

SENATE BILL 43

IN THE SENATE

January 3, 1979

Introduced and referred to  
Committee on Taxation.

April 20, 1979

Died in Committee.

1                    SENATE    BILL NO. 43

2    INTRODUCED BY DOVER

3    BY REQUEST OF THE INTERIM SUBCOMMITTEE ON SUBDIVISION LAWS

4  
5    A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
6    ISSUANCE OF INDUSTRIAL DEVELOPMENT BONDS TO FINANCE WATER  
7    SUPPLY AND DISTRIBUTION SERVICES AND SEWAGE TREATMENT AND  
8    DISPOSAL SERVICES FOR RESIDENTIAL OR COMMERCIAL  
9    SUBDIVISIONS; AMENDING SECTIONS 90-5-101 AND 90-5-102, MCA."

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

12            Section 1. Section 90-5-101, MCA, is amended to read:  
13            90-5-101. Definition of terms. As used in this part,  
14    unless the context ~~otherwise~~ requires otherwise, the  
15    following definitions apply:

16            (1) "Agricultural enterprises" means any agricultural  
17    enterprise, including but not limited to producing,  
18    warehousing, storing, fattening, treating, handling,  
19    distributing, or selling farm products or livestock.

20            (2) "Governing body" means the board or body in which  
21    the general legislative powers of the municipality or county  
22    are vested.

23            (3) "Mortgage" means a mortgage or a mortgage and deed  
24    of trust or other security device.

25            (4) "Municipality" means any incorporated city or town

1    in the state.

2            (5) "Project" means any land, any building or other  
3    improvement, and all real and personal properties deemed  
4    necessary in connection therewith, whether or not now in  
5    existence, which shall be suitable for use for commercial,  
6    manufacturing, agricultural, or industrial enterprises;  
7    recreation or tourist facilities; state and federal  
8    governmental facilities; and retirement housing, hospitals,  
9    long-term care facilities, or medical facilities; and water  
10   supply and distribution facilities and sewage treatment and  
11   disposal facilities for residential or commercial  
12   subdivisions."

13            Section 2. Section 90-5-102, MCA, is amended to read:  
14            "90-5-102. General municipal and county powers.

15            (1) In addition to any other powers which it may now have,  
16    each municipality and each county shall have without any  
17    other authority the following powers:

18            (a) to acquire, whether by construction, purchase,  
19    devise, gift, or lease or any one or more of such methods,  
20    one or more projects which shall be located within this  
21    state and may be located within, without, partially within,  
22    or partially without the municipality or county;

23            (b) to lease to others any or all of its projects for  
24    such rentals and upon such terms and conditions as the  
25    governing body may deem advisable and as shall not conflict

1 with the provisions of this part;

2 (c) to issue revenue bonds for the purpose of  
3 defraying the cost of acquiring or improving any project or  
4 projects and to secure the payment of such bonds as provided  
5 in this part, which revenue bonds may be issued in two or  
6 more series or issues where deemed advisable, and each such  
7 series or issue may contain different maturity dates,  
8 interest rates, priorities on revenues available for payment  
9 of such bonds and priorities on securities available for  
10 guaranteeing payment thereof, and such other differing terms  
11 and conditions as are deemed necessary and are not in  
12 conflict with the provisions of this part; and

13 (d) to sell and convey any real or personal property  
14 acquired as provided by subsection (1)(a) of this section  
15 and make such order respecting the same as may be deemed  
16 conducive to the best interest of the municipality or  
17 county; provided that such sale or conveyance shall be  
18 subject to the terms of any lease but shall be free and  
19 clear of any other encumbrance.

20 (2) ~~No Except as provided in subsection (1), no~~  
21 municipality or county shall have the power to operate, as a  
22 business or in any manner except as the lessor thereof, any  
23 project referred to in this section, nor shall they have any  
24 power to acquire any such project or any part thereof by  
25 condemnation.

1 ~~(3) A municipality or a county may operate a water~~  
2 ~~supply and distribution facility or a sewage treatment and~~  
3 ~~disposal facility (or residential or commercial subdivisions~~  
4 ~~if the following conditions are met:~~

5 ~~(a) the proposed project will connect to an existing~~  
6 ~~municipality- or county-owned and operated water or sewage~~  
7 ~~system; and~~

8 ~~(b) the governing body determines, after the public~~  
9 ~~hearing required in 90-5-104, that the operation of the~~  
10 ~~project by the municipality or county would be in the public~~  
11 ~~interest of the municipality or county."~~

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