

SENATE BILL NO. 181

INTRODUCED BY HALLIGAN

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE SENATE

January 18, 1983	Introduced and referred to Committee on State Administration.
February 1, 1983	Committee recommend bill do pass as amended. Report adopted.
February 2, 1983	Bill printed and placed on members' desks.
February 3, 1983	Second reading, do pass.
February 4, 1983	Correctly engrossed.
February 5, 1983	Third reading, passed. Ayes, 46; Noes, 0. Transmitted to House.

IN THE HOUSE

February 7, 1983	Introduced and referred to Committee on State Administration.
March 4, 1983	Committee recommend bill be concurred in. Report adopted.
March 5, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in.

IN THE SENATE

March 8, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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Senate BILL NO. 181

INTRODUCED BY Phillyer

BY REQUEST OF THE DEPARTMENT OF COMMERCE

1 effective July 1, 1983.

-End-

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE STATE INFORMATION AND RESEARCH SYSTEM FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE; TO CLARIFY THE RESPONSIBILITIES OF THE STATE RESEARCH AND INFORMATION SYSTEM; AMENDING SECTION 90-1-109, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 90-1-109, MCA, is amended to read:

"90-1-109. State ~~information---and---research---system~~
~~census and economic information center~~. The department of
~~administration~~ ~~commerce~~ shall, in cooperation with other
state, ~~agencies~~ ~~federal~~, and local governments ~~agencies~~,
establish and maintain a central depository of ~~statistical~~
~~graphic~~~~---library~~~~---and---other~~ information, including
computer-retrievable files, concerning the significant
characteristics of the state, its people, economy, land, and
physical characteristics. The department shall analyze and
disseminate such information to state, ~~federal~~, and local
agencies and ~~to~~ the general public."

NEW SECTION. Section 2. Effective date. This act is

Approved by Committee
on State Administration

SENATE BILL NO. 181
INTRODUCED BY HALLIGAN
BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE STATE
INFORMATION AND RESEARCH SYSTEM ~~AND ITS FUNCTIONS~~ FROM THE
DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE;
TO ~~CHANGE THE NAME AND~~ CLARIFY THE RESPONSIBILITIES OF THE
STATE RESEARCH AND INFORMATION SYSTEM; AMENDING ~~SECTIONS~~
~~SECTIONS 7-1-4121, 15-36-112, AND~~ 90-1-109, MCA; AND
PROVIDING AN EFFECTIVE DATE."

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

SECTION 1. SECTION 7-1-4121, MCA, IS AMENDED TO READ:

"7-1-4121. General definitions. As used in 7-1-4121
through 7-1-4149, unless otherwise provided, the following
definitions apply:

(1) "Charter" means a written document defining the
powers, structure, privileges, rights, and duties of the
government and limitations thereon.

(2) "Chief executive" means the elected executive in a
government adopting the commission-executive form, the
manager in a government adopting the commission-manager
form, the chairman in a government adopting the
commission-chairman form, the town chairman in a government

adopting the town meeting form, the commission acting as a
body in a government adopting the commission form, or the
officer or officers so designated in the charter in a
government adopting a charter.

(3) "Elector" means a resident of the municipality
qualified and registered to vote under state law.

(4) "Employee" means a person other than an officer
who is employed by a municipality.

(5) "Executive branch" means that part of the
municipality, including departments, offices, and boards,
charged with implementing actions approved and administering
policies adopted by the governing body of the local
government or performing the duties required by law.

(6) "Governing body" means the commission or town
meeting legislative body established in the alternative form
of local government.

(7) "Guideline" means a suggested or recommended
standard or procedure to serve as an index of comparison and
is not enforceable as a regulation.

(8) "Law" means a statute enacted by the legislature
of Montana and approved and signed by the governor or a
statute adopted by the people of Montana through statutory
initiative procedures.

(9) "Municipality" means an entity which incorporates
as a city or town.

1 (10) "Office of the municipality" means the permanent
2 location of the seat of government from which the records
3 administrator, or the office of the clerk of the governing
4 body where one is appointed, carries out his duties.

5 (11) "Officer" means a person holding a position with a
6 municipality which is ordinarily filled by election or, in
7 those municipalities with a manager, the manager.

8 (12) "Ordinance" means an act adopted and approved by a
9 municipality, having effect only within the jurisdiction of
10 the local government.

11 (13) "Person" means any individual, firm, partnership,
12 company, corporation, trust, trustee, assignee or other
13 representative, association, or other organized group.

14 (14) "Plan of government" means a certificate submitted
15 by a governing body that documents the basic form of
16 government selected, including all applicable suboptions.
17 The plan must establish the terms of all officers and the
18 number of commissioners, if any, to be elected.

19 (15) "Political subdivision" refers to a local
20 government, authority, school district, or multicounty
21 agency.

22 (16) "Population" means the number of inhabitants as
23 determined by an official federal, state, or local census or
24 official population estimate approved by the department of
25 administration ~~commerce~~.

1 (17) "Printed" means the act of reproducing a design on
2 a surface by any process as defined by 1-1-203(3).

3 (18) "Public agency" means a political subdivision,
4 Indian tribal council, state or federal department or
5 office, or the Dominion of Canada or any provincial
6 department or office or political subdivision thereof.

7 (19) "Public property" means any and all property owned
8 by a municipality or held in the name of a municipality by
9 any of the departments, boards, or authorities of the local
10 government.

11 (20) "Real property" means lands, structures,
12 buildings, and interests in land, including lands under
13 water and riparian rights, and all things and rights usually
14 included within the term "real property", including not only
15 fee simple absolute but also all lesser interests such as
16 easements, rights-of-way, uses, leases, licenses, and all
17 other incorporeal hereditaments and every estate, interest,
18 or right, legal or equitable, pertaining to real property.

19 (21) "Reproduced" means the act of reproducing a design
20 on any surface by any process.

21 (22) "Resolution" means a statement of policy by the
22 governing body or an order by the governing body that a
23 specific action be taken.

24 (23) "Service" means an authorized function or activity
25 performed by local government.

(24) "Structure" means the entire governmental organization through which a local government carries out its duties, functions, and responsibilities."

SECTION 2. SECTION 15-36-112, MCA, IS AMENDED TO READ:

"15-36-112. Disposition of oil and gas severance taxes. (1) Each year the department of revenue shall determine the amount of tax collected under this chapter from within each county.

(2) The severance taxes collected under this chapter are allocated as follows:

(a) the amount, if any, by which the tax collected from within a county for any fiscal year exceeds the total amount collected from within that county for the previous fiscal year, by reason of increased production and not because of increase in or elimination of federal price ceilings on oil and gas, is allocated to the general fund of the county for distribution as provided in subsection (3);

(b) any amount not allocated to the county under subsection (2)(a) is allocated to the state general fund.

(3) (a) The county treasurer shall distribute the money received under this section to the county and to all the incorporated cities and towns within the county in the following manner. The county receives the available money multiplied by the ratio of the rural population to the county population. Each incorporated municipality receives

the available money multiplied by the ratio of the population of the incorporated municipality to the county population. The rural population is that population of the county living outside the boundaries of an incorporated municipality. Population shall be based on the most recent figures as determined by the department of ~~administration~~ **commerce**.

(b) The money distributed under this subsection may be used for any purpose as determined by the governing body of the county, city, or town."

Section 3. Section 90-1-109, MCA, is amended to read:

"90-1-109. State ~~information---and---research---system~~ census and economic information center. The department of ~~administration~~ **commerce** shall, in cooperation with other state agencies ~~federal~~ and local governments ~~agencies~~, establish and maintain a central depository of ~~statistics~~ **graphics---library---and---other** information, including computer-retrievable files, concerning the significant characteristics of the state, its people, economy, land, and physical characteristics. The department shall analyze and disseminate such information to state, ~~federal~~ and local agencies and to the general public."

NEW SECTION. Section 4. Effective date. This act is effective July 1, 1983.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE STATE INFORMATION AND RESEARCH SYSTEM ~~AND ITS FUNCTIONS~~ FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE; TO ~~CHANGE THE NAME AND~~ CLARIFY THE RESPONSIBILITIES OF THE STATE RESEARCH AND INFORMATION SYSTEM; AMENDING ~~SECTION~~ ~~SECTIONS 7-1-4121, 15-36-112, AND~~ 90-1-109, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

~~SECTION 1. SECTION 7-1-4121, MCA, IS AMENDED TO READ:~~

"7-1-4121. General definitions. As used in 7-1-4121 through 7-1-4149, unless otherwise provided, the following definitions apply:

(1) "Charter" means a written document defining the powers, structure, privileges, rights, and duties of the government and limitations thereon.

(2) "Chief executive" means the elected executive in a government adopting the commission-executive form, the manager in a government adopting the commission-manager form, the chairman in a government adopting the commission-chairman form, the town chairman in a government

adopting the town meeting form, the commission acting as a body in a government adopting the commission form, or the officer or officers so designated in the charter in a government adopting a charter.

(3) "Elector" means a resident of the municipality qualified and registered to vote under state law.

(4) "Employee" means a person other than an officer who is employed by a municipality.

(5) "Executive branch" means that part of the municipality, including departments, offices, and boards, charged with implementing actions approved and administering policies adopted by the governing body of the local government or performing the duties required by law.

(6) "Governing body" means the commission or town meeting legislative body established in the alternative form of local government.

(7) "Guideline" means a suggested or recommended standard or procedure to serve as an index of comparison and is not enforceable as a regulation.

(8) "Law" means a statute enacted by the legislature of Montana and approved and signed by the governor or a statute adopted by the people of Montana through statutory initiative procedures.

(9) "Municipality" means an entity which incorporates as a city or town.

(10) "Office of the municipality" means the permanent location of the seat of government from which the records administrator, or the office of the clerk of the governing body where one is appointed, carries out his duties.

(11) "Officer" means a person holding a position with a municipality which is ordinarily filled by election or, in those municipalities with a manager, the manager.

(12) "Ordinance" means an act adopted and approved by a municipality, having effect only within the jurisdiction of the local government.

(13) "Person" means any individual, firm, partnership, company, corporation, trust, trustee, assignee or other representative, association, or other organized group.

(14) "Plan of government" means a certificate submitted by a governing body that documents the basic form of government selected, including all applicable suboptions. The plan must establish the terms of all officers and the number of commissioners, if any, to be elected.

(15) "Political subdivision" refers to a local government, authority, school district, or multicounty agency.

(16) "Population" means the number of inhabitants as determined by an official federal, state, or local census or official population estimate approved by the department of administration ~~commerce~~.

(17) "Printed" means the act of reproducing a design on a surface by any process as defined by 1-1-203(3).

(18) "Public agency" means a political subdivision, Indian tribal council, state or federal department or office, or the Dominion of Canada or any provincial department or office or political subdivision thereof.

(19) "Public property" means any and all property owned by a municipality or held in the name of a municipality by any of the departments, boards, or authorities of the local government.

(20) "Real property" means lands, structures, buildings, and interests in land, including lands under water and riparian rights, and all things and rights usually included within the term "real property", including not only fee simple absolute but also all lesser interests such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property.

(21) "Reproduced" means the act of reproducing a design on any surface by any process.

(22) "Resolution" means a statement of policy by the governing body or an order by the governing body that a specific action be taken.

(23) "Service" means an authorized function or activity performed by local government.

(24) "Structure" means the entire governmental organization through which a local government carries out its duties, functions, and responsibilities."

SECTION 2. SECTION 15-36-112, MCA, IS AMENDED TO READ:

"15-36-112. Disposition of oil and gas severance taxes. (1) Each year the department of revenue shall determine the amount of tax collected under this chapter from within each county.

(2) The severance taxes collected under this chapter are allocated as follows:

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(b) any amount not allocated to the county under subsection (2)(a) is allocated to the state general fund.

(3) (a) The county treasurer shall distribute the money received under this section to the county and to all the incorporated cities and towns within the county in the following manner. The county receives the available money multiplied by the ratio of the rural population to the county population. Each incorporated municipality receives

the available money multiplied by the ratio of the population of the incorporated municipality to the county population. The rural population is that population of the county living outside the boundaries of an incorporated municipality. Population shall be based on the most recent figures as determined by the department of administration commerce.

(b) The money distributed under this subsection may be used for any purpose as determined by the governing body of the county, city, or town."

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