HOUSE BILL NO. 372

INTRODUCED BY GOULD, KADAS

IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 25, 1989	FIRST READING.
FEBRUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT.
FEBRUARY 10, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 13, 1989	THIRD READING, PASSED. AYES, 68; NOES, 29.
	TRANSMITTED TO SENATE.
IN	THE SENATE
FEBRUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 41; NOES, 8.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	HELTSE BILL NO. 372
2	INTRODUCED BY Kedas
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A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE ISSUANCE OF COUNTY AND MUNICIPAL OBLIGATION BONDS IF THE ELECTION TO APPROVE THE ISSUANCE HAD BETWEEN 30 AND 40 PERCENT OF THOSE ELECTORS VOTING AND 60 PERCENT OR MORE OF THE ELECTORS VOTED FOR ISSUING THE BONDS; AND AMENDING SECTIONS 7-7-2237, 7-7-2238, 7-7-4235, AND 7-7-4236, MCA."

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

Section 1. Section 7-7-2237, MCA, is amended to read:

"7-7-2237. Percentage of electors required to

authorize bond issue. (†) Whenever the question of issuing

county bonds for any purpose is submitted to the registered

electors of a county at either a general or special

election, the determination of the approval or rejection of

the bond proposition is made in the following manner:

- 19 (1) determine the total number of electors who were
 20 qualified to vote in the bond election;
- 21 (2) determine the total number of qualified electors
 22 who voted in the bond election from the tally sheet or
 23 sheets for the election;
- 24 (3) calculate the percentage of qualified electors
 25 voting at the bond election by dividing the number

1	determined in subsection (2) by the number determined in
2	subsection (1); and
3	(4) when the calculated percentage in subsection (3)
4	is 40% or more, the bond proposition is considered approved
5	and adopted if a majority of the votes cast were in favor of
6	the proposition, otherwise it is considered rejected; $o_{\underline{r}}$
7	(5) when the calculated percentage in subsection (3)
8	is more than 30% but less than 40%, the bond proposition is
9	considered approved and adopted if 60% or more of the votes
10	cast were in favor of the proposition, otherwise it is
11	considered rejected; or
12	(6) when the calculated percentage in subsection (3)
13	is 30% or less, the bond not-less-than-40%-of-the-registered
14	electors-entitled-to-vote-on-the-question-must-vote-thereon;
15	otherwise,the proposition shall-be is considered to-have
16	been rejected.
17	<pre>{2}If-40%-or-more-of-the-registered-electors-dovote</pre>
18	onthe-question-at-the-election-and-a-majority-of-the-votes
19	shallbecastinfavoroftheproposition;thenthe
20	propositionshallbeconsidered-to-have-been-approved-and
21	adopted."
22	Section 2. Section 7-7-2238, MCA, is amended to read:

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"7-7-2238. Resolution to issue bonds. (1) If it-is

found-that-at-the-bonding-election-40%-or-more a sufficient

percentage of the qualified electors entitled to vote at

- such election voted on such question and that a majority
 sufficient percentage of such votes were cast in favor of
- 3 the issuing of such bonds as provided in 7-7-2237, the board
- 4 of county commissioners shall, at a regular or special
- 5 meeting held within 30 days thereafter, pass and adopt a
- 6 resolution providing for the issuance of such bonds.
- 7 (2) Such resolution shall recite:
 - (a) the purpose for which such bonds are to be issued;
- (b) the amount thereof;
- 10 (c) the maximum rate of interest the bonds may bear;
- 11 (d) the date they shall bear;
- 12 (e) the period of time through which they shall be
- 13 payable; and
- 14 (f) the optional provisions, if any.
- 15 (3) Such resolution shall provide for the manner of
- 16 the execution of the bonds. It shall provide that preference
- 17 shall be given amortization bonds, but shall fix the
- 18 denomination of serial bonds in case it shall be found
- 19 advantageous to issue bonds in that form. The board may in
- 20 its discretion provide that such bonds may be issued and
- 21 sold in two or more series or installments.
- 22 (4) The resolution shall adopt a form of notice of the
- 23 sale of the bonds."
- Section 3. Section 7-7-4235, MCA, is amended to read:
- 25 *7-7-4235. Percentage of electors required to

- authorize the issuing of bonds. (1) Wherever the question of
- 2 issuing bonds for any purpose is submitted to the registered
- 3 electors of a city or town at either a general or special
- 4 election, the determination of the approval or rejection of
- 5 the bond proposition is made in the following manner:
- 6 (1) determine the total number of electors who were
- 7 qualified to vote in the bond election;
- 8 (2) determine the total number of qualified electors
- 9 who voted in the bond election from the tally sheet or
- 10 sheets for the election;
- 11 (3) calculate the percentage of qualified electors
- 12 voting at the bond election by dividing the number
- 13 determined in subsection (2) by the number determined in
- 14 subsection (1); and
- 15 (4) when the calculated percentage in subsection (3)
- is 40% or more, the bond proposition is considered approved
- 17 and adopted if a majority of the votes cast were in favor of
- 18 the proposition, otherwise it is considered rejected; or
- 19 (5) when the calculated percentage in subsection (3)
- is more than 30% but less than 40%, the bond proposition is
- 21 considered approved and adopted if 60% or more of the votes
- 22 cast were in favor of the proposition, otherwise it is
- 23 considered rejected; or
- 24 (6) when the calculated percentage in subsection (3)
- 25 is 30% or less, the bond not-less-than-40%-of-the-registered

electors-entitled-to-vote-on-the--proposition-or--question must--vote--thereon; --otherwise; -the proposition shall-be is considered to-have-been rejected.

t27--If-40%-or-more-of-the-registered-electors-do--vote
on--the--proposition--or--question--at--the--election--and-a
majority-of-the-votes-are-cast-in-favor-of-the--question--or
proposition--the--proposition--or--question--shall-be
considered-to-have-been-adopted-and-approved-"

Section 4. Section 7-7-4236, MCA, is amended to read:

"7-7-4236. Resolution to issue bonds. (1) If 40%-or
more-of a sufficient percentage of the qualified electors of
the city or town entitled to vote on the question of issuing
bonds voted thereon and a majority sufficient percentage of
the votes were cast in favor of the issuing of the bonds as
provided in 7-7-4235, the city or town council shall, at a
regular or special meeting held within 30 days thereafter,
pass a resolution providing for the issuance of the bonds.

- (2) The resolution shall recite:
- (a) the purpose for which the bonds are to be issued;
- 20 (b) the amount thereof;

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- 21 (c) the maximum rate of interest the bonds may bear;
 - (d) the date they shall bear;
- (e) the period of time through which they are payable;and
- 25 (f) that any bond may be redeemed in full, at the

- option of the city or town, on any interest payment date
 after expiration of one-half of the term for which the bond
 was issued.
- 4 (3) The resolution shall provide for the manner of execution of the bonds. It shall provide that preference shall be given amortization bonds but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The council may in its discretion provide that such bonds may be issued and sold in two or more series or installments.
- 11 (4) The resolution shall adopt a form of notice of the
 12 sale of the bonds."

APPROVED BY COMM. ON LOCAL GOVERNMENT

_	Hause 372
1	BILL NO.
2	INTRODUCED BY Kedas
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
5	ISSUANCE OF COUNTY AND MUNICIPAL OBLIGATION BONDS IF THE
6	ELECTION TO APPROVE THE ISSUANCE HAD BETWEEN 30 AND 40
7	PERCENT OF THOSE ELECTORS VOTING AND 60 PERCENT OR MORE OF
8	THE ELECTORS VOTED FOR ISSUING THE BONDS; AND AMENDING
9	SECTIONS 7-7-2237, 7-7-2238, 7-7-4235, AND 7-7-4236, MCA."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 7-7-2237, MCA, is amended to read:
13	"7-7-2237, Percentage of electors required to
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14	authorize bond issue. (1) Whenever the question of issuing
15	county bonds for any purpose is submitted to the registered
16	electors of a county at either a general or special
17	election, the determination of the approval or rejection of
18	the bond proposition is made in the following manner:
19	(1) determine the total number of electors who were
20	qualified to vote in the bond election;
21	(2) determine the total number of qualified electors
22	who voted in the bond election from the tally sheet or
23	sheets for the election;
24	(3) calculate the percentage of qualified electors
25	voting at the bond election by dividing the number

is 40% or more, the bond proposition is considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered rejected; or (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition, otherwise it is considered rejected; or (6) when the calculated percentage in subsection (3) is 30% or less, the bond not-less-than 40%-of-the-registered electors-entitled-to-vote-on-the-question-must-vote-thereon; otherwise;—the proposition shall-be is considered to-have been rejected. (2)—if-40%-or-more-of-the-registered-electors-do-vote on-the-question-at-the-election-and-a-majority-of-the-votes shall-be-cast-in-favor-of-the-proposition;—then-the proposition-shall-be-considered-to-have-been-approved-and adopted: Section 2. Section 7-7-2238, MCA, is amended to read: "7-7-2238. Resolution to issue bonds. (1) If it-is found-that-at-the-bonding-election-40%-or-more a sufficient percentage of the qualified electors entitled to vote at	2	subsection (1); and
is 40% or more, the bond proposition is considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered rejected; or (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition, otherwise it is considered rejected; or (6) when the calculated percentage in subsection (3) is 30% or less, the bond not-less-than 40%-of-the-registered electors-entitled-to-vote-on-the-question-must-vote-thereon; otherwise;—the proposition shall-be is considered to-have been rejected. (2)—if-40%-or-more-of-the-registered-electors-dovote on-the-question-at-the-election-and-a-majority-of-the-votes shall-be-cast-in-favor-of-the-proposition;—then-the proposition-shall-be-considered-to-have-been-approved-and adopted: Section 2. Section 7-7-2238, MCA, is amended to read: "7-7-2238. Resolution to issue bonds. (1) If it-is found-that-at-the-bonding-election-40%-or-more a sufficient	3	(4) when the calculated percentage in subsection (3)
and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered rejected; or (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition, otherwise it is considered rejected; or (6) when the calculated percentage in subsection (3) is 30% or less, the bond not-less than 40%-of-the-registered electors-entitled-to-vote-on-the-question-must-vote-thereon; otherwise;—the proposition shall-be is considered to-have been rejected. (2)—If-40%-or-more-of-the-registered-electors-dovote on-the-question-at-the-election-and-a-majority-of-the-votes shall-be-cast-in-favor-of-the-proposition;—then-the proposition-shall-be-considered-to-have-been-approved-and adopted: Section 2. Section 7-7-2238, MCA, is amended to read: "7-7-2238. Resolution to issue bonds. (1) If it-is found-that-at-the-bonding-election-40%-or-more a sufficient	4	
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12 (6) when the calculated percentage in subsection (3) 13 is 30% or less, the bond not-less-than-40%-of-the-registered 14 electors-entitled-to-vote-on-the-question-must-vote-thereon; 15 otherwise;—the proposition shall-be is considered to-have 16 been rejected. 17 (2)—If-40%-or-more-of-the-registered-electors-dovote 18 onthe-question-at-the-election-and-a-majority-of-the-votes 19 shall-be-cast-in-favor-ofthe-proposition;—thenthe 20 proposition-shall-be-considered-to-have-been-approved-and 21 adopted: 22 Section 2. Section 7-7-2238, MCA, is amended to read: 23 "7-7-2238. Resolution to issue bonds. (1) If it-is 24 found-that-at-the-bonding-election-40%-or-more a sufficient	10	cast were in favor of the proposition, otherwise it is
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- such election voted on such question and that a majority

 sufficient percentage of such votes were cast in favor of

 the issuing of such bonds as provided in 7-7-2237, the board

 of county commissioners shall, at a regular or special

 meeting held within 30 days thereafter, pass and adopt a

 resolution providing for the issuance of such bonds.
 - (2) Such resolution shall recite:
- 8 (a) the purpose for which such bonds are to be issued;
- 9 (b) the amount thereof;

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- (c) the maximum rate of interest the bonds may bear;
- 11 (d) the date they shall bear:
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 - (3) Such resolution shall provide for the manner of the execution of the bonds. It shall provide that preference shall be given amortization bonds, but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The board may in its discretion provide that such bonds may be issued and sold in two or more series or installments.
- 22 (4) The resolution shall adopt a form of notice of the 23 sale of the bonds."
- Section 3. Section 7-7-4235, MCA, is amended to read:

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- authorize the issuing of bonds. (1) Wherever the question of
- 2 issuing bonds for any purpose is submitted to the registered
- 3 electors of a city or town at either a general or special
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- 6 (1) determine the total number of electors who were
 7 qualified to vote in the bond election;
- 8 (2) determine the total number of qualified electors
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 10 sheets for the election;
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 12 voting at the bond election by dividing the number
 13 determined in subsection (2) by the number determined in
 14 subsection (1); and
- 15 (4) when the calculated percentage in subsection (3)
 16 is 40% or more, the bond proposition is considered approved
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- 19 (5) when the calculated percentage in subsection (3)
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 - (2)--If-40%-or-more-of-the-registered-electors-do--vote on--the--proposition--or--question--at--the--election--and-a majority-of-the-votes-are-cast-in-favor-of-the--question--or proposition;--then--the--proposition--or--question--shall-be considered-to-have-been-adopted-and-approved;"
- 9 Section 4. Section 7-7-4236, MCA, is amended to read: 10 "7-7-4236. Resolution to issue bonds. (1) If 40%-or more-of a sufficient percentage of the qualified electors of 11 the city or town entitled to vote on the question of issuing 12 13 bonds voted thereon and a majority sufficient percentage of the votes were cast in favor of the issuing of the bonds as 14 15 provided in 7-7-4235, the city or town council shall, at a 16 regular or special meeting held within 30 days thereafter, 17 pass a resolution providing for the issuance of the bonds.
 - (2) The resolution shall recite:
- 19 (a) the purpose for which the bonds are to be issued;
- 20 (b) the amount thereof;
- 21 (c) the maximum rate of interest the bonds may bear;
- (d) the date they shall bear;
- 23 (e) the period of time through which they are payable;
- 24 and

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25 (f) that any bond may be redeemed in full, at the

- option of the city or town, on any interest payment date
 after expiration of one-half of the term for which the bond
 was issued.
- 4 (3) The resolution shall provide for the manner of execution of the bonds. It shall provide that preference shall be given amortization bonds but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The council may in its discretion provide that such bonds may be issued and sold in two or more series or installments.
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2	INTRODUCED BY Kada
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7	PERCENT OF THOSE ELECTORS VOTING AND 60 PERCENT OR MORE OF
8	THE ELECTORS VOTED FOR ISSUING THE BONDS; AND AMENDING
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16	electors of a county at either a general or special
17	election, the determination of the approval or rejection of
18	the bond proposition is made in the following manner:
19	(1) determine the total number of electors who were
20	qualified to vote in the bond election;
21	(2) determine the total number of qualified electors
22	who voted in the bond election from the tally sheet o
23	sheets for the election;
24	(3) calculate the percentage of qualified elector

voting at the bond election by dividing the number

is 40% or more, the bond proposition is considered approve and adopted if a majority of the votes cast were in favor the proposition, otherwise it is considered rejected; or (5) when the calculated percentage in subsection (is more than 30% but less than 40%, the bond proposition considered approved and adopted if 60% or more of the vot cast were in favor of the proposition, otherwise it considered rejected; or (6) when the calculated percentage in subsection is 30% or less, the bond not-less-than-40%-of-the-registe electors-entitled-to-vote-on-the-question-must-vote-there otherwise;—the proposition shall-be is considered to-h been rejected. (2)If-40%-or-more-of-the-registered-electors-dov shallbecastinfavoroftheproposition;—then propositionshallbeconsidered-to-have-been-approved- adopted: Section 2. Section 7-7-2238, MCA, is amended to re- "7-7-2238. Resolution to issue bonds. (1) If it found-that-at-the-bonding-election-40%-or-more a suffice	1	determined in subsection (2) by the number con-
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is more than 30% but less than 40%, the bond proposition considered approved and adopted if 60% or more of the vot cast were in favor of the proposition, otherwise it considered rejected; or (6) when the calculated percentage in subsection is 30% or less, the bond not-less-than-40%-of-the-registe electors-entitled-to-vote-on-the-question-must-vote-there otherwise;—the proposition shall-be is considered to-h been rejected. (2)If-40%-or-more-of-the-registered-electors-do-vote-on-the-question-at-the-election-and-a-majority-of-the-vote shall-be-cast-in-favorof-the-proposition;—then-proposition-shall-be-considered-to-have-been-approved adopted; Section 2. Section 7-7-2238, MCA, is amended to refer to the same at the bonding-election-40%-or-more a suffice	5	and adopted if a majority of the votes cast were in favor of
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considered approved and adopted if 60% or more of the void cast were in favor of the proposition, otherwise it considered rejected; or (6) when the calculated percentage in subsection is 30% or less, the bond not-less-than-40%-of-the-registe electors-entitled-to-vote-on-the-question-must-vote-there otherwise;—the proposition shall-be is considered to-h been rejected. (2)—If-40%-or-more-of-the-registered-electors-do-vote-on-the-question-at-the-election-and-a-majority-of-the-vote-on-the-question-at-the-election-and-a-majority-of-the-vote-on-the-question-shall-be-considered-to-have-been-approved-dopted: Section 2. Section 7-7-2238, MCA, is amended to respect to the state of the state o	7	(5) when the calculated percentage in subsection (3)
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(6) when the calculated percentage in subsection is 30% or less, the bond not-less-than-40%-of-the-register electors-entitled-to-vote-on-the-question-must-vote-there otherwise;—the proposition shall-be is considered to-h been rejected. (2)—If-40%-or-more-of-the-registered-electors-do-vote-the-question-at-the-election-and-a-majority-of-the-vote-do-n shall-be-cast-in-favor-of-the-proposition;—then-proposition-shall-be-considered-to-have-been-approved- adopted: Section 2. Section 7-7-2238, MCA, is amended to respect to the state of the shall-be-cast-the-bonding-election-40%-or-more a suffice-do-nate-the-bonding-election-40%-or-more a suffice-do-nate-the-bonding-election-do-nate-the-bonding-election-do-nate-the-bonding-election-do-nate-the-bonding-election-do-nate-the-bonding-election-do-nate-the-bonding-el	9	considered approved and adopted if 60% or more of the votes
13 is 30% or less, the bond not-less-than-40%-of-the-register of the respection of the respection of the respection of the respected. 14 been rejected. 15 considered to-half of the registered of the respected of the respected. 16 considered to-half of the registered of the respected of the respected of the respected of the respected of the respection of the respection of the registered of the respection of the respectio	10	cast were in favor of the proposition, otherwise it is
is 30% or less, the bond not-less-than-40%-of-the-register electors-entitled-to-vote-on-the-question-must-vote-there otherwise;—the proposition shall-be is considered to-h been rejected. (2)If-40%-or-more-of-the-registered-electors-do-v non-the-question-at-the-election-and-a-majority-of-the-vot shall-be-cast-in-favor-of-the-proposition;—then- proposition-shall-be-considered-to-have-been-approved- adopted: Section 2. Section 7-7-2238, MCA, is amended to reference to the shall be adopted to the s	11	considered rejected; or
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otherwise;—the proposition shall—be is considered to—h been rejected. (2)—If—40%—or—more—of—the—registered—electors—do—v on—the—question—at—the—election—and—a-majority—of—the—vo shall—be—cast—in—favor—of—the—proposition;—then— proposition—shall—be—considered—to—have—been—approved— adopted; Section 2. Section 7—7—2238, MCA, is amended to re "7—7—2238. Resolution to issue bonds. (1) If is found—that—at—the—bonding—election—40%—or—more a suffice	13	is 30% or less, the bond not-less-than-40%-of-the-registered
been rejected. 17	14	electors-entitled-to-vote-on-the-question-must-vote-thereon;
17 (2)If-40%-or-more-of-the-registered-electors-do-registered-electors-do-registered-electors-do-registered-electors-do-registered-electors-do-registered-electors-do-registered-electors-do-registered-electors-do-registered-electors-do-registered-elector-electo	15	otherwise;the proposition shall-be is considered to-have
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shallbecastinfavoroftheproposition; then propositionshallbeconsidered-to-have-been-approved- adopted; Section 2. Section 7-7-2238, MCA, is amended to re- mathematical section to issue bonds. (1) If it found-that-at-the-bonding-election-40%-or-more a suffice	17	(2)If-40%-or-more-of-the-registered-electors-dovote
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21 adopted:" 22 Section 2. Section 7-7-2238, MCA, is amended to recommend to recom	19	shallbecastinfavoroftheproposition;thenthe
Section 2. Section 7-7-2238, MCA, is amended to recommendate at the section to issue bonds. (1) If it found-that-at-the-bonding-election-40%-or-more a suffice	20	propositionshallbeconsidered-to-have-been-approved-and
23 *7-7-2238. Resolution to issue bonds. (1) If it	21	adopted;"
24 found-that-at-the-bonding-election-40%-or-more a suffic	22	Section 2. Section 7-7-2238, MCA, is amended to read:
24 found-that-at-the-bonding-election-40%-or-more a suffic	23	*7-7-2238. Resolution to issue bonds. (1) If it-is
		found-that-at-the-bonding-election-40%-or-more a sufficient
25 bergengage or one dearers	25	percentage of the qualified electors entitled to vote at



- such election voted on such question and that a majority

 sufficient percentage of such votes were cast in favor of

 the issuing of such bonds as provided in 7-7-2237, the board

 of county commissioners shall, at a regular or special

 meeting held within 30 days thereafter, pass and adopt a

 resolution providing for the issuance of such bonds.
 - (2) Such resolution shall recite:
- (a) the purpose for which such bonds are to be issued;
 - (b) the amount thereof;

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- 10 (c) the maximum rate of interest the bonds may bear;
- 11 (d) the date they shall bear;
- 12 (e) the period of time through which they shall be 13 payable; and
 - (f) the optional provisions, if any.
 - (3) Such resolution shall provide for the manner of the execution of the bonds. It shall provide that preference shall be given amortization bonds, but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The board may in its discretion provide that such bonds may be issued and sold in two or more series or installments.
- (4) The resolution shall adopt a form of notice of thesale of the bonds."
- Section 3. Section 7-7-4235, MCA, is amended to read:

 7-7-4235. Percentage of electors required to

- 1 authorize the issuing of bonds. (1) Wherever the question of
- 2 issuing bonds for any purpose is submitted to the registered
- 3 electors of a city or town at either a general or special
- 4 election, the determination of the approval or rejection of
- 5 the bond proposition is made in the following manner:
- 6 (1) determine the total number of electors who were
 7 qualified to vote in the bond election;
- 8 (2) determine the total number of qualified electors9 who voted in the bond election from the tally sheet or
- 10 sheets for the election;
- 11 (3) calculate the percentage of qualified electors
- 12 voting at the bond election by dividing the number
- 13 determined in subsection (2) by the number determined in
- 14 subsection (1); and
- 15 (4) when the calculated percentage in subsection (3)
- is 40% or more, the bond proposition is considered approved
- 17 and adopted if a majority of the votes cast were in favor of
- 18 the proposition, otherwise it is considered rejected; or
- 19 (5) when the calculated percentage in subsection (3)
- is more than 30% but less than 40%, the bond proposition is
- 21 considered approved and adopted if 60% or more of the votes
- 22 cast were in favor of the proposition, otherwise it is
- 23 considered rejected; or
- 24 (6) when the calculated percentage in subsection (3)
- 25 is 30% or less, the bond not-less-than-40%-of-the-registered

electors-entitled-to-vote-on-the-proposition-or-question must--vote--thereon; --otherwise; -the proposition shall-be is considered to-have-been rejected.

Section 4. Section 7-7-4236, MCA, is amended to read:

"7-7-4236. Resolution to issue bonds. (1) If 40%-or
more-of a sufficient percentage of the qualified electors of
the city or town entitled to vote on the question of issuing
bonds voted thereon and a majority sufficient percentage of
the votes were cast in favor of the issuing of the bonds as
provided in 7-7-4235, the city or town council shall, at a
regular or special meeting held within 30 days thereafter,
pass a resolution providing for the issuance of the bonds.

- (2) The resolution shall recite:
- 19 (a) the purpose for which the bonds are to be issued;
- 20 (b) the amount thereof;

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- 21 (c) the maximum rate of interest the bonds may bear;
 - (d) the date they shall bear;
- (e) the period of time through which they are payable;and
- 25 (f) that any bond may be redeemed in full, at the

option of the city or town, on any interest payment date
after expiration of one-half of the term for which the bond
was issued.

4 (3) The resolution shall provide for the manner of execution of the bonds. It shall provide that preference 6 shall be given amortization bonds but shall fix the 7 denomination of serial bonds in case it shall be found 8 advantageous to issue bonds in that form. The council may in its discretion provide that such bonds may be issued and sold in two or more series or installments.

11 (4) The resolution shall adopt a form of notice of the sale of the bonds."

	HOUSE BILL NO. 3/2
2	INTRODUCED BY GOULD, KADAS
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
5	ISSUANCE OF COUNTY AND MUNICIPAL OBLIGATION BONDS IF THE
6	ELECTION TO APPROVE THE ISSUANCE HAD BETWEEN 30 AND 40
7	PERCENT OF THOSE ELECTORS VOTING AND 60 PERCENT OR MORE OF
8	THE ELECTORS VOTED FOR ISSUING THE BONDS; AND AMENDING
9	SECTIONS 7-7-2237, 7-7-2238, 7-7-4235, AND 7-7-4236, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
L 2	Section 1. Section 7-7-2237, MCA, is amended to read:
L 3	"7-7-2237. Percentage of electors required to
14	authorize bond issue. (1) Whenever the question of issuing
15	county bonds for any purpose is submitted to the registered
16	electors of a county at either a general or special
17	election, the determination of the approval or rejection of
18	the bond proposition is made in the following manner:
19	(1) determine the total number of electors who were
50	qualified to vote in the bond election;
21	(2) determine the total number of qualified electors
22	who voted in the bond election from the tally sheet or
23	sheets for the election;
24	(3) calculate the percentage of qualified electors
25	voting at the bond election by dividing the number

determined in subsection (2) by the number determined in
subsection (1); and
(4) when the calculated percentage in subsection (3)
is 40% or more, the bond proposition is considered approved
and adopted if a majority of the votes cast were in favor of
the proposition, otherwise it is considered rejected; or
(5) when the calculated percentage in subsection (3)
is more than 30% but less than 40%, the bond proposition is
considered approved and adopted if 60% or more of the votes
cast were in favor of the proposition, otherwise it is
considered rejected; or
(6) when the calculated percentage in subsection (3)
is 30% or less, the bond not-less-than-40%-of-the-registered
electors-entitled-to-vote-on-the-question-must-vote-thereon;
otherwise, the proposition shall-be is considered to-have
been rejected.
(2)If-40%-or-more-of-the-registered-electors-dovote
on-the-question-at-the-election-and-a-majority-of-the-votes
shallbecastinfavoroftheproposition;thenthe
propositionshallbeconsidered-to-have-been-approved-and
adopted:"

found-that-at-the-bonding-election-40%-or-more a sufficient

percentage of the qualified electors entitled to vote at

Section 2. Section 7-7-2238, MCA, is amended to read:

"7-7-2238. Resolution to issue bonds. (1) If it-is

HB 0372/02

HB 0372/02

- such election voted on such question and that a majority sufficient percentage of such votes were cast in favor of the issuing of such bonds as provided in 7-7-2237, the board of county commissioners shall, at a regular or special meeting held within 30 days thereafter, pass and adopt a resolution providing for the issuance of such bonds.
- (2) Such resolution shall recite:
 - (a) the purpose for which such bonds are to be issued;
- (b) the amount thereof;

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- (c) the maximum rate of interest the bonds may bear;
- 11 (d) the date they shall bear;
- 12 (e) the period of time through which they shall be
 13 payable: and
- 14 (f) the optional provisions, if any.
 - (3) Such resolution shall provide for the manner of the execution of the bonds. It shall provide that preference shall be given amortization bonds, but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The board may in its discretion provide that such bonds may be issued and sold in two or more series or installments.
- 22 (4) The resolution shall adopt a form of notice of the 23 sale of the bonds."
- Section 3. Section 7-7-4235, MCA, is amended to read:
- 25 "7-7-4235. Percentage of electors required to

- authorize the issuing of bonds. (+) Wherever the question of
- 2 issuing bonds for any purpose is submitted to the registered
- 3 electors of a city or town at either a general or special
- 4 election, the determination of the approval or rejection of
- 5 the bond proposition is made in the following manner:
- 6 (1) determine the total number of electors who were
 7 qualified to vote in the bond election;
- 8 (2) determine the total number of qualified electors
- 9 who voted in the bond election from the tally sheet or
- 10 sheets for the election;
- 11 (3) calculate the percentage of qualified electors
- 12 voting at the bond election by dividing the number
- 13 determined in subsection (2) by the number determined in
- 14 subsection (1); and
- 15 (4) when the calculated percentage in subsection (3)
- 16 is 40% or more, the bond proposition is considered approved
- 17 and adopted if a majority of the votes cast were in favor of
- 18 the proposition, otherwise it is considered rejected; or
- 19 (5) when the calculated percentage in subsection (3)
- is more than 30% but less than 40%, the bond proposition is
- 21 considered approved and adopted if 60% or more of the votes
- 22 cast were in favor of the proposition, otherwise it is
- 23 considered rejected; or
- 24 (6) when the calculated percentage in subsection (3)
- 25 is 30% or less, the bond not-less-than-40%-of-the-registered

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electors-entitled-to-vote-on--the--proposition--or--question

must--vote--thereon;--otherwise;-the proposition shall-be is

considered to-have-been rejected.

{2j--If-40%-or-more-of-the-registered-electors-do--vote
on--the--proposition--or--question--at--the--election--and-a
majority-of-the-votes-are-cast-in-favor-of-the--question--or
proposition--the--proposition--or--question--shall-be
considered-to-have-been-adopted-and-approved-"

Section 4. Section 7-7-4236, MCA, is amended to read:

"7-7-4236. Resolution to issue bonds. (1) If 40% or
more-of a sufficient percentage of the qualified electors of
the city or town entitled to vote on the question of issuing
bonds voted thereon and a majority sufficient percentage of
the votes were cast in favor of the issuing of the bonds as
provided in 7-7-4235, the city or town council shall, at a
regular or special meeting held within 30 days thereafter,

- (2) The resolution shall recite:
- 19 (a) the purpose for which the bonds are to be issued;
 - (b) the amount thereof;

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(c) the maximum rate of interest the bonds may bear:

pass a resolution providing for the issuance of the bonds.

- 22 (d) the date they shall bear;
- (e) the period of time through which they are payable;and
- 25 (f) that any bond may be redeemed in full, at the

option of the city or town, on any interest payment date
after expiration of one-half of the term for which the bond
was issued.

(3) The resolution shall provide for the manner of execution of the bonds. It shall provide that preference shall be given amortization bonds but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The council may in its discretion provide that such bonds may be issued and sold in two or more series or installments.

11 (4) The resolution shall adopt a form of notice of the 12 sale of the bonds."