

SENATE BILL 195

IN THE SENATE

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| 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

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

1 *Senate* BILL NO. 195
2 INTRODUCED BY *Fourty Anderson & Brown*
3
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."

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

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

22 1a) is in the public interest, including but not
23 limited to prevention of environmental hazards or

25 (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-

Approved by Committee
on Taxation

1 SENATE BILL NO. 195
2 INTRODUCED BY LOWE, REGAN, ANDERSON, S. BROWN
3
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
10 Section 1. Section 90-5-104, MCA, is amended to read:
11 "90-5-104. Hearing ~~== criteria for approval.~~ III Prior
12 to the issuance of any bonds under the authority of this
13 part by any municipality or county, the governing body shall
14 give notice and hold a public hearing on the proposed
15 project. At least once a week for 3 consecutive weeks prior
16 to the date set for the hearing, the governing body shall
17 publish in a newspaper of general circulation in the
18 municipality or county a notice of the time and place of the
19 hearing.

20 ~~121~~ The governing body shall ~~MAY~~ IN DISCRETION
21 ~~DISAPPROVE THE BONDS~~. II ~~MAY~~ not approve the bonds as
22 provided in this part unless it appears after the public
23 hearing that such approval

24 ~~is in the public interest, including but not~~
25 ~~limited to prevention of environmental hazards or~~
 ~~degradation of the municipality or county.~~

1 ~~that 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 ~~that 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
9 ~~131~~ THE GOVERNING BODY SHALL PUBLISH ITS APPROVAL OF
10 ~~THE BONDS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE~~
11 ~~MUNICIPALITY OR COUNTY, AND IN THAT NOTICE SHALL STATE~~
12 ~~WHETHER IT APPEARS THAT THE PROJECT TO BE FINANCED BY THE~~
13 ~~BONDS:~~
14 ~~141~~ 1. WILL MEET APPLICABLE ENVIRONMENTAL STANDARDS;
15 ~~151~~ 2. WILL PROVIDE SERVICES OR EMPLOYMENT OPPORTUNITIES
16 ~~NEEDED IN THE MUNICIPALITY OR COUNTY, WITH DUE CONSIDERATION~~
17 ~~GIVEN TO EXISTING SERVICES AND EMPLOYMENT OPPORTUNITIES; AND~~
18 ~~161~~ 3. WILL NOT PRESENT AN UNREASONABLE DANGER TO THE
19 ~~FINANCIAL WELL-BEING OF EXISTING Viable ENTERPRISES OR~~
20 ~~FACILITIES WHICH HAVE NOT RECEIVED THE DIRECT BENEFIT OF A~~
21 ~~PROJECT AND BOND APPROVAL UNDER THIS PART.~~
22
23 ~~141~~ NO GOVERNING BODY MAY APPROVE THE ISSUE OF BONDS
24 ~~FOR PROJECTS CONSTITUED OUTSIDE THE BOUNDARIES OF THEIR~~
25 ~~LOCAL GOVERNMENT UNITS.~~
26
27 ~~151~~ THE GOVERNING BODY SHALL REPORT TO THE DEPARTMENT
28 ~~OF COMMUNITY AFFAIRS ALL INDUSTRIAL DEVELOPMENT BONDS IF~~

SB 0195/02

1 APPROVES"

-End-

SENATE BILL NO. 195

INTRODUCED BY LOWE, REGAN, ANDERSON, S. BROWN

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."

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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 -- 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 IF 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 ~~degradations of the municipality or county.~~

1 ~~that 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 ~~that 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 (1) 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 (2) NO GOVERNING BODY MAY APPROVE THE ISSUE OF BONDS
22 IF THE GOVERNING BODY IS CONSTRUCTED OUTSIDE THE BOUNDARIES OF THEIR
23 GOVERNMENT UNIT. NO MUNICIPALITY MAY APPROVE THE ISSUE
24 OF BONDS FOR PROJECTS EITHER WITHIN THE BOUNDARIES OF
25 ANOTHER MUNICIPALITY OR OUTSIDE THE COUNTY IN WHICH THE

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

-End-