

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE FUTURE
5 OF THE PAST COMMITTEE TO ESTABLISH THE MONTANA COMMUNITY HERITAGE GRANT PROGRAM;
6 AUTHORIZING THE PRESIDENT OF THE MONTANA HISTORICAL SOCIETY BOARD OF TRUSTEES TO
7 APPOINT AN EIGHT-MEMBER COMMUNITY HERITAGE GRANT PROGRAM SUBCOMMITTEE TO
8 EVALUATE GRANT PROPOSALS FOR FUNDING RECOMMENDATIONS TO BE SUBMITTED TO THE
9 LEGISLATURE; ESTABLISHING A COMMUNITY HERITAGE GRANT PROGRAM ACCOUNT; PROVIDING
10 A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 22-3-107, MCA; AND
11 PROVIDING AN EFFECTIVE DATE."

12

13 WHEREAS, the State of Montana proudly supports more than 200 community or county historical
14 societies or museums that received more than 1.18 million visits in 1999, including visits by approximately
15 126,000 children; and

16 WHEREAS, Montana communities take increasing pride in their locally administered historical
17 exhibits, historic neighborhoods, preserved Main Streets, genealogical libraries, archival collections, and
18 oral history projects, with volunteers contributing more than 230,000 hours of time to local museums; and

19 WHEREAS, most existing historic preservation, museum, archival, and historical society projects
20 and programs receive no outside funding or public support, and only 38% of Montana's museums charge
21 any kind of admission; and

22 WHEREAS, creation of the community heritage grant program will support the efforts of local
23 history, museum, and preservation work and will provide an opportunity for local communities to use
24 grants to qualify for matching funds, to provide much needed economic development to support local
25 economies, and to enhance community pride.

26

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

28

29 NEW SECTION. **Section 1. Community heritage grant program -- grant criteria -- community**
30 **heritage grant program subcommittee -- grant funding recommendations to legislature.** (1) Grant proposals



1 under the community heritage grant program must be for the purpose of promoting heritage tourism or
2 heritage projects.

3 (2) A nonprofit association, public entity, representative of a local governing unit, or Montana tribal
4 government seeking a grant from [the proceeds from the lodging facility use tax collected under 15-65-111
5 that is deposited into] and [the proceeds from the rental car tax that is deposited into] the community
6 heritage grant program account created in [section 2] shall submit a grant proposal to the community
7 heritage grant program subcommittee, in care of the Montana historical society, by August 1 of the year
8 preceding the convening of a regular legislative session.

9 (3) The community heritage grant program subcommittee, established by the Montana historical
10 society board of trustees pursuant to 22-3-107, shall broadly represent the state and be composed of:

- 11 (a) two members from the tourism advisory council, established in 2-15-1816;
12 (b) two members from the Montana historical society board of trustees, established in 22-3-104;
13 (c) one member from the Montana heritage preservation and development commission, established
14 in 22-3-1002;
15 (d) one member from the Montana preservation alliance;
16 (e) one member from the museums association of Montana; and
17 (f) one member from the Montana archaeological society.

18 (4) The subcommittee shall evaluate all grant proposals according to the criteria adopted by the
19 Montana historical society board of trustees pursuant to subsection (5) and shall submit its funding
20 recommendations on proposed grants to the board.

21 (5) The Montana historical society board of trustees shall, after consultation with the
22 subcommittee, adopt rules specifying the criteria that the subcommittee shall use in evaluating and making
23 recommendations on grant proposals submitted to the legislature. The rules must include but are not
24 limited to:

- 25 (a) grant application procedures, including a grant application form prescribed by the Montana
26 historical society in consultation with the subcommittee;
27 (b) specific match requirements in cash or donated services;
28 (c) requirements that an applicant include with the application information demonstrating:
29 (i) the level of local support for the proposed project;
30 (ii) that the grant will relate to tangible products or infrastructure; and

1 (iii) the future maintenance of the proposed project; and

2 (d) disbursements of grants.

3 (6) The administrative costs charged by the Montana historical society for grant administration,
4 including overhead, may not exceed 9.7%.

5 (7) At the end of the grant period, any unexpended balance of the grant must revert to the
6 community heritage grant program account established in [section 2] for the purpose of funding future
7 community heritage program grants.

8

9 NEW SECTION. **Section 2. Community heritage grant program account.** (1) There is a Montana
10 community heritage grant program account in the state special revenue fund.

11 (2) The money is statutorily appropriated, as provided in 17-7-502, to the Montana historical
12 society to fund grant proposals approved pursuant to [section 1].

13

14 **Section 3.** Section 17-7-502, MCA, is amended to read:

15 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
16 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
17 without the need for a biennial legislative appropriation or budget amendment.

18 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
19 with both of the following provisions:

20 (a) The law containing the statutory authority must be listed in subsection (3).

21 (b) The law or portion of the law making a statutory appropriation must specifically state that a
22 statutory appropriation is made as provided in this section.

23 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901;
24 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702;
25 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
26 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319;
27 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107;
28 20-26-1503; 22-3-1004; [section 2]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
29 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623;
30 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222;

1 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

2 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
3 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
4 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
5 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
6 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
7 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
8 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
9 supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1,
10 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of
11 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability
12 is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1,
13 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710
14 terminates June 30, 2005.)"

15

16 **Section 4.** Section 22-3-107, MCA, is amended to read:

17 **"22-3-107. Authority of board.** The powers and duties of the trustees are as follows:

18 (1) to elect annually from among their number a president, a vice president, and a secretary;

19 (2) to adopt bylaws for their own government and to make rules, not inconsistent with law, for
20 the proper administration of the society in the interests of preserving the rich heritage of this state and its
21 people;

22 (3) to appoint a director, fix the director's salary, and prescribe the director's duties and
23 responsibilities;

24 (4) to create classes of memberships in the society as they consider desirable, to determine the
25 qualifications for any class of membership, and to set the fees to be paid for memberships;

26 (5) to sell or exchange publications and other museum or art objects and use the money arising
27 from sales for the operation of the society and for the acquisition of historical materials and objects of art;

28 (6) to sell or exchange surplus or duplicate books; or surplus museum or art objects or artifacts
29 not pertinent to the region encompassed by the Montana historical society mission and to use the money
30 arising from the sales exclusively for acquisitions of library, art, and museum artifacts;

1 (7) to see that the collections and properties of the society are maintained in good order and
2 repair;

3 (8) to report to the governor and, as provided in 5-11-210, the legislature biennially. The report
4 must include a statement of all important transactions and acquisitions, with suggestions and
5 recommendations for the better realization of the purposes of the society and the improvement of its
6 collections and services.

7 (9) to accept, receive, and administer in the name of the society any gifts, donations, properties,
8 securities, bequests, and legacies that may be made to the society. Money in the amount of less than
9 \$500 received by donation, gift, bequest, or legacy, unless otherwise provided by the donor, must be
10 deposited in the state treasury and used for the general operation of the society. Unless otherwise
11 provided by a donor, donations, gifts, bequests, or legacies in the amount of \$500 or more must be
12 deposited in the acquisitions trust established in 22-3-113.

13 (10) to collect, assemble, preserve, and display, when appropriate, all obtainable books, pamphlets,
14 maps, charts, manuscripts, journals, diaries, papers, business records, paintings, drawings, engravings,
15 photographs, statuary, models, relics, and all other materials illustrative of the history of Montana in
16 particular and generally of the Pacific Northwest, Northern Rocky Mountain, and Northern Great Plains
17 regions and of the United States of America when pertinent;

18 (11) to procure from pioneers, early settlers, and others narratives of the events relative to the
19 early settlement of Montana, the Indian occupancy, Indian and other wars, overland travel and immigration
20 to the territories of the west, and all other related documents of Montana's history, development, and
21 society;

22 (12) to gather contemporary information, specimens, and all other materials that exhibit faithfully
23 the distinctive historical and contemporary characteristics of the area, with particular attention to Indian,
24 military, and pioneer artifacts and implements;

25 (13) to collect and preserve such natural history objects as fossils, plants, minerals, and animals;

26 (14) to collect and preserve books, maps, manuscripts, and other materials ~~as~~ that will tend to
27 facilitate historical, scientific, and antiquarian research;

28 (15) to promote the study of Montana history by lectures and publications;

29 (16) to publish a roadside history of Montana, with maps, photographs, and text that will enable
30 tourists, citizens, and students to understand the history of the countryside seen from the state's main

1 roads;

2 (17) to generally foster and encourage the fine arts and cultural activities in Montana;

3 (18) to receive for and on behalf of the state, by donation or otherwise, art objects of any kind and

4 description and to exhibit and circulate the objects in Montana and elsewhere;

5 (19) to microfilm papers or documents in danger of disappearance or injury; ~~and~~

6 (20) to coordinate the administration of the historic records network established in 22-3-211;

7 (21) to authorize the president of the board to appoint an eight-member community heritage grant

8 program subcommittee as provided in [section 1]; and

9 (22) to provide funding recommendations on community heritage grant program proposals to the

10 appropriations committee of the Montana legislature by the 15th day of any regular session."

11

12 NEW SECTION. Section 5. Codification instruction. [Sections 1 and 2] are intended to be codified

13 as an integral part of Title 22, chapter 3, and the provisions of Title 22, chapter 3, apply to [sections 1

14 and 2].

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16 NEW SECTION. Section 6. Coordination instruction. (1) If __ Bill No. __ [LC 170] is not passed

17 and approved or if __ Bill No. __ [LC 170] is passed and approved but does not allocate funds to the

18 community heritage grant program, then the bracketed language referring to the lodging facility use tax

19 in [section 1 of this act] is void.

20 (2) If __ Bill No. __ [LC 171] is not passed and approved or if __ Bill No. __ [LC 171] is passed and

21 approved but does not allocate funds to the community heritage grant program, then the bracketed

22 language referring to the rental car tax in [section 1 of this act] is void.

23

24 NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2001.

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- END -