

SENATE BILL 195

IN THE SENATE

January 23, 1979	Introduced and referred to Committee on Taxation.
January 29, 1979	Fiscal note requested.
February 1, 1979	Fiscal note returned.
March 15, 1979	Committee recommend bill, as amended.
March 16, 1979	Printed and placed on members' desks.
March 19, 1979	Motion, pass consideration.
March 20, 1979	Second reading, as amended.
March 21, 1979	Considered correctly engrossed.
March 22, 1979	Third reading, passed.

IN THE HOUSE

March 22, 1979	Introduced and referred to Committee on Taxation.
April 9, 1979	Committee recommend bill, not concurred.
April 11, 1979	Report adopted.

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*Senate* BILL NO. *195*  
*Lower House* *Anderson J. Brown*

INTRODUCED BY  
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CRITERIA FOR THE APPROVAL OF INDUSTRIAL DEVELOPMENT BONDS; AMENDING SECTION 90-5-104, MCA."

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

Section 1. Section 90-5-104, MCA, is amended to read:

"90-5-104. Hearing ~~-- criteria for approval.~~ (1) Prior to the issuance of any bonds under the authority of this part by any municipality or county, the governing body shall give notice and hold a public hearing on the proposed project. At least once a week for 3 consecutive weeks prior to the date set for the hearing, the governing body shall publish in a newspaper of general circulation in the municipality or county a notice of the time and place of the hearing.

(2) The governing body shall not approve the bonds as provided in this part unless it appears after the public hearing that such approval:

(a) is in the public interest, including but not limited to prevention of environmental hazards or degradation of the municipality or county;

(b) would provide services or employment opportunities

needed in the municipality or county, with due consideration given to existing services and employment opportunities; and (c) would not present an unreasonable danger to the financial well-being of existing viable enterprises or facilities which have not received the direct benefit of a project and bond approval under this part."

-End-

SB 175  
INTRODUCED BILL

Approved by Committee  
on Taxation

1 SENATE BILL NO. 195  
2 INTRODUCED BY LOWE, REGAN, ANDERSON, S. BROWN  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CRITERIA FOR  
5 THE APPROVAL OF INDUSTRIAL DEVELOPMENT BONDS; AMENDING  
6 SECTION 90-5-104, MCA."  
7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9 Section 1. Section 90-5-104, MCA, is amended to read:  
10 "90-5-104. Hearing ~~on~~ criteria for approval. (1) Prior  
11 to the issuance of any bonds under the authority of this  
12 part by any municipality or county, the governing body shall  
13 give notice and hold a public hearing on the proposed  
14 project. At least once a week for 3 consecutive weeks prior  
15 to the date set for the hearing, the governing body shall  
16 publish in a newspaper of general circulation in the  
17 municipality or county a notice of the time and place of the  
18 hearing.  
19 (2) The governing body ~~shall~~ MAY, IN ITS DISCRETION,  
20 DISAPPROVE THE BONDS. IT MAY not approve the bonds as  
21 provided in this part unless it appears after the public  
22 hearing that such approval:  
23 is in the public interest; ~~including~~ but not  
24 limited to prevention of environmental hazards or  
25 degradation of the municipality or county.

1 ~~it~~ would provide services or employment opportunities  
2 ~~needed in the municipality or county with due consideration~~  
3 ~~given to existing services and employment opportunities and~~  
4 ~~it~~ would not present an unreasonable danger to the  
5 ~~financial well-being of existing viable enterprises or~~  
6 ~~facilities which have not received the direct benefit of a~~  
7 ~~project and bond approval under this part.~~  
8 (3) THE GOVERNING BODY SHALL PUBLISH ITS APPROVAL OF  
9 THE BONDS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
10 MUNICIPALITY OR COUNTY, AND IN THAT NOTICE SHALL STATE  
11 WHETHER IT APPEARS THAT THE PROJECT TO BE FINANCED BY THE  
12 BONDS:  
13 (A) WILL MEET APPLICABLE ENVIRONMENTAL STANDARDS;  
14 (B) WILL PROVIDE SERVICES OR EMPLOYMENT OPPORTUNITIES  
15 NEEDED IN THE MUNICIPALITY OR COUNTY, WITH DUE CONSIDERATION  
16 GIVEN TO EXISTING SERVICES AND EMPLOYMENT OPPORTUNITIES; AND  
17 (C) WILL NOT PRESENT AN UNREASONABLE DANGER TO THE  
18 FINANCIAL WELL-BEING OF EXISTING VIABLE ENTERPRISES OR  
19 FACILITIES WHICH HAVE NOT RECEIVED THE DIRECT BENEFIT OF A  
20 PROJECT AND BOND APPROVAL UNDER THIS PART.  
21 (4) NO GOVERNING BODY MAY APPROVE THE ISSUE OF BONDS  
22 FOR PROJECTS CONSTRUCTED OUTSIDE THE BOUNDARIES OF THEIR  
23 LOCAL GOVERNMENT UNIT.  
24 (5) THE GOVERNING BODY SHALL REPORT TO THE DEPARTMENT  
25 OF COMMUNITY AFFAIRS ALL INDUSTRIAL DEVELOPMENT BONDS IT

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1 APPROVES.

-End-

SENATE BILL NO. 195

INTRODUCED BY LOWE, REGAN, ANDERSON, S. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CRITERIA FOR THE APPROVAL OF INDUSTRIAL DEVELOPMENT BONDS; AMENDING SECTION 90-5-104, MCA."

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

Section 1. Section 90-5-104, MCA, is amended to read:

"90-5-104. Hearing -- criteria for approval. (1) Prior to the issuance of any bonds under the authority of this part by any municipality or county, the governing body shall give notice and hold a public hearing on the proposed project. At least once a week for 3 consecutive weeks prior to the date set for the hearing, the governing body shall publish in a newspaper of general circulation in the municipality or county a notice of the time and place of the hearing.

(2) The governing body ~~shall~~ MAY, IN ITS DISCRETION, DISAPPROVE THE BONDS. IT MAY not approve the bonds as provided in this part unless it appears after the public hearing that such approval:

(a) is in the public interest; ~~including but not limited to prevention of environmental hazards or degradation~~ of the municipality or county;

~~(a) would provide services or employment opportunities needed to the municipality or county with due consideration given to existing services and employment opportunities; and (a) would not present an unreasonable danger to the financial well-being of existing viable enterprises or facilities which have not received the direct benefit of a project; and bond approval under this part;~~

(1) THE GOVERNING BODY SHALL PUBLISH ITS APPROVAL OF THE BONDS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY OR COUNTY, AND IN THAT NOTICE SHALL STATE WHETHER IT APPEARS THAT THE PROJECT TO BE FINANCED BY THE BONDS:

- (A) WILL MEET APPLICABLE ENVIRONMENTAL STANDARDS;
- (B) WILL PROVIDE SERVICES OR EMPLOYMENT OPPORTUNITIES NEEDED IN THE MUNICIPALITY OR COUNTY, WITH DUE CONSIDERATION GIVEN TO EXISTING SERVICES AND EMPLOYMENT OPPORTUNITIES; AND
- (C) WILL NOT PRESENT AN UNREASONABLE DANGER TO THE FINANCIAL WELL-BEING OF EXISTING VIABLE ENTERPRISES OR FACILITIES WHICH HAVE NOT RECEIVED THE DIRECT BENEFIT OF A PROJECT AND BOND APPROVAL UNDER THIS PART.

(4) NO GOVERNING BODY MAY APPROVE THE ISSUE OF BONDS FOR PROJECTS CONSTRUCTED OUTSIDE THE BOUNDARIES OF THEIR LOCAL GOVERNMENT UNIT. NO MUNICIPALITY MAY APPROVE THE ISSUE OF BONDS FOR PROJECTS EITHER WITHIN THE BOUNDARIES OF ANOTHER MUNICIPALITY OR OUTSIDE THE COUNTY IN WHICH THE

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1 MUNICIPALITY IS LOCATED.  
2 (5) THE GOVERNING BODY SHALL REPORT TO THE DEPARTMENT  
3 OF COMMUNITY AFFAIRS ALL INDUSTRIAL DEVELOPMENT BONDS IT  
4 APPROVES."

-End-