

HOUSE BILL NO. 654
INTRODUCED BY HENAHAN

IN THE HOUSE

February 5, 1981	Introduced and referred to Committee on Business and Industry.
February 14, 1981	Fiscal note requested.
February 18, 1981	Committee recommend bill do pass as amended. Report adopted.
February 19, 1981	Fiscal note returned. Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 96; Noes, 1. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Taxation.
April 4, 1981	Committee recommend bill be concurred in as amended. Report adopted.
April 6, 1981	Second reading, concurred in.
April 8, 1981	Third reading, concurred in as amended. Ayes, 48; Noes, 1.

IN THE HOUSE

April 9, 1981

Returned from Senate with amendments.

April 10, 1981

Second reading, amendments concurred in.

On motion rules suspended and bill placed on third reading this day.

Third reading, amendments concurred in. Ayes, 91; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 654
2 INTRODUCED BY Member

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
5 PERTAINING TO RAILROAD BONDS; TO PROVIDE THE NECESSARY
6 BACKING FOR RAILROAD REHABILITATION REVENUE BONDS AND
7 RAILROAD ROLLING STOCK REVENUE BONDS; INCREASING INTEREST
8 RATES ON THE BONDS; INCLUDING CARRIERS USED TO TRANSPORT
9 PRODUCTS OTHER THAN GRAIN IN THE DEFINITION OF ROLLING
10 STOCK; AND AMENDING SECTIONS 60-11-1102, 60-11-1104 THROUGH
11 60-11-1107, 60-11-1112, 60-11-1202, 60-11-1204 THROUGH
12 60-11-1207, 60-11-1211, AND 60-11-1212, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 60-11-1102, MCA, is amended to
16 read:

17 "60-11-1102. Definitions. As used in this part, unless
18 the context indicates otherwise, the following definitions
19 apply:

20 (1) "Bonds" means railroad rehabilitation revenue
21 bonds authorized by 60-11-1103.

22 (2) "Department" means the department of highways.

23 (3) "Person" means an individual or a partnership,
24 association, corporation, or other business entity.

25 (4) "Project" or "rehabilitation project" means a

1 business undertaking to repair, ~~improve~~, or replace rail
2 facilities to improve the safety and efficiency of the
3 facilities and to derive revenue.

4 (5) "Rail facilities" means the line of track of a
5 railroad, including spurs and extensions, and associated
6 facilities, including but not limited to ~~freight and~~
7 ~~commodities, storage and loading facilities, loading~~
8 ~~platforms~~, signal and switching systems, roadbeds, and
9 machinery and equipment designed for rail maintenance, but
10 the term does not include engines or rolling stock used for
11 the transport of goods or passengers.

12 (6) "Refunding bonds" means railroad rehabilitation
13 refunding revenue bonds authorized by 60-11-1109."

14 Section 2. Section 60-11-1104, MCA, is amended to
15 read:

16 "60-11-1104. Bond details. (1) The bonds may be issued
17 as serial bonds payable in annual installments, as term
18 bonds, or as a combination of serial and term bonds. A bond
19 may not mature more than 50 years from its date of issue.
20 The amount to be issued and sold at any one time shall be
21 determined by the department. The bonds may be sold at
22 either public or private sale and at prices ~~above or below~~
23 ~~par~~ as determined by the department.

24 (2) At the time of issuance of the bonds, the
25 department shall specify the bond details, including but not

1 limited to:

2 (a) whether serial, term, or combination thereof;

3 (b) the interest rate;

4 (c) the denominations;

5 (d) whether coupon or registered bonds;

6 (e) the manner, medium, and place of payment;

7 (f) whether redeemable or not and if redeemable, the

8 manner of redemption;

9 (g) bond covenants."

10 Section 3. Section 60-11-1105, MCA, is amended to

11 read:

12 "60-11-1105. Bond limitations. (1) The interest rate

13 ~~or rates on the bonds may not exceed 9% shall be determined~~

14 ~~by the department. The bonds may not be sold for less than~~

15 ~~par.~~ The total amount of bonds outstanding at any one time

16 may not exceed \$25 million.

17 (2) Each bond must have printed on its face a

18 statement that the state is not liable on the bond, the bond

19 is not a debt of the state, and neither the faith and credit

20 nor the taxing power of the state is pledged to the payment

21 of the principal or the interest on the bond."

22 Section 4. Section 60-11-1106, MCA, is amended to

23 read:

24 "60-11-1106. Bond covenants. The department may enter

25 into covenants with the bondholders ~~by resolution, trust~~

1 ~~indenture, or other appropriate security instrument~~ to

2 enhance the marketability of the bonds. These covenants may

3 relate to:

4 (1) the purpose to which the bond proceeds are to be

5 applied;

6 (2) the use and disposition of the revenue of a

7 project to which the bond proceeds are to be applied;

8 (3) the issuance of additional bonds to be paid from

9 revenue of a project to which the bond proceeds are to be

10 applied;

11 (4) the insurance to be carried on a project to which

12 bond proceeds are to be applied;

13 (5) the accounting procedures and auditing powers

14 related to a project;

15 (6) the terms and conditions upon which the

16 bondholders are entitled to have a receiver appointed to

17 operate a project to which bond proceeds are to be applied;

18 (7) the maintenance of a required capital reserve;

19 ~~(8) the granting of a mortgage and security interest~~

20 ~~in the project and other properties of the borrower to~~

21 ~~secure the bonds;~~

22 ~~(9) such other matters as the department considers~~

23 ~~customary and appropriate to secure the bonds."~~

24 Section 5. Section 60-11-1107, MCA, is amended to

25 read:

1 "60-11-1107. Bond accounts -- appropriation. (1) There
2 is a railroad rehabilitation account in the bond proceeds
3 and insurance clearance fund provided for in 17-2-1101. All
4 bond proceeds shall be placed in the railroad rehabilitation
5 account, and all money deposited in the account is
6 continuously appropriated to the department and may be
7 expended by the department for the purposes authorized in
8 this part.

9 (2) There is a railroad rehabilitation reserve account
10 in the sinking fund provided for in 17-2-102. Loan
11 repayments and required capital reserves shall be deposited
12 in the railroad rehabilitation reserve account, and all
13 money deposited in the account is continuously appropriated
14 to the department and may be expended for the payment of
15 principal and interest on the bonds as they become due.

16 (3) If the department enters into a trust indenture
17 pursuant to 60-11-1106, it may provide for the establishment
18 of funds and accounts to be held by the trustee and may
19 pledge and appropriate the bond proceeds, capital reserves,
20 and loan payments to such funds and accounts notwithstanding
21 the provisions of subsections (1) and (2)."

22 Section 6. Section 60-11-1112, MCA, is amended to
23 read:

24 "60-11-1112. Loan details. The terms of any loan made
25 pursuant to 60-11-1111 shall be specified by the department

1 and shall be such as to assure sufficient payments to meet
2 the obligations on the bonds. Any terms required under an
3 agreement with the bondholder must be included in the loan
4 agreement. The department may require the borrower to secure
5 the loan with property the project or other property of the
6 borrower."

7 Section 7. Section 60-11-1202, MCA, is amended to
8 read:

9 "60-11-1202. Definitions. As used in this part, unless
10 the context indicates otherwise, the following definitions
11 apply:

12 (1) "Bonds" means railroad rolling stock revenue bonds
13 authorized by 60-11-1203.

14 (2) "Department" means the department of highways.

15 (3) "Person" means an individual or a partnership,
16 association, corporation, or other business entity.

17 (4) "Project" or "rolling stock project" means a
18 business undertaking to manufacture, repair, purchase, or
19 lease rolling stock and to subsequently use, sell, or lease
20 the rolling stock to derive revenue.

21 (5) "Railroad rolling stock" or "rolling stock" means
22 railroad cargo carriers used to transport grain, coals, ores,
23 lumber, freight, and commodities.

24 (6) "Refunding bonds" means railroad rolling stock
25 refunding revenue bonds authorized by 60-11-1209."

1 Section 8. Section 60-11-1204, MCA, is amended to
2 read:

3 "60-11-1204. Bond details. (1) The bonds may be issued
4 as serial bonds payable in annual installments, as term
5 bonds, or as a combination of serial and term bonds. A bond
6 may not mature more than 50 years from its date of issue.
7 The amount to be issued and sold at any one time shall be
8 determined by the department. The bonds may be sold at
9 either public or private sale and at prices above or below
10 par as determined by the department.

11 (2) At the time of issuance of the bonds, the
12 department shall specify the bond details, including but not
13 limited to:

- 14 (a) whether serial, term, or combination thereof;
- 15 (b) the interest rate;
- 16 (c) the denominations;
- 17 (d) whether coupon or registered bonds;
- 18 (e) the manner, medium, and place of payment;
- 19 (f) whether redeemable or not and if redeemable, the
20 manner of redemption;
- 21 (g) bond covenants.*

22 Section 9. Section 60-11-1205, MCA, is amended to
23 read:

24 "60-11-1205. Bond limitations. (1) The interest rate
25 or rates on the bonds ~~may not exceed 9%~~ shall be determined

1 ~~by the department. The bonds may not be sold for less than~~
2 ~~par.~~ The total amount of bonds outstanding at any one time
3 may not exceed \$75 million.

4 (2) Each bond must have printed on its face a
5 statement that the state is not liable on the bond, the bond
6 is not a debt of the state, and neither the faith and credit
7 nor the taxing power of the state is pledged to the payment
8 of the principal or the interest on the bond.*

9 Section 10. Section 60-11-1206, MCA, is amended to
10 read:

11 "60-11-1206. Bond covenants. The department may enter
12 into covenants with the bondholders by resolution, trust
13 indenture, or other appropriate instrument to enhance the
14 marketability of the bonds. These covenants may relate to:

- 15 (1) the purpose to which the bond proceeds are to be
16 applied;
- 17 (2) the use and disposition of the revenue of a
18 project to which the bond proceeds are to be applied;
- 19 (3) the issuance of additional bonds to be paid from
20 revenue of a project to which the bond proceeds are to be
21 applied;
- 22 (4) the insurance to be carried on a project to which
23 bond proceeds are to be applied;
- 24 (5) the accounting procedures and auditing powers
25 related to a project;

1 (6) the terms and conditions upon which the
2 bondholders are entitled to have a receiver appointed to
3 operate a project to which bond proceeds are to be applied;

4 (7) the maintenance of a required capital reserve;
5 ~~(8) the granting of a mortgage and security interest~~
6 ~~in the project and other properties of the borrower to~~
7 ~~secure the bonds;~~

8 ~~(9) such other matters as the department considers~~
9 ~~customary and appropriate to secure the bonds."~~

10 Section 11. Section 60-11-1207, MCA, is amended to
11 read:

12 "60-11-1207. Bond accounts -- appropriation. (1) There
13 is a railroad rolling stock account in the bond proceeds and
14 insurance clearance fund provided for in 17-2-102. All bond
15 proceeds shall be placed in the railroad rolling stock
16 account, and all money deposited in the account is
17 continuously appropriated to the department and may be
18 expended by the department for the purposes authorized in
19 this part.

20 (2) There is a railroad rolling stock reserve account
21 in the sinking fund provided for in 17-2-102. Loan
22 repayments and required capital reserves shall be deposited
23 in the railroad rolling stock reserve account, and all money
24 deposited in the account is continuously appropriated to the
25 department and may be expended for the payment of principal

1 and interest on the bonds as they become due.

2 ~~(3) If the department enters into a trust indenture~~
3 ~~pursuant to 60-11-1206, it may provide for the establishment~~
4 ~~of funds and accounts to be held by the trustee and may~~
5 ~~pledge and appropriate the bond proceeds, capital reserves,~~
6 ~~and loan payments to such funds and accounts notwithstanding~~
7 ~~the provisions of subsections (1) and (2)."~~

8 Section 12. Section 60-11-1211, MCA, is amended to
9 read:

10 "60-11-1211. Use of bond proceeds. (1) The proceeds of
11 the bonds shall be used by the department to make loans to
12 persons doing business or resident in Montana for financing
13 rolling stock projects when the rolling stock is to be ~~based~~
14 ~~in Montana and used primarily in Montana and primarily for~~
15 ~~the transport of grains, coal, ore, lumber, freight, and~~
16 ~~commodities produced in Montana.~~

17 (2) The revenue from the sale or use of the rolling
18 stock shall be used for repayment of the loans."

19 Section 13. Section 60-11-1212, MCA, is amended to
20 read:

21 "60-11-1212. Loan details. The terms of any loan made
22 pursuant to 60-11-1211 shall be specified by the department
23 and shall be such as to assure sufficient payments to enable
24 the department to meet its obligations on the bonds. Any
25 terms required under an agreement with the bondholder must

LC 2283/01

1 be included in the loan agreement. The department may
2 require the borrower to secure the loan with the ~~rolling~~
3 ~~stock project~~ or other property of the borrower."

4 Section 14. Severability. If a part of this act is
5 invalid, all valid parts that are severable from the invalid
6 part remain in effect. If a part of this act is invalid in
7 one or more of its applications, the part remains in effect
8 in all valid applications that are severable from the
9 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received Feb. 15, 1981, there is hereby submitted a Fiscal Note for HB 654 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

HB 654 is an act to revise the law pertaining to railroad bonds, to provide necessary backing for railroad rehabilitation revenue bonds and railroad rolling stock bonds, increasing interest rates on the bonds, and includes carriers used to transport products other than grain in the definition of rolling stock.

Assumptions:

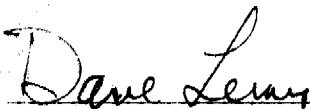
1. That there is a demand for revenue bonds without backing of State of Montana.
2. That approximately \$5,000,000 in bond funds can be continuously invested and that bond income will be greater than bond expense and it is assumed it will be invested to earn 3% more than the interest expense.
3. That loans will be made to yield an amount equal to or greater than the amount to be repaid on bonds.
4. That a staff of approximately 3 F.T.E. will be required to operate this program.
5. That the program will be self supporting.

Revenue and Expenditure Impact

<u>State Impact Revenue</u>	<u>1982</u>	<u>1983</u>
Bond arbitrage Income	\$ 150,000	\$ 150,000
<u>Expenditures</u>		
Operating costs of Bond and Loan Program	<u>113,681</u>	<u>125,049</u>
Net effect	\$ <u>36,319</u>	\$ <u>24,951</u>

Comments:

Enactment of HB 654 would permit the Department of Highways to sell bonds without committing State's pledge to repay the bonds (no liability to State) not to exceed \$25,000,000 for rail facilities and not to exceed \$75,000,000 for railroad rolling stock. Since rail planning activities may become a function of the Department of Commerce, if such Department is created, the Department referred to in this Act should be changed to the Department of Commerce.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-19-81

Approved by Committee
on Business and Industry

1 HOUSE BILL NO. 654

2 INTRODUCED BY MENAHAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
5 PERTAINING TO RAILROAD BONDS; TO PROVIDE THE NECESSARY
6 BACKING FOR RAILROAD REHABILITATION REVENUE BONDS AND
7 RAILROAD ROLLING STOCK REVENUE BONDS; ~~INCREASING~~ ELIMINATING
8 LIMIT ON INTEREST RATES ON THE BONDS; INCLUDING CARRIERS
9 USED TO TRANSPORT PRODUCTS OTHER THAN GRAIN IN THE
10 DEFINITION OF ROLLING STOCK; AND AMENDING SECTIONS
11 60-11-1102, 60-11-1104 THROUGH 60-11-1107, 60-11-1112,
12 60-11-1202, 60-11-1204 THROUGH 60-11-1207, 60-11-1211, AND
13 60-11-1212, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 60-11-1102, MCA, is amended to
17 read:

18 "60-11-1102. Definitions. As used in this part, unless
19 the context indicates otherwise, the following definitions
20 apply:

21 (1) "Bonds" means railroad rehabilitation revenue
22 bonds authorized by 60-11-1103.

23 (2) "Department" means the department of highways.

24 (3) "Person" means an individual or a partnership,
25 association, corporation, or other business entity.

1 (4) "Project" or "rehabilitation project" means a
2 business undertaking to repair, improve, or replace rail
3 facilities to improve the safety and efficiency of the
4 facilities and to derive revenue.

5 (5) "Rail facilities" means the line of track of a
6 railroad, including spurs and extensions, and associated
7 facilities, including but not limited to freight and
8 commodities, storage and loading facilities, loading
9 platforms, signal and switching systems, roadbeds, and
10 machinery and equipment designed for rail maintenance, but
11 the term does not include engines or rolling stock used for
12 the transport of goods or passengers.

13 (6) "Refunding bonds" means railroad rehabilitation
14 refunding revenue bonds authorized by 60-11-1109."

15 Section 2. Section 60-11-1104, MCA, is amended to
16 read:

17 "60-11-1104. Bond details. (1) The bonds may be issued
18 as serial bonds payable in annual installments, as term
19 bonds, or as a combination of serial and term bonds. A bond
20 may not mature more than 50 years from its date of issue.
21 The amount to be issued and sold at any one time shall be
22 determined by the department. The bonds may be sold at
23 either public or private sale and at prices above or below
24 par as determined by the department.

25 (2) At the time of issuance of the bonds, the

1 department shall specify the bond details, including but not
2 limited to:

- 3 (a) whether serial, term, or combination thereof;
- 4 (b) the interest rate;
- 5 (c) the denominations;
- 6 (d) whether coupon or registered bonds;
- 7 (e) the manner, medium, and place of payment;
- 8 (f) whether redeemable or not and if redeemable, the
9 manner of redemption;
- 10 (g) bond covenants."

11 Section 3. Section 60-11-1105, MCA, is amended to
12 read:

13 "60-11-1105. Bond limitations. (1) The interest rate
14 or rates on the bonds ~~may not exceed 9%~~ shall be determined
15 by the department. ~~The bonds may not be sold for less than~~
16 ~~par.~~ The total amount of bonds outstanding at any one time
17 may not exceed \$25 million.

18 (2) Each bond must have printed on its face a
19 statement that the state is not liable on the bond, the bond
20 is not a debt of the state, and neither the faith and credit
21 nor the taxing power of the state is pledged to the payment
22 of the principal or the interest on the bond."

23 Section 4. Section 60-11-1106, MCA, is amended to
24 read:

25 "60-11-1106. Bond covenants. The department may enter

1 into covenants with the bondholders by resolution, trust
2 indenture, or other appropriate security instrument to
3 enhance the marketability of the bonds. These covenants may
4 relate to:

- 5 (1) the purpose to which the bond proceeds are to be
6 applied;
- 7 (2) the use and disposition of the revenue of a
8 project to which the bond proceeds are to be applied;
- 9 (3) the issuance of additional bonds to be paid from
10 revenue of a project to which the bond proceeds are to be
11 applied;
- 12 (4) the insurance to be carried on a project to which
13 bond proceeds are to be applied;
- 14 (5) the accounting procedures and auditing powers
15 related to a project;
- 16 (6) the terms and conditions upon which the
17 bondholders are entitled to have a receiver appointed to
18 operate a project to which bond proceeds are to be applied;
- 19 (7) the maintenance of a required capital reserve;
- 20 (8) the granting of a mortgage and security interest
21 in the project and other properties of the borrower to
22 secure the bonds;
- 23 (9) such other matters as the department considers
24 customary and appropriate to secure the bonds."

25 Section 5. Section 60-11-1107, MCA, is amended to

1 read:

2 "60-11-1107. Bond accounts -- appropriation. (1) There
3 is a railroad rehabilitation account in the bond proceeds
4 and insurance clearance fund provided for in 17-2-1101. All
5 bond proceeds shall be placed in the railroad rehabilitation
6 account, and all money deposited in the account is
7 continuously appropriated to the department and may be
8 expended by the department for the purposes authorized in
9 this part.

10 (2) There is a railroad rehabilitation reserve account
11 in the sinking fund provided for in 17-2-102. Loan
12 repayments and required capital reserves shall be deposited
13 in the railroad rehabilitation reserve account, and all
14 money deposited in the account is continuously appropriated
15 to the department and may be expended for the payment of
16 principal and interest on the bonds as they become due.

17 (3) If the department enters into a trust indenture
18 pursuant to 60-11-1106, it may provide for the establishment
19 of funds and accounts to be held by the trustee and may
20 pledge and appropriate the bond proceeds, capital reserves,
21 and loan payments to such funds and accounts notwithstanding
22 the provisions of subsections (1) and (2)."

23 Section 6. Section 60-11-1112, MCA, is amended to
24 read:

25 "60-11-1112. Loan details. The terms of any loan made

1 pursuant to 60-11-1111 shall be specified by the department
2 and shall be such as to assure sufficient payments to meet
3 the obligations on the bonds. Any terms required under an
4 agreement with the bondholder must be included in the loan
5 agreement. The department may require the borrower to secure
6 the loan with property the project or other property of the
7 borrower."

8 Section 7. Section 60-11-1202, MCA, is amended to
9 read:

10 "60-11-1202. Definitions. As used in this part, unless
11 the context indicates otherwise, the following definitions
12 apply:

13 (1) "Bonds" means railroad rolling stock revenue bonds
14 authorized by 60-11-1203.

15 (2) "Department" means the department of highways.

16 (3) "Person" means an individual or a partnership,
17 association, corporation, or other business entity.

18 (4) "Project" or "rolling stock project" means a
19 business undertaking to manufacture, repair, purchase, or
20 lease rolling stock and to subsequently use, sell, or lease
21 the rolling stock to derive revenue.

22 (5) "Railroad rolling stock" or "rolling stock" means
23 railroad cargo carriers used to transport grain, coal, ore,
24 lumber, freight, and commodities.

25 (6) "Refunding bonds" means railroad rolling stock

1 refunding revenue bonds authorized by 60-11-1209."

2 Section 8. Section 60-11-1204, MCA, is amended to
3 read:

4 "60-11-1204. Bond details. (1) The bonds may be issued
5 as serial bonds payable in annual installments, as term
6 bonds, or as a combination of serial and term bonds. A bond
7 may not mature more than 50 years from its date of issue.
8 The amount to be issued and sold at any one time shall be
9 determined by the department. The bonds may be sold at
10 either public or private sale and at prices above or below
11 par as determined by the department.

12 (2) At the time of issuance of the bonds, the
13 department shall specify the bond details, including but not
14 limited to:

- 15 (a) whether serial, term, or combination thereof;
- 16 (b) the interest rate;
- 17 (c) the denominations;
- 18 (d) whether coupon or registered bonds;
- 19 (e) the manner, medium, and place of payment;
- 20 (f) whether redeemable or not and if redeemable, the
21 manner of redemption;
- 22 (g) bond covenants."

23 Section 9. Section 60-11-1205, MCA, is amended to
24 read:

25 "60-11-1205. Bond limitations. (1) The interest rate

1 or rates on the bonds ~~may not exceed 9%~~ shall be determined
2 by the department. ~~The bonds may not be sold for less than~~
3 ~~par.~~ The total amount of bonds outstanding at any one time
4 may not exceed \$75 million.

5 (2) Each bond must have printed on its face a
6 statement that the state is not liable on the bond, the bond
7 is not a debt of the state, and neither the faith and credit
8 nor the taxing power of the state is pledged to the payment
9 of the principal or the interest on the bond."

10 Section 10. Section 60-11-1206, MCA, is amended to
11 read:

12 "60-11-1206. Bond covenants. The department may enter
13 into covenants with the bondholders by resolution, trust
14 indenture, or other appropriate instrument to enhance the
15 marketability of the bonds. These covenants may relate to:

- 16 (1) the purpose to which the bond proceeds are to be
17 applied;
- 18 (2) the use and disposition of the revenue of a
19 project to which the bond proceeds are to be applied;
- 20 (3) the issuance of additional bonds to be paid from
21 revenue of a project to which the bond proceeds are to be
22 applied;
- 23 (4) the insurance to be carried on a project to which
24 bond proceeds are to be applied;
- 25 (5) the accounting procedures and auditing powers

1 related to a project;

2 (6) the terms and conditions upon which the
3 bondholders are entitled to have a receiver appointed to
4 operate a project to which bond proceeds are to be applied;

5 (7) the maintenance of a required capital reserve;

6 (8) the granting of a mortgage and security interest
7 in the project and other properties of the borrower to
8 secure the bonds;

9 (9) such other matters as the department considers
10 customary and appropriate to secure the bonds."

11 Section 11. Section 60-11-1207, MCA, is amended to
12 read:

13 "60-11-1207. Bond accounts -- appropriation. (1) There
14 is a railroad rolling stock account in the bond proceeds and
15 insurance clearance fund provided for in 17-2-102. All bond
16 proceeds shall be placed in the railroad rolling stock
17 account, and all money deposited in the account is
18 continuously appropriated to the department and may be
19 expended by the department for the purposes authorized in
20 this part.

21 (2) There is a railroad rolling stock reserve account
22 in the sinking fund provided for in 17-2-102. Loan
23 repayments and required capital reserves shall be deposited
24 in the railroad rolling stock reserve account, and all money
25 deposited in the account is continuously appropriated to the

1 department and may be expended for the payment of principal
2 and interest on the bonds as they become due.

3 (3) If the department enters into a trust indenture
4 pursuant to 60-11-1206, it may provide for the establishment
5 of funds and accounts to be held by the trustee and may
6 pledge and appropriate the bond proceeds, capital reserves,
7 and loan payments to such funds and accounts notwithstanding
8 the provisions of subsections (1) and (2)."

9 Section 12. Section 60-11-1211, MCA, is amended to
10 read:

11 "60-11-1211. Use of bond proceeds. (1) The proceeds of
12 the bonds shall be used by the department to make loans to
13 persons doing business or resident in Montana for financing
14 rolling stock projects when the rolling stock is to be based
15 in Montana and used primarily in Montana and primarily for
16 the transport of grain, coal, ore, lumber, freight, and
17 commodities produced in Montana.

18 (2) The revenue from the sale or use of the rolling
19 stock shall be used for repayment of the loans."

20 Section 13. Section 60-11-1212, MCA, is amended to
21 read:

22 "60-11-1212. Loan details. The terms of any loan made
23 pursuant to 60-11-1211 shall be specified by the department
24 and shall be such as to assure sufficient payments to enable
25 the department to meet its obligations on the bonds. Any

HB 0654/02

1 terms required under an agreement with the bondholder must
2 be included in the loan agreement. The department may
3 require the borrower to secure the loan with the rolling
4 stock project or other property of the borrower."

5 Section 14. Severability. If a part of this act is
6 invalid, all valid parts that are severable from the invalid
7 part remain in effect. If a part of this act is invalid in
8 one or more of its applications, the part remains in effect
9 in all valid applications that are severable from the
10 invalid applications.

-End-

1 HOUSE BILL NO. 654

2 INTRODUCED BY MENAHAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
5 PERTAINING TO RAILROAD BONDS; TO PROVIDE THE NECESSARY
6 BACKING FOR RAILROAD REHABILITATION REVENUE BONDS AND
7 RAILROAD ROLLING STOCK REVENUE BONDS; ~~INCREASING~~ ELIMINATING
8 LIMIT ON INTEREST RATES ON THE BONDS; INCLUDING CARRIERS
9 USED TO TRANSPORT PRODUCTS OTHER THAN GRAIN IN THE
10 DEFINITION OF ROLLING STOCK; AND AMENDING SECTIONS
11 60-11-1102, 60-11-1104 THROUGH 60-11-1107, 60-11-1112,
12 60-11-1202, 60-11-1204 THROUGH 60-11-1207, 60-11-1211, AND
13 60-11-1212, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 60-11-1102, MCA, is amended to
17 read:

18 "60-11-1102. Definitions. As used in this part, unless
19 the context indicates otherwise, the following definitions
20 apply:

21 (1) "Bonds" means railroad rehabilitation revenue
22 bonds authorized by 60-11-1103.

23 (2) "Department" means the department of highways.

24 (3) "Person" means an individual or a partnership,
25 association, corporation, or other business entity.

1 (4) "Project" or "rehabilitation project" means a
2 business undertaking to repair, improve, or replace rail
3 facilities to improve the safety and efficiency of the
4 facilities and to derive revenue.

5 (5) "Rail facilities" means the line of track of a
6 railroad, including spurs and extensions, and associated
7 facilities, including but not limited to freight and
8 commodities, storage and loading facilities, loading
9 platforms, signal and switching systems, roadbeds, and
10 machinery and equipment designed for rail maintenance, but
11 the term does not include engines or rolling stock used for
12 the transport of goods or passengers.

13 (6) "Refunding bonds" means railroad rehabilitation
14 refunding revenue bonds authorized by 60-11-1109."

15 Section 2. Section 60-11-1104, MCA, is amended to
16 read:

17 "60-11-1104. Bond details. (1) The bonds may be issued
18 as serial bonds payable in annual installments, as term
19 bonds, or as a combination of serial and term bonds. A bond
20 may not mature more than 50 years from its date of issue.
21 The amount to be issued and sold at any one time shall be
22 determined by the department. The bonds may be sold at
23 either public or private sale and at prices above or below
24 par as determined by the department.

25 (2) At the time of issuance of the bonds, the

1 department shall specify the bond details, including but not
2 limited to:

- 3 (a) whether serial, term, or combination thereof;
- 4 (b) the interest rate;
- 5 (c) the denominations;
- 6 (d) whether coupon or registered bonds;
- 7 (e) the manner, medium, and place of payment;
- 8 (f) whether redeemable or not and if redeemable, the
9 manner of redemption;
- 10 (g) bond covenants."

11 Section 3. Section 60-11-1105, MCA, is amended to
12 read:

13 "60-11-1105. Bond limitations. (1) The interest rate
14 or rates on the bonds ~~may not exceed 9% shall be determined~~
15 by the department. ~~The bonds may not be sold for less than~~
16 ~~per~~. The total amount of bonds outstanding at any one time
17 may not exceed \$25 million.

18 (2) Each bond must have printed on its face a
19 statement that the state is not liable on the bond, the bond
20 is not a debt of the state, and neither the faith and credit
21 nor the taxing power of the state is pledged to the payment
22 of the principal or the interest on the bond."

23 Section 4. Section 60-11-1106, MCA, is amended to
24 read:

25 "60-11-1106. Bond covenants. The department may enter

1 into covenants with the bondholders by resolution, trust
2 indenture, or other appropriate security instrument to
3 enhance the marketability of the bonds. These covenants may
4 relate to:

- 5 (1) the purpose to which the bond proceeds are to be
6 applied;
- 7 (2) the use and disposition of the revenue of a
8 project to which the bond proceeds are to be applied;
- 9 (3) the issuance of additional bonds to be paid from
10 revenue of a project to which the bond proceeds are to be
11 applied;
- 12 (4) the insurance to be carried on a project to which
13 bond proceeds are to be applied;
- 14 (5) the accounting procedures and auditing powers
15 related to a project;
- 16 (6) the terms and conditions upon which the
17 bondholders are entitled to have a receiver appointed to
18 operate a project to which bond proceeds are to be applied;
- 19 (7) the maintenance of a required capital reserve;
- 20 (8) the granting of a mortgage and security interest
21 in the project and other properties of the borrower to
22 secure the bonds;
- 23 (9) such other matters as the department considers
24 customary and appropriate to secure the bonds."

25 Section 5. Section 60-11-1107, MCA, is amended to

1 read:

2 "60-11-1107. Bond accounts -- appropriation. (1) There
3 is a railroad rehabilitation account in the bond proceeds
4 and insurance clearance fund provided for in 17-2-1101. All
5 bond proceeds shall be placed in the railroad rehabilitation
6 account, and all money deposited in the account is
7 continuously appropriated to the department and may be
8 expended by the department for the purposes authorized in
9 this part.

10 (2) There is a railroad rehabilitation reserve account
11 in the sinking fund provided for in 17-2-102. Loan
12 repayments and required capital reserves shall be deposited
13 in the railroad rehabilitation reserve account, and all
14 money deposited in the account is continuously appropriated
15 to the department and may be expended for the payment of
16 principal and interest on the bonds as they become due.

17 (3) If the department enters into a trust indenture
18 pursuant to 60-11-1106, it may provide for the establishment
19 of funds and accounts to be held by the trustee and may
20 pledge and appropriate the bond proceeds, capital reserves,
21 and loan payments to such funds and accounts notwithstanding
22 the provisions of subsections (1) and (2)."

23 Section 6. Section 60-11-1112, MCA, is amended to
24 read:

25 "60-11-1112. Loan details. The terms of any loan made

1 pursuant to 60-11-1111 shall be specified by the department
2 and shall be such as to assure sufficient payments to meet
3 the obligations on the bonds. Any terms required under an
4 agreement with the bondholder must be included in the loan
5 agreement. The department may require the borrower to secure
6 the loan with property the project or other property of the
7 borrower."

8 Section 7. Section 60-11-1202, MCA, is amended to
9 read:

10 "60-11-1202. Definitions. As used in this part, unless
11 the context indicates otherwise, the following definitions
12 apply:

13 (1) "Bonds" means railroad rolling stock revenue bonds
14 authorized by 60-11-1203.

15 (2) "Department" means the department of highways.

16 (3) "Person" means an individual or a partnership,
17 association, corporation, or other business entity.

18 (4) "Project" or "rolling stock project" means a
19 business undertaking to manufacture, repair, purchase, or
20 lease rolling stock and to subsequently use, sell, or lease
21 the rolling stock to derive revenue.

22 (5) "Railroad rolling stock" or "rolling stock" means
23 railroad cargo carriers used to transport grain, coal, ore,
24 lumber, freight, and commodities.

25 (6) "Refunding bonds" means railroad rolling stock

1 refunding revenue bonds authorized by 60-11-1209."

2 Section 8. Section 60-11-1204, MCA, is amended to
3 read:

4 "60-11-1204. Bond details. (1) The bonds may be issued
5 as serial bonds payable in annual installments, as term
6 bonds, or as a combination of serial and term bonds. A bond
7 may not mature more than 50 years from its date of issue.
8 The amount to be issued and sold at any one time shall be
9 determined by the department. The bonds may be sold at
10 either public or private sale and at prices above or below
11 par as determined by the department.

12 (2) At the time of issuance of the bonds, the
13 department shall specify the bond details, including but not
14 limited to:

- 15 (a) whether serial, term, or combination thereof;
- 16 (b) the interest rate;
- 17 (c) the denominations;
- 18 (d) whether coupon or registered bonds;
- 19 (e) the manner, medium, and place of payment;
- 20 (f) whether redeemable or not and if redeemable, the
21 manner of redemption;
- 22 (g) bond covenants."

23 Section 9. Section 60-11-1205, MCA, is amended to
24 read:

25 "60-11-1205. Bond limitations. (1) The interest rate

1 or rates on the bonds may not exceed 9% shall be determined
2 by the department. The bonds may not be sold for less than
3 par. The total amount of bonds outstanding at any one time
4 may not exceed \$75 million.

5 (2) Each bond must have printed on its face a
6 statement that the state is not liable on the bond, the bond
7 is not a debt of the state, and neither the faith and credit
8 nor the taxing power of the state is pledged to the payment
9 of the principal or the interest on the bond."

10 Section 10. Section 60-11-1206, MCA, is amended to
11 read:

12 "60-11-1206. Bond covenants. The department may enter
13 into covenants with the bondholders by resolution, trust
14 indenture, or other appropriate instrument to enhance the
15 marketability of the bonds. These covenants may relate to:

- 16 (1) the purpose to which the bond proceeds are to be
17 applied;
- 18 (2) the use and disposition of the revenue of a
19 project to which the bond proceeds are to be applied;
- 20 (3) the issuance of additional bonds to be paid from
21 revenue of a project to which the bond proceeds are to be
22 applied;
- 23 (4) the insurance to be carried on a project to which
24 bond proceeds are to be applied;
- 25 (5) the accounting procedures and auditing powers

1 related to a project;

2 (6) the terms and conditions upon which the
3 bondholders are entitled to have a receiver appointed to
4 operate a project to which bond proceeds are to be applied;

5 (7) the maintenance of a required capital reserve;

6 (8) the granting of a mortgage and security interest
7 in the project and other properties of the borrower to
8 secure the bonds;

9 (9) such other matters as the department considers
10 customary and appropriate to secure the bonds."

11 Section 11. Section 60-11-1207, MCA, is amended to
12 read:

13 "60-11-1207. Bond accounts -- appropriation. (1) There
14 is a railroad rolling stock account in the bond proceeds and
15 insurance clearance fund provided for in 17-2-102. All bond
16 proceeds shall be placed in the railroad rolling stock
17 account, and all money deposited in the account is
18 continuously appropriated to the department and may be
19 expended by the department for the purposes authorized in
20 this part.

21 (2) There is a railroad rolling stock reserve account
22 in the sinking fund provided for in 17-2-102. Loan
23 repayments and required capital reserves shall be deposited
24 in the railroad rolling stock reserve account, and all money
25 deposited in the account is continuously appropriated to the

1 department and may be expended for the payment of principal
2 and interest on the bonds as they become due.

3 (3) If the department enters into a trust indenture
4 pursuant to 60-11-1206, it may provide for the establishment
5 of funds and accounts to be held by the trustee and may
6 pledge and appropriate the bond proceeds, capital reserves,
7 and loan payments to such funds and accounts notwithstanding
8 the provisions of subsections (1) and (2)."

9 Section 12. Section 60-11-1211, MCA, is amended to
10 read:

11 "60-11-1211. Use of bond proceeds. (1) The proceeds of
12 the bonds shall be used by the department to make loans to
13 persons doing business or resident in Montana for financing
14 rolling stock projects when the rolling stock is to be based
15 in Montana and used primarily in Montana and primarily for
16 the transport of grain, coal, ore, lumber, freight, and
17 commodities produced in Montana.

18 (2) The revenue from the sale or use of the rolling
19 stock shall be used for repayment of the loans."

20 Section 13. Section 60-11-1212, MCA, is amended to
21 read:

22 "60-11-1212. Loan details. The terms of any loan made
23 pursuant to 60-11-1211 shall be specified by the department
24 and shall be such as to assure sufficient payments to enable
25 the department to meet its obligations on the bonds. Any

HB 0654/02

1 terms required under an agreement with the bondholder must
2 be included in the loan agreement. The department may
3 require the borrower to secure the loan with the ~~rotting~~
4 stock project or other property of the borrower."

5 Section 14. Severability. If a part of this act is
6 invalid, all valid parts that are severable from the invalid
7 part remain in effect. If a part of this act is invalid in
8 one or more of its applications, the part remains in effect
9 in all valid applications that are severable from the
10 invalid applications.

-End-

HOUSE BILL NO. 654

INTRODUCED BY MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW PERTAINING TO RAILROAD BONDS; TO PROVIDE THE NECESSARY BACKING FOR RAILROAD REHABILITATION REVENUE BONDS AND RAILROAD ROLLING STOCK REVENUE BONDS; ~~INCREASING~~ ELIMINATING LIMIT ON INTEREST RATES ON THE BONDS; INCLUDING CARRIERS USED TO TRANSPORT PRODUCTS OTHER THAN GRAIN IN THE DEFINITION OF ROLLING STOCK; AND AMENDING SECTIONS 60-11-1102, 60-11-1104 THROUGH 60-11-1107, 60-11-1112, 60-11-1202, 60-11-1204 THROUGH 60-11-1207, 60-11-1211, AND 60-11-1212, MCA."

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

Section 1. Section 60-11-1102, MCA, is amended to read:

"60-11-1102. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Bonds" means railroad rehabilitation revenue bonds authorized by 60-11-1103.

(2) "Department" means the department of highways.

(3) "Person" means an individual or a partnership, association, corporation, or other business entity.

(4) "Project" or "rehabilitation project" means a business undertaking to repair, improve, or replace rail facilities to improve the safety and efficiency of the facilities and to derive revenue.

(5) "Rail facilities" means the line of track of a railroad, including spurs and extensions, and associated facilities, including but not limited to freight and commodities, storage and loading facilities, loading platforms, signal and switching systems, roadbeds, and machinery and equipment designed for rail maintenance, but the term does not include engines or rolling stock used for the transport of goods or passengers.

(6) "Refunding bonds" means railroad rehabilitation refunding revenue bonds authorized by 60-11-1109."

Section 2. Section 60-11-1104, MCA, is amended to read:

"60-11-1104. Bond details. (1) The bonds may be issued as serial bonds payable in annual installments, as term bonds, or as a combination of serial and term bonds. A bond may not mature more than 50 years from its date of issue. The amount to be issued and sold at any one time shall be determined by the department. The bonds may be sold at either public or private sale and at prices above or below par as determined by the department.

(2) At the time of issuance of the bonds, the

1 department shall specify the bond details, including but not
2 limited to:

- 3 (a) whether serial, term, or combination thereof;
- 4 (b) the interest rate;
- 5 (c) the denominations;
- 6 (d) whether coupon or registered bonds;
- 7 (e) the manner, medium, and place of payment;
- 8 (f) whether redeemable or not and if redeemable, the
9 manner of redemption;
- 10 (g) bond covenants."

11 Section 3. Section 60-11-1105, MCA, is amended to
12 read:

13 "60-11-1105. Bond limitations. (1) The interest rate
14 or rates on the bonds ~~may not exceed 9% shall be determined~~
15 by the department. The bonds may not be sold for less than
16 per. The total amount of bonds outstanding at any one time
17 may not exceed \$25 million.

18 (2) Each bond must have printed on its face a
19 statement that the state is not liable on the bond, the bond
20 is not a debt of the state, and neither the faith and credit
21 nor the taxing power of the state is pledged to the payment
22 of the principal or the interest on the bond."

23 Section 4. Section 60-11-1106, MCA, is amended to
24 read:

25 "60-11-1106. Bond covenants. The department may enter

1 into covenants with the bondholders by resolution, trust
2 indenture, or other appropriate security instrument to
3 enhance the marketability of the bonds. These covenants may
4 relate to:

- 5 (1) the purpose to which the bond proceeds are to be
6 applied;
- 7 (2) the use and disposition of the revenue of a
8 project to which the bond proceeds are to be applied;
- 9 (3) the issuance of additional bonds to be paid from
10 revenue of a project to which the bond proceeds are to be
11 applied;
- 12 (4) the insurance to be carried on a project to which
13 bond proceeds are to be applied;
- 14 (5) the accounting procedures and auditing powers
15 related to a project;
- 16 (6) the terms and conditions upon which the
17 bondholders are entitled to have a receiver appointed to
18 operate a project to which bond proceeds are to be applied;
- 19 (7) the maintenance of a required capital reserve;
- 20 (8) the granting of a mortgage and security interest
21 in the project and other properties of the borrower to
22 secure the bonds;
- 23 (9) such other matters as the department considers
24 customary and appropriate to secure the bonds."

25 Section 5. Section 60-11-1107, MCA, is amended to

1 read:

2 "60-11-1107. Bond accounts -- appropriation. (1) There
3 is a railroad rehabilitation account in the bond proceeds
4 and insurance clearance fund provided for in 17-2-1101. All
5 bond proceeds shall be placed in the railroad rehabilitation
6 account, and all money deposited in the account is
7 continuously appropriated to the department and may be
8 expended by the department for the purposes authorized in
9 this part.

10 (2) There is a railroad rehabilitation reserve account
11 in the sinking fund provided for in 17-2-102. Loan
12 repayments and required capital reserves shall be deposited
13 in the railroad rehabilitation reserve account, and all
14 money deposited in the account is continuously appropriated
15 to the department and may be expended for the payment of
16 principal and interest on the bonds as they become due.

17 (3) If the department enters into a trust indenture
18 pursuant to 60-11-1106, it may provide for the establishment
19 of funds and accounts to be held by the trustee and may
20 pledge and appropriate the bond proceeds, capital reserves,
21 and loan payments to such funds and accounts notwithstanding
22 the provisions of subsections (1) and (2)."

23 Section 6. Section 60-11-1112, MCA, is amended to
24 read:

25 "60-11-1112. Loan details. The terms of any loan made

1 pursuant to 60-11-1111 shall be specified by the department
2 and shall be such as to assure sufficient payments to meet
3 the obligations on the bonds. Any terms required under an
4 agreement with the bondholder must be included in the loan
5 agreement. The department may require the borrower to secure
6 the loan with property the project or other property of the
7 borrower."

8 Section 7. Section 60-11-1202, MCA, is amended to
9 read:

10 "60-11-1202. Definitions. As used in this part, unless
11 the context indicates otherwise, the following definitions
12 apply:

13 (1) "Bonds" means railroad rolling stock revenue bonds
14 authorized by 60-11-1203.

15 (2) "Department" means the department of highways.

16 (3) "Person" means an individual or a partnership,
17 association, corporation, or other business entity.

18 (4) "Project" or "rolling stock project" means a
19 business undertaking to manufacture, repair, purchase, or
20 lease rolling stock and to subsequently use, sell, or lease
21 the rolling stock to derive revenue.

22 (5) "Railroad rolling stock" or "rolling stock" means
23 railroad cargo carriers used to transport grain, coal, ore,
24 lumber, freight, and commodities.

25 (6) "Refunding bonds" means railroad rolling stock

1 refunding revenue bonds authorized by 60-11-1209."

2 Section 8. Section 60-11-1204, MCA, is amended to
3 read:

4 "60-11-1204. Bond details. (1) The bonds may be issued
5 as serial bonds payable in annual installments, as term
6 bonds, or as a combination of serial and term bonds. A bond
7 may not mature more than 50 years from its date of issue.
8 The amount to be issued and sold at any one time shall be
9 determined by the department. The bonds may be sold at
10 either public or private sale and at prices above or below
11 par as determined by the department.

12 (2) At the time of issuance of the bonds, the
13 department shall specify the bond details, including but not
14 limited to:

- 15 (a) whether serial, term, or combination thereof;
- 16 (b) the interest rate;
- 17 (c) the denominations;
- 18 (d) whether coupon or registered bonds;
- 19 (e) the manner, medium, and place of payment;
- 20 (f) whether redeemable or not and if redeemable, the
21 manner of redemption;
- 22 (g) bond covenants."

23 Section 9. Section 60-11-1205, MCA, is amended to
24 read:

25 "60-11-1205. Bond limitations. (1) The interest rate

1 or rates on the bonds ~~may not exceed 9%~~ shall be determined
2 by the department. ~~The bonds may not be sold for less than~~
3 ~~par~~. The total amount of bonds outstanding at any one time
4 may not exceed \$75 million.

5 (2) Each bond must have printed on its face a
6 statement that the state is not liable on the bond, the bond
7 is not a debt of the state, and neither the faith and credit
8 nor the taxing power of the state is pledged to the payment
9 of the principal or the interest on the bond."

10 Section 10. Section 60-11-1206, MCA, is amended to
11 read:

12 "60-11-1206. Bond covenants. The department may enter
13 into covenants with the bondholders by resolution, trust
14 indenture, or other appropriate instrument to enhance the
15 marketability of the bonds. These covenants may relate to:

- 16 (1) the purpose to which the bond proceeds are to be
17 applied;
- 18 (2) the use and disposition of the revenue of a
19 project to which the bond proceeds are to be applied;
- 20 (3) the issuance of additional bonds to be paid from
21 revenue of a project to which the bond proceeds are to be
22 applied;
- 23 (4) the insurance to be carried on a project to which
24 bond proceeds are to be applied;
- 25 (5) the accounting procedures and auditing powers

1 related to a project;

2 (6) the terms and conditions upon which the
3 bondholders are entitled to have a receiver appointed to
4 operate a project to which bond proceeds are to be applied;

5 (7) the maintenance of a required capital reserve;

6 (8) the granting of a mortgage and security interest
7 in the project and other properties of the borrower to
8 secure the bonds;

9 (9) such other matters as the department considers
10 customary and appropriate to secure the bonds."

11 Section 11. Section 60-11-1207, MCA, is amended to
12 read:

13 "60-11-1207. Bond accounts -- appropriation. (1) There
14 is a railroad rolling stock account in the bond proceeds and
15 insurance clearance fund provided for in 17-2-102. All bond
16 proceeds shall be placed in the railroad rolling stock
17 account, and all money deposited in the account is
18 continuously appropriated to the department and may be
19 expended by the department for the purposes authorized in
20 this part.

21 (2) There is a railroad rolling stock reserve account
22 in the sinking fund provided for in 17-2-102. Loan
23 repayments and required capital reserves shall be deposited
24 in the railroad rolling stock reserve account, and all money
25 deposited in the account is continuously appropriated to the

1 department and may be expended for the payment of principal
2 and interest on the bonds as they become due.

3 (3) If the department enters into a trust indenture
4 pursuant to 60-11-1206, it may provide for the establishment
5 of funds and accounts to be held by the trustee and may
6 pledge and appropriate the bond proceeds, capital reserves,
7 and loan payments to such funds and accounts notwithstanding
8 the provisions of subsections (1) and (2)."

9 Section 12. Section 60-11-1211, MCA, is amended to
10 read:

11 "60-11-1211. Use of bond proceeds. (1) The proceeds of
12 the bonds shall be used by the department to make loans to
13 persons doing business or resident in Montana for financing
14 rolling stock projects when the rolling stock is to be based
15 in Montana and used primarily in Montana and primarily for
16 the transport of grain, coal, ore, lumber, freight, and
17 commodities produced in Montana.

18 (2) The revenue from the sale or use of the rolling
19 stock shall be used for repayment of the loans."

20 Section 13. Section 60-11-1212, MCA, is amended to
21 read:

22 "60-11-1212. Loan details. The terms of any loan made
23 pursuant to 60-11-1211 shall be specified by the department
24 and shall be such as to assure sufficient payments to enable
25 the department to meet its obligations on the bonds. Any

1 terms required under an agreement with the bondholder must
2 be included in the loan agreement. The department may
3 require the borrower to secure the loan with the rolling
4 stock project or other property of the borrower."

5 SECTION 14. LIMITATION. NOTHING CONTAINED IN THIS ACT
6 OR IN TITLE 60, CHAPTER 11, SHALL PERMIT OR AUTHORIZE THE
7 PURCHASE OR ACQUISITION IN ANY MANNER OF RAILROAD TRACK,
8 ROADBEDS, ASSOCIATED FACILITIES, RAILROAD EQUIPMENT, OR
9 RAILROAD ROLLING STOCK BY THE STATE OF MONTANA. NOTHING
10 CONTAINED IN THIS ACT OR IN TITLE 60, CHAPTER 11, SHALL
11 AUTHORIZE THE STATE OF MONTANA TO DO ANY MORE OR ANY LESS
12 THAN A MUNICIPALITY OR COUNTY IS AUTHORIZED TO DO IN
13 CONNECTION WITH THE ISSUANCE OF INDUSTRIAL DEVELOPMENT
14 REVENUE BONDS UNDER TITLE 90, CHAPTER 5, PART 1, MCA.

15 SECTION 15. COORDINATION INSTRUCTION. IF THE 47TH
16 LEGISLATURE PASSES A BILL CREATING A DEPARTMENT OF COMMERCE
17 AND THAT BILL IS APPROVED, THEN THE DEFINITION OF
18 "DEPARTMENT" CONTAINED IN 60-11-1102(2) AND 60-11-1202(2)
19 SHALL BE CHANGED TO READ "MEANS THE DEPARTMENT OF COMMERCE".

20 Section 16. Severability. If a part of this act is
21 invalid, all valid parts that are severable from the invalid
22 part remain in effect. If a part of this act is invalid in
23 one or more of its applications, the part remains in effect
24 in all valid applications that are severable from the
25 invalid applications.

-End-

April 4, 1981

SENATE STANDING COMMITTEE REPORT
(Taxation)

That House Bill No. 654 be amended as follows:

1. Page 11, line 5.

Following: line 4

Insert: "Section 14. Limitation. Nothing contained in this act or in Title 60, Chapter 11, shall permit or authorize the purchase or acquisition in any manner of railroad track, road beds, associated facilities, railroad equipment or railroad rolling stock by the state of Montana. Nothing contained in this act or in Title 60, Chapter 11, shall authorize the state of Montana to do any more or any less than a municipality or county is authorized to do in connection with the issuance of industrial development revenue bonds under Title 90, Chapter 5, Part 1, MCA.

Section 15. Coordination instruction. If the 47th legislature passes a bill creating a department of commerce and that bill is approved, then the definition of "department" contained in 60-11-1102(2) and 60-11-1202(2) shall be changed to read "means the department of commerce"."

Renumber: subsequent section.