

HOUSE BILL NO. 77

INTRODUCED BY THOFT, ADDY

IN THE HOUSE

JANUARY 5, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
JANUARY 6, 1989	FIRST READING.
JANUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 17, 1989	POSTED ON CONSENT CALENDAR. ENGROSSING REPORT.
JANUARY 19, 1989	CONSENT CALENDAR, QUESTIONS AND ANSWERS. THIRD READING, PASSED. AYES, 97; NOES, 1. TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 20, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION. FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN.
MARCH 14, 1989	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0. RETURNED TO HOUSE.

IN THE HOUSE

MARCH 15, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~HOUSE~~ BILL NO. 77
2 INTRODUCED BY Thiff Adley
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING LOCAL
5 NONPROFIT CORPORATIONS TO MANAGE HISTORIC PROPERTIES OWNED
6 BY THE STATE OF MONTANA; ALLOWING THE MONTANA HISTORICAL
7 SOCIETY TO CONTRACT FOR MANAGEMENT OF SUCH PROPERTIES; AND
8 PROVIDING FOR DONATIONS AND DISPOSITION OF INCOME."
9

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

11 **Section 1. Short title.** [This act] may be cited as the
12 "Local Management of Historic Sites and Buildings Act".

13 **Section 2. Purpose.** The purposes of [this act] are to:

14 (1) encourage the restoration, preservation, and
15 maintenance of historic sites and buildings owned by the
16 state of Montana;

17 (2) encourage the participation of Montana citizens
18 and groups in the local management, on a nonprofit basis, of
19 historic sites and buildings through the donation of time,
20 materials, and resources toward the restoration and
21 preservation of these properties;

22 (3) remove unnecessary barriers to the efficient and
23 cost-effective management of historic sites and buildings by
24 qualified and responsible local nonprofit corporations as
25 contracted managers; and

1 (4) retain state ownership of historic sites and
2 buildings and state control over decisions concerning their
3 historic integrity and preservation so that the citizens of
4 the state may realize the greatest benefits available from
5 each property.

6 **Section 3. Management of historic sites and buildings**
7 -- contracts. (1) The Montana historical society may accept
8 gifts, grants, bequests, or contributions of money,
9 property, labor, or materials for use in the operation,
10 maintenance, repair, preservation, or renovation of any
11 historic site or building owned by the state of Montana.

12 (2) The Montana historical society may contract with a
13 local nonprofit corporation for the operation, maintenance,
14 preservation, repair, or renovation of any historic site or
15 building owned by the state. The nonprofit corporation may
16 not be considered a public agency for purposes of Title 18,
17 except for the provisions in chapter 2, part 2, or for the
18 purposes of other statutes applicable to the historical
19 society if 25% of the total annual expenses for all costs of
20 operation, maintenance, repair, preservation, and renovation
21 of the historic site or building is provided by in-kind or
22 donated labor or materials by or on behalf of the
23 contracting local nonprofit corporation. The nonprofit
24 corporation must conform to the provisions of Title 18,
25 chapter 2, part 2, and Title 35, chapter 2.

1 (3) No contract may be entered into nor any other
2 obligation incurred for the purposes in subsection (1) until
3 money has been appropriated by the legislature or is
4 otherwise available. If funds are otherwise available, Title
5 18, chapter 2, parts 1, 3, and 4 are not applicable.

6 (4) The Montana historical society may require a
7 corporation managing a property pursuant to subsection (3)
8 to deposit in a local financial institution all profits,
9 revenues, royalties, or fees received or all gifts, grants,
10 bequests, or other contributions collected by the
11 corporation for the benefit of the property. All funds must
12 be accounted for pursuant to the management contract and
13 audited quarterly by the society or its designee, and
14 expenditures of the funds may be used only for the
15 operation, maintenance, preservation, repair, renovation,
16 and management of the property.

17 **Section 4. Extension of authority.** Any existing
18 authority to make rules on the subject of the provisions of
19 [this act] is extended to the provisions of [this act].

20 **Section 5. Codification instruction.** [Sections 1
21 through 3] are intended to be codified as an integral part
22 of Title 22, chapter 3, and the provisions of Title 22,
23 chapter 3, apply to [sections 1 through 3].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB077, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB77 would allow the Historical Society with local non-profit groups to manage and restore Society owned properties.

ASSUMPTIONS:

1. This bill affects only two properties, the Daly Mansion (Hamilton) and the Moss Mansion (Billings).
2. No other properties would be acquired in the biennium.
3. The only expenditures of state funds would be travel to audit the accounts of the two non-profit groups.

FISCAL IMPACT:

The Historical Society agrees to absorb the \$800 identified as travel and costs per year.

Ray Shackelford
RAY SHACKLEFORD, BUDGET DIRECTOR

11/12/89
DATE

Bob Thoft
BOB THOFT, PRIMARY SPONSOR

11/13/89
DATE

Fiscal Note for HB077, as introduced

HB77

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qualified and responsible local nonprofit corporations as contracted managers; and

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NEW SECTION. Section 3. Management of historic sites and buildings -- contracts. (1) The Montana historical society may accept gifts, grants, bequests, or contributions of money, property, labor, or materials for use in the operation, maintenance, repair, preservation, or renovation of any historic site or building owned by the state of Montana.

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