duties of ~~such the~~ the  
 10      trustee or--trustees~~r~~ 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--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       colors--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 §§ 901 through §§ 906 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 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 or  
 14 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 program."

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 on 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-



SENATE MEMBERS

CARROLL GRAHAM  
CHAIRMAN

FRANK HAZELBAKER  
VICE CHAIRMAN

CHESTER BLAYLOCK

PAT M. GOODOVER

DIANA S. DOWLING  
EXECUTIVE DIRECTOR  
CODE COMMISSIONER

ELEANOR ECK  
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY  
DIRECTOR, LEGISLATIVE SERVICES

HOUSE MEMBERS

JOHN B. DRISCOLL

OSCAR KVAALEN

J.D. LYNCH

ROBERT L. MARKS

H. DAVID COGLEY  
DIRECTOR, LEGAL SERVICES

ROBERT PERSON  
DIRECTOR, RESEARCH

# Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

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 F2d 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 subsection (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

1                   SENATE 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 any  
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 cause 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                 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;

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 ~~teget~~-voters ~~qualified~~electors of such the city  
 7 or town ~~who-are-taxpaying-freeholders-therethin~~, 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 ~~I~~bs additional levy in excess of  
 11 the levy now allowed by law shall max not exceed 1 1/2  
 12 mills."

13 Section 3--Section 7-14-4716--MCA,--is--amended--to  
 14 read:

15 "7-14-4716--Authorization--for--improvement--districts  
 16 for--pedestrian--matters--offstreet--parking--parkings--and  
 17 parkways--#39; An improvement district may be formed for the  
 18 sole--purpose--of--operating--maintaining--repairing--and  
 19 improving--pedestrian--matters--offstreet--parking--facilities  
 20 and--parkings--and--parkways--

21 #39;--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:

1                   SENATE 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 cause 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    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;

1       (b) the kind and nature of the improvement desired;  
 2       (c) the mode of payment of the assessments to be  
 3       levied for defraying the cost thereof, whether immediate  
 4       payment or by payment in installments;  
 5       (d) the portion of the costs which the districts, if  
 6       formed, will assume and pay."

7       Section 5. Section 7-14-2705, MCA, is amended to read:  
 8       "7-14-2705. Meeting between county road  
 9       superintendents and residents and owners of land. (1) After  
 10      receipt of the petition and passage of the resolution, the  
 11      board shall make an order fixing a time and place in the  
 12      vicinity of the road for a meeting between the county road  
 13      superintendent or his deputy, and the petitioners--and all  
 14      owners upon whose lands special assessments will be levied  
 15      and all residents within the proposed district.  
 16       (2) The petitioners--and--all owners of land  
 17      fronting on the road or land within 2 miles on either side  
 18      of it upon which special assessments will be levied and all  
 19      residents within the proposed district may meet with the  
 20      superintendent or his duly appointed deputy."

21       Section 6. Section 7-14-2707, MCA, is amended to read:  
 22       "7-14-2707. Meeting procedure -- election of committee  
 23      of supervisors. (1) The superintendent or his deputy, or in  
 24      their absence one of the landowners or residents present,  
 25      shall preside. Those present shall elect three as a

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

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

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

16       Section 7. Section 7-14-2711, MCA, is amended to read:  
 17       "7-14-2711. Division of local improvement district  
 18      into parts. (1) The boundaries of each--to--be--  
 19      district--shall--be--fixed districts within a local improvement  
 20      district--are as follows:

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

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

district.

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

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

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

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

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

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

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

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

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

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

(2) Whenever the council shall order orders any such 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 such 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 cost shall be as provided in 7-12-4181 through  
 5 7-12-4191a

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 steam 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 ~~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~~s~~ and kind~~s~~ 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 ~~teget~~-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 23--Section 7-14-472b--MCA--is--amended--to  
14 read:

15 "7-14-472b--Authorization--for--improvement--districts  
16 for--pedestrion--matters--offstreet--parking--parkings--and  
17 parkways--"; An improvement district may be formed for the  
18 sole--purpose--of--operating--maintaining--repairing--and  
19 improving--pedestrion--matters--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--42--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 ~~specie~~--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--date--of--the--governing--body--open--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-153r-Laws-of-1947-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,  
~~religion~~ creed, ~~religion~~ age, ~~physical or mental handicaps~~  
 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-7-7-4221f3}-end-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

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

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

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

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

23       "7-15-4402. Definitions. The-following-terms--wherever  
 24      used-or-referred-to as used in this part or part 45, shall  
 25      have--the--following--respective--meanings unless a-different

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

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

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

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

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

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

21       (6) "Community facilities" shall--include means real  
 22      and personal property and buildings and equipment for  
 23      recreational or social assemblies and for educational,  
 24      health, or welfare purposes and necessary utilities, when  
 25      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---workers 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:

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-retention--to--the  
 8 bonds or 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 25. 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 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--creeds  
9       color, or nation, or 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 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 effected -- thereby and a majority vote is cast in favor  
 4 thereof.

5 f32--Nothing in this section shall be so construed as  
 6 to repeat or annul [former] 7-901 through 7-908 or any part  
 7 or portion thereof;"

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

10 "7-16-4107. Use of park funds for public recreation.  
 11 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.

18 121. Any school district may cooperate in such  
 19 program"

20 Section 30. 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--effected--thereby qualified electors of the city or  
 6 town and a majority vote be is cast therefor."

7 Section 31. 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 32. 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-

SENATE BILL NO. 340  
INTRODUCED BY THOMAS  
BY REQUEST OF THE CODE COMMISSIONER

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."

19 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 cause 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                   ~~tee~~ense--end--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:

1       (b) the kind and nature of the improvement desired;  
 2       (c) the mode of payment of the assessments to be  
 3       levied for defraying the cost thereof, whether immediate  
 4       payment or by payment in installments;  
 5       (d) the portion of the costs which the district, if  
 6       formed, will assume and pay."

7       Section 5. Section 7-14-2705, MCA, is amended to read:  
 8       "7-14-2705. Meeting between county road  
 9       superintendent and residents and owners of land. (1) After  
 10      receipt of the petition and passage of the resolution, the  
 11      board shall make an order fixing a time and place in the  
 12      vicinity of the road for a meeting between the county road  
 13      superintendent or his deputy, and the petitioners--and all  
 14      owners upon whose lands special assessments will be levied,  
 15      and all residents within the proposed district.

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

21       Section 6. Section 7-14-2707, MCA, is amended to read:  
 22       "7-14-2707. Meeting procedure -- election of committee  
 23      of supervisors. (1) The superintendent or his deputy, or in  
 24      their absence one of the landowners or residents present,  
 25      shall preside. Those present shall elect three as a

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

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

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

16       Section 7. Section 7-14-2711, MCA, is amended to read:  
 17       "7-14-2711. Division of local improvement district  
 18      into parts. (1) The boundaries of each--to--et assessment  
 19      district--shall--be--fixed districts within a local improvement  
 20      district--are as follows:

21       (a) The lands extending from the center of the road  
 22      one-half mile on each side thereof (measuring 1 mile in  
 23      width) shall constitute Part One of the district.  
 24       (b) The lands embraced within an area 1 mile wide on  
 25      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 application 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 ~~the~~ 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 ~~the~~ 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~~ the sidewalk, curb, and or gutter or-any-combination  
 22 thereof to be constructed or may construct or cause such 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 ~~7-12-4191a~~

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 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~~s~~ and kinds~~s~~ and grade~~s~~ 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 ~~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-~~12~~--Section--7-14-4721,--MCA--is--amended--to  
14 read:

15 "7-14-4721--Authorization--for--improvement--districts  
16 for--pedestrian--matts--offstreet--parkings--parkings--and  
17 parkways--~~etc~~--An improvement district may be formed for the  
18 sole--purpose--of--operating--maintaining--repairing--and  
19 improving--pedestrian--matts--offstreet--parking--facilities  
20 and--parkings--and--parkways--

21 f27--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~~v-and-a-notice-that-the-bonds-will-be-paid--from--a~~  
 11 ~~special---fund---collectedv---in---not--to--exceed--25--annuit~~  
 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--1944v ~~this~~ part are  
 25 inconsistent with the provisions of any other law, the

1 provisions of Chapter-153v-Laws-of-1947v-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 through 7-7-4225 shall not be applicable to the issuance of such bonds."~~

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

19 "7-15-4322. Details relating to urban renewal bonds.  
 20 (1) Bonds issued under 7-15-4301 may be issued in one or  
 21 more series and shall bear such date or dates, be payable  
 22 upon demand or mature at such time or times, bear interest  
 23 at such rate or rates not exceeding 9% a year, be in such  
 24 denomination or denominations, be in such form (either

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

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

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

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

23     "7-15-4402. Definitions. The-following-terms--wherever  
 24     used-or-referred-to as used in this part or part 45, shall  
 25     have--the--following--respective--meanings unless a-different

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

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

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

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

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

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

21        (6) "Community facilities" shall--include means real  
 22      and personal property and buildings and equipment for  
 23      recreational or social assemblies and for educational,  
 24      health, or welfare purposes and necessary utilities, when  
 25      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-mean 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-mean 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:

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        ~~131~~ 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        ~~121~~ to provide for the powers and duties of such the  
 10 trustee or-trustees--to and limit his liabilities thereof  
 11 and

12        ~~131~~ 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 25. 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 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, and rules~~ providing that there may be no discrimination in  
7       the employment--of--persons--because--of--race--religion--creed--  
8       category--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, is hereby granted  
7       and given the further power to may contract an indebtedness  
8       on behalf of 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 for

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 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 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 ~~Nothing in this section shall be so construed as~~  
 6 to-repeat-or-annul-[former-#-90#-through-#-90#-or-any-part  
 7 or-portion-thereof]"

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

10 "7-16-4107. Use of park funds for public recreation.  
 11 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 lands, buildings,  
 17 and/or other recreation facilities.

18 121 Any school district may cooperate in such  
 19 programs."

20 Section 30. 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 31. 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 32. 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-