

SENATE BILL NO. 272
INTRODUCED BY FARRELL

IN THE SENATE

FEBRUARY 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON TAXATION.

 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

FEBRUARY 26, 1991 SECOND READING, DO PASS.

 ENGROSSING REPORT.

FEBRUARY 27, 1991 THIRD READING, PASSED.
 AYES, 47; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON BUSINESS & ECONOMIC DEVELOPMENT.

 FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

APRIL 6, 1991 SECOND READING, CONCURRED IN AS
 AMENDED.

 ON MOTION, RULES SUSPENDED. BILL
 PLACED ON THIRD READING THIS DAY.

 THIRD READING, CONCURRED IN.
 AYES, 86; NOES, 11.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 6, 1991 RECEIVED FROM HOUSE.

APRIL 17, 1991

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED.

APRIL 18, 1991

CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 19, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 20, 1991

CONFERENCE COMMITTEE REPORTED.

APRIL 23, 1991

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 23, 1991

CONFERENCE COMMITTEE REPORT
ADOPTED.

IN THE SENATE

APRIL 24, 1991

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 272
2 INTRODUCED BY Farnell

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "INDUSTRIAL
5 INFRASTRUCTURE" AND "INFRASTRUCTURE" AS USED IN THE TAX
6 INCREMENT FINANCING INDUSTRIAL DEVELOPMENT ACT."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

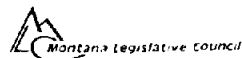
9 NEW SECTION. Section 1. Definitions. As used in this
10 part, unless the context requires otherwise, the following
11 definitions apply:

12 (1) "Industrial infrastructure" means streets, roads,
13 sidewalks, waterlines and water facilities, sewers, storm
14 sewers, bridges, and other improvements owned, operated, and
15 provided by a governmental entity and designed and
16 constructed to specifications required for an industrial
17 entity's use.

18 (2) "Infrastructure" means streets, roads, sidewalks,
19 waterlines and water facilities, sewers, storm sewers,
20 bridges, and other improvements owned, operated, and
21 provided by a governmental entity.

22 NEW SECTION. Section 2. Codification instruction.
23 [Section 1] is intended to be codified as an integral part
24 of Title 7, chapter 15, part 42, and the provisions of Title
25 7, chapter 15, part 42, apply to [section 1].

-End-



INTRODUCED BILL
SB 272

APPROVED BY COMMITTEE
ON TAXATION

1 SENATE BILL NO. 272
2 INTRODUCED BY FARRELL
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "INDUSTRIAL
5 INFRASTRUCTURE" AND "INFRASTRUCTURE" AS USED IN THE TAX
6 INCREMENT FINANCING INDUSTRIAL DEVELOPMENT ACT."

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

9 NEW SECTION. Section 1. Definitions. As used in ~~THIS~~
10 part 7-15-4298 AND 7-15-4299, unless the context requires
11 otherwise, ~~the following definitions apply:~~

12 ~~{1}--"Industrial~~ "INDUSTRIAL infrastructure" AND
13 "INFRASTRUCTURE" means MEAN streets, roads, CURBS, ALLEYS,
14 GUTTERS, sidewalks, PARKING LOTS, OFFSTREET PARKING
15 FACILITIES, WATERWAYS, waterlines and--water--facilities,
16 sewers AND SEWER LINES, storm sewers, NATURAL GAS LINES,
17 ELECTRICAL LINES, TELECOMMUNICATIONS LINES, bridges, RAIL
18 LINES AND RAIL SPURS, and other RELATED improvements owned,
19 operated, and provided by a governmental---entity
20 MUNICIPALITY, AS DEFINED IN 7-15-4283, and designed and
21 constructed to specifications required for an industrial
22 entity's use.

23 ~~{2}--"Infrastructure"--means--streets, roads, sidewalks,~~
24 ~~waterlines--and--water--facilities,--sewers,--storm--sewers,~~
25 ~~bridges,--and--other--improvements--owned,--operated,--and~~

1 ~~provided-by-a-governmental-entity.~~

2 NEW SECTION. Section 2. Codification instruction.

3 [Section 1] is intended to be codified as an integral part
4 of Title 7, chapter 15, part 42, and the provisions of Title
5 7, chapter 15, part 42, apply to [section 1].

-End-



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23 ~~{2}--"Infrastructure"--means--streets, roads, sidewalks,~~
24 ~~waterlines--and--water--facilities,--sewers,--storm--sewers,~~
25 ~~bridges,--and--other--improvements--owned,--operated,--and~~

1 ~~provided-by-a-governmental-entity-~~
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3 [Section 1] is intended to be codified as an integral part
4 of Title 7, chapter 15, part 42, and the provisions of Title
5 7, chapter 15, part 42, apply to [section 1].

-End-



HOUSE STANDING COMMITTEE REPORT

March 14, 1991
Page 1 of 2

March 14, 1991
Page 2 of 2

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 272 (third reading copy - blue) be concurred in as amended.

Signed: Bob Bachini
Bob Bachini, Chairman

Carried by: Rep. Cromley

And, that such amendments read:

1. Title, line 4.
Following: second "ACT"
Strike: "DEFINING"
Insert: "CLARIFYING THE MEANING OF THE TERMS"
2. Title, line 6.
Following: "ACT"
Insert: "; PROVIDING THAT DIRECT ASSISTANCE TO SECONDARY VALUE-ADDED INDUSTRIES BE THROUGH AN INDUSTRIAL INFRASTRUCTURE DEVELOPMENT PROJECT; AND AMENDING SECTION 7-15-4288, MCA"
3. Page 1, line 9 through page 2, line 5.
Strike: sections 1 and 2 in their entirety
Insert: "Section 1. Section 7-15-4288, MCA, is amended to read:
"7-15-4288. Costs which may be paid by tax increment financing. The tax increments may be used by the municipality to pay the following costs of or incurred in connection with an urban renewal project or industrial infrastructure development project:
(1) land acquisition;
(2) demolition and removal of structures;
(3) relocation of occupants;
(4) the acquisition, construction, and improvement of infrastructure or industrial infrastructure, which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunication lines, rail lines, rail spurs, bridges, public buildings, and other public

- improvements authorized by parts 41 through 45 of chapter 12, parts 42 and 43 of chapter 13, and part 47 of chapter 14 and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;
- (5) costs incurred in connection with the redevelopment activities allowed under 7-15-4233;
- (6) acquisition of infrastructure-deficient areas or portions thereof;
- (7) administrative costs associated with the management of the industrial district;
- (8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at its fair value;
- (9) the compilation and analysis of pertinent information required to adequately determine the infrastructure needs of secondary, value-adding industries in the industrial district;
- (10) the connection of the industrial district to existing infrastructure outside the industrial district; and
- (11) the provision of direct assistance, through industrial infrastructure development projects, to secondary, value-adding industries to assist in meeting their infrastructure and land needs within the industrial district."

SENATE STANDING COMMITTEE REPORT

Page 2 of 3
March 19, 1991

Page 1 of 3
March 19, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 272 (third reading copy -- blue), respectfully report that House Bill No. 272 be amended and as so amended be concurred in:

1. Title, line 6.
Following: "GOVERNMENTS"
Insert: ", TRIBAL GOVERNMENTS,"
2. Page 3, lines 3 and 9.
Page 4, lines 20 and 23.
Page 5, line 13.
Page 12, line 22.
Page 13, lines 7 and 10.
Page 21, lines 14 and 16.
Following: "through"
Strike: "14"
Insert: "15"
3. Page 3, lines 1 and 8.
Following: "section"
Strike: "9"
Insert: "10"
4. Page 3, lines 21 and 22.
Page 8, line 8.
Following: "local"
Insert: "or tribal"
5. Page 4, line 25.
Page 5, line 6.
Page 12, line 25.
Page 13, line 3.
Following: "government"
Insert: ", tribal governments,"
6. Page 5, line 20.
Page 11, lines 7 and 17.
Page 12, line 16.
Following: "government"
Insert: ", a tribal government,"
7. Page 7
Following: line 4
Insert: "(7) "Tribal government" means a federally recognized Indian tribe within the state of Montana."
Renumber: subsequent subsection
8. Page 7, line 13.
Page 10, line 2.
Following: "section"
Strike: "8"
Insert: "9"
9. Page 7, lines 20 and 21.
Following: "government" on line 20
Strike: "or"
Insert: ", "
Following: "government" on line 21
Insert: ", or a tribal government"
10. Page 8, lines 12, 20, and 25.
Following: "government"
Insert: "or a tribal government"
11. Page 8, line 13.
Following: "judges"
Insert: "or the tribal judges"
12. Page 9, line 21.
Insert: "NEW SECTION. Section 7. Community corrections facilities and programs operated by tribal governments. (1) A tribal government may establish, maintain, and operate a community corrections facility or program to serve the needs of offenders who are sentenced to the facility or program by a judge as provided in [section 9].
(2) A tribal government may enter into an agreement with the department, pursuant to Title 18, chapter 11, part 1, for the purpose of providing community corrections facilities or programs for offenders. The agreement must provide for strict accountability procedures and practices for the conduct and supervision of offenders assigned or sentenced to a facility or program operated by a tribal government.
(3) A tribal government operating a community corrections facility or program may accept, reject, or reject after acceptance the placement of any offender in the facility or program pursuant to an agreement with a unit of local government, a nongovernmental agency, or a judicial district. If an offender is rejected by the tribal government after initial appearance and the offender is a court referral, the offender must be remanded to the custody of the sheriff of the county in which the facility or program is located. The tribal government shall notify in writing the sentencing judge who, after considering the tribal government's reasons for rejection, shall appropriately modify the sentencing order."
Renumber: subsequent sections

13. Page 10, line 5.
Following: "government"
Insert: "or tribal government"

14. Page 10, line 18.
Following: "government"
Insert: ", a tribal government,"

15. Page 18, line 23.
Page 19, line 18.
Following: "section"
Strike: "g"
Insert: "9"

Signed: 
Richard Pinsoneault, Chairman

LB 3/19/91
Amd. Coord.

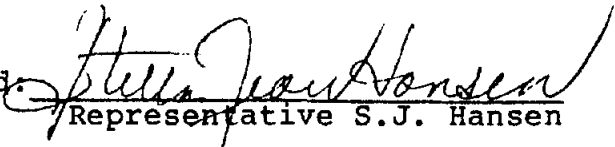
SB 3-19-91 2:50
Sec. of Senate

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 272
Representative S.J. Hansen

April 1, 1991 2:28 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 272 (third reading copy -- blue).

Signed:


Representative S.J. Hansen

And, that such amendments to Senate Bill 272 read as follows:

1. Amend the House committee on Business and Economic Development amendments dated March 14, 1991 as follows:

Amendment #3, in subsection (4),
Following: "water treatment facilities,"
Insert: "public"
Following: "and ~~other~~"
Insert: "any"

ADOPT

REJECT

HOUSE
SB 272

1 SENATE BILL NO. 272
 2 INTRODUCED BY FARRELL
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING CLARIFYING THE
 5 MEANING OF THE TERMS "INDUSTRIAL INFRASTRUCTURE" AND
 6 "INFRASTRUCTURE" AS USED IN THE TAX INCREMENT FINANCING
 7 INDUSTRIAL DEVELOPMENT ACT; PROVIDING THAT DIRECT ASSISTANCE
 8 TO SECONDARY VALUE-ADDED INDUSTRIES BE THROUGH AN INDUSTRIAL
 9 INFRASTRUCTURE DEVELOPMENT PROJECT; AND AMENDING SECTION
 10 7-15-4288, MCA."
 11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 NEW-SECTION--Section-1--Definitions--As--used-in-this
 14 part 7-15-4298-AND-7-15-4299-unless--the--context--requires
 15 otherwise--the--following--definitions--apply:
 16 {1}--"Industrial "INDUSTRIAL infrastructure" AND
 17 "INFRASTRUCTURE" means MEAN streets, roads, CURBS, ALLEYS,
 18 GUTTERS, sidewalks, PARKING--LOTS,--OFFSTREET--PARKING
 19 FACILITIES--WATERWAYS, waterlines--and--water--facilities,
 20 sewers AND-SEWER-LINES, storm--sewers, NATURAL--GAS--LINES,
 21 ELECTRICAL--LINES,--TELECOMMUNICATIONS--LINES, bridges, RAIL
 22 lines-AND-RAIL-SPURS, and other RELATED improvements--owned,
 23 operated,--and--provided--by--a--governmental--entity
 24 MUNICIPALITY, AS-DEFINED--IN--7-15-4283, and--designed--and
 25 constructed--to--specifications--required--for--an--industrial

1 entity's-use;
 2 {2}--"infrastructure" means streets, roads, sidewalks,
 3 waterlines--and--water--facilities, sewers, storm--sewers,
 4 bridges,--and--other--improvements--owned,--operated,--and
 5 provided-by-a-governmental-entity;
 6 NEW-SECTION--Section-2--Codification-----instruction:
 7 {Section-1} is intended to be codified as an integral part
 8 of Title 7, chapter 15, part 42, and the provisions of Title
 9 7, chapter 15, part 42, apply to {section 1}.
 10 **SECTION 1. SECTION 7-15-4288, MCA, IS AMENDED TO READ:**
 11 "7-15-4288. Costs which may be paid by tax increment
 12 financing. The tax increments may be used by the
 13 municipality to pay the following costs of or incurred in
 14 connection with an urban renewal project or industrial
 15 infrastructure development project:
 16 (1) land acquisition;
 17 (2) demolition and removal of structures;
 18 (3) relocation of occupants;
 19 (4) the acquisition, construction, and improvement of
 20 infrastructure or industrial infrastructure, which includes
 21 streets, roads, curbs, gutters, sidewalks, pedestrian malls,
 22 alleys, parking lots and offstreet parking facilities,
 23 sewers, sewer lines, sewage treatment facilities, storm
 24 sewers, waterlines, waterways, water treatment facilities,
 25 PUBLIC natural gas lines, electrical lines,



1 telecommunication lines, rail lines, rail spurs, bridges,
 2 public buildings, and other ANY public improvements
 3 authorized by parts 41 through 45 of chapter 12, parts 42
 4 and 43 of chapter 13, and part 47 of chapter 14 and items of
 5 personal property to be used in connection with improvements
 6 for which the foregoing costs may be incurred;

7 (5) costs incurred in connection with the redevelopment
 8 activities allowed under 7-15-4233;

9 (6) acquisition of infrastructure-deficient areas or
 10 portions thereof;

11 (7) administrative costs associated with the management
 12 of the industrial district;

13 (8) assemblage of land for development or redevelopment
 14 by private enterprise or public agencies, including sale,
 15 initial leasing, or retention by the municipality itself at
 16 its fair value;

17 (9) the compilation and analysis of pertinent
 18 information required to adequately determine the
 19 infrastructure needs of secondary, value-adding industries
 20 in the industrial district;

21 (10) the connection of the industrial district to
 22 existing infrastructure outside the industrial district; and

23 (11) the provision of direct assistance, through
 24 industrial infrastructure development projects, to
 25 secondary, value-adding industries to assist in meeting

1 their infrastructure and land needs within the industrial
 2 district."

-End-

Conference Committee
on Senate Bill No. 272
Report No. 1, April 20, 1991

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 272, met and considered the amendments in:

(1) House Business and Economic Development Standing Committee Report dated March 14, 1991; and

(2) Committee of the Whole amendment dated April 1, 1991 by Representative S.J. Hansen.

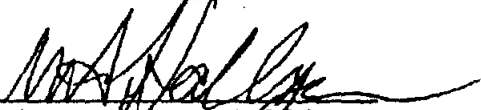
We recommend that Senate Bill No. 272 (reference copy - salmon) be amended as follows:


1. Page 2, line 25.
Strike: "PUBLIC"

2. Page 3, line 2.
Following: "~~public~~" on line 2
Insert: "publicly owned"

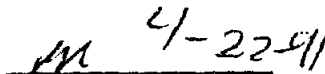
And that this Conference Committee report be adopted.

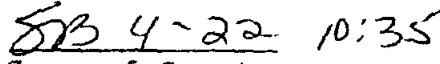
For the Senate:


Chair, Sen. Halligan

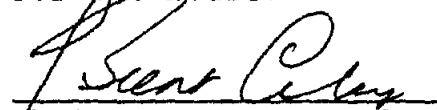

Sen. Doherty


Sen. Farrell


Mnd. Coord.


Sec. of Senate

For the House:


Chair, Rep. Cromley


Rep. S. Rice


Rep. Wallin

ADOPT

REJECT

CCR.41
SB 272
830849CC.Sji

SENATE BILL NO. 272
INTRODUCED BY FARRELL

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING CLARIFYING THE MEANING OF THE TERMS "INDUSTRIAL INFRASTRUCTURE" AND "INFRASTRUCTURE" AS USED IN THE TAX INCREMENT FINANCING INDUSTRIAL DEVELOPMENT ACT; PROVIDING THAT DIRECT ASSISTANCE TO SECONDARY VALUE-ADDED INDUSTRIES BE THROUGH AN INDUSTRIAL INFRASTRUCTURE DEVELOPMENT PROJECT; AND AMENDING SECTION 7-15-4288, MCA."

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

NEW-SECTION. Section-1--Definitions--As-used-in-this part 7-15-4298-AND-7-15-4299-unless-the-context-requires otherwise-the-following-definitions-apply-

{1}--"Industrial "INDUSTRIAL infrastructure" AND "INFRASTRUCTURE" means MEAN streets, roads, CURBS,--ALLEYS, GUTTERS, sidewalks, PARKING--LOTS,--OFFSTREET--PARKING FACILITIES,--WATERWAYS, waterlines--and--water--facilities, sewers AND--SEWER--LINES, storm--sewers, NATURAL--GAS--LINES, ELECTRICAL--LINES,--TELECOMMUNICATIONS--LINES, bridges, RAIL LINES--AND--RAIL--SPURS and other RELATED improvements--owned, operated,--and--provided--by--a--governmental--entity MUNICIPALITY, AS DEFINED IN 7-15-4283, and--designed--and constructed--to--specifications--required--for--an--industrial

entity's-use. {2}--"Infrastructure"--means--streets,--roads,--sidewalks, waterlines--and--water--facilities,--sewers,--storm--sewers, bridges,--and--other--improvements--owned,--operated,--and provided-by-a-governmental-entity-

NEW-SECTION. Section-2--Codification-----instruction: {Section-1} is intended to be codified as an integral part of Title 7, chapter 15, part 42, and the provisions of Title 7, chapter 15, part 42, apply to {section-1}.

SECTION 1. SECTION 7-15-4288, MCA, IS AMENDED TO READ:

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1 telecommunication lines, rail lines, rail spurs, bridges,
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 5 and items of personal property to be used in connection with
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-End-