

1 ^H BILL NO. 453
 2 INTRODUCED BY Sen Dassing

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR AN
 5 ELECTION PRIOR TO THE ISSUANCE OF INDUSTRIAL REVENUE BONDS;
 6 AMENDING SECTION 11-4103, R.C.M. 1947."

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

9 Section 1. Section 11-4103, R.C.M. 1947, is amended to
 10 read as follows:

11 "11-4103. ~~limited~~ issuance of limited obligation bonds
 12 ~~---form-and-contents---rate---negotiability---hearing~~
 13 ~~prior--to--issuance.~~ (1) All bonds issued by a municipality
 14 or county under the authority of this act shall be limited
 15 obligations of the municipality or county. Bonds and
 16 interest coupons, issued under the authority of this act,
 17 shall may not constitute nor give rise to a pecuniary
 18 liability of the municipality or county or a charge against
 19 its general credit or taxing powers. Such ~~this~~ limitation
 20 shall be plainly stated upon the face of each of such bonds.

21 (2) The bonds, referred to in subsection (1) of this
 22 section, may (a) be executed and delivered at any time and
 23 from time to time, (b) be in such form and denominations,
 24 (c) be of such tenor, (d) be in registered or bearer form
 25 either as to principal or interest or both, (e) be payable

1 in such installments and at such time or times not exceeding
 2 thirty--~~(30)~~ years from their date, (f) be payable at such
 3 place or places, (g) bear interest at such rate or rates,
 4 payable at such place or places, and evidenced in such
 5 manner, (h) be redeemable prior to maturity, with or without
 6 premium, and (i) contain such provisions not inconsistent
 7 herewith, as shall may be deemed for the best interest of
 8 the municipality or county and provided for in the
 9 proceedings of the governing body whereunder the bonds shall
 10 be authorized to be issued.

11 (3) Any bonds, issued under the authority of this act,
 12 may be sold at public or private sale in such a manner and
 13 at such a time or times as may be determined by the
 14 governing body to be most advantageous. The municipality or
 15 county may pay all expenses, premiums and commissions which
 16 the governing body may deem necessary or advantageous in
 17 connection with the authorization, sale and issuance thereof
 18 from the proceeds of the sale of ~~said~~ the bonds or from the
 19 revenues of the projects.

20 (4) All bonds, issued under the authority of this act,
 21 and all interest coupons applicable ~~thereto--shall--be~~
 22 ~~construed-to-be~~ are negotiable instruments, despite the fact
 23 that they are payable solely from a specified source.

24 (5) Prior to the issuance of any bonds, under the
 25 authority of this act, by any municipality or county, the

1 governing body shall give notice and hold a public hearing
2 on the proposed project. At least once a week for three-(3)
3 consecutive weeks prior to the date set for the hearing, the
4 governing body shall publish in a newspaper of general
5 circulation in the municipality or county a notice of the
6 time and place of the hearing. ~~The governing body shall not~~
7 ~~approve the bonds as provided in this act unless it appears~~
8 ~~after the public hearing that such approval is in the~~
9 ~~public interest of the municipality or county.~~

10 (6) The question of issuing bonds under this act must
11 be submitted to an election for approval by the electorate
12 no less than 60 days or more than 90 days following the
13 public hearing in subsection (5). The election shall be held
14 in accordance with 11-2308 and 11-2309. Only qualified
15 electors residing within the territorial boundaries of the
16 municipality or county are eligible to vote. If less than
17 40% of the qualified electors vote on the question of
18 issuing bonds, the proposal to issue the bonds is defeated.
19 If 40% or more of the qualified electors vote and if a
20 majority of the votes are cast in favor of the question, the
21 issuance of the bonds is approved and adopted by the
22 governing body. No governing body may approve the issuance
23 of bonds under this act for projects located outside of the
24 boundaries of the municipality or county."

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