

HOUSE BILL NO. 483

INTRODUCED BY DRISCOLL, QUILICI, ADDY, KIMBERLEY,
WHALEN, MCDONOUGH, GERVAIS, STRIZICH, PAVLOVICH,
HANNAH, ROTH, T. NELSON, RAMIREZ, SIMON

IN THE HOUSE

JANUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
JANUARY 30, 1989	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT. ON MOTION, TAKEN FROM PRINTING AND REREFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 15, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 95; NOES, 0. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY. FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

MARCH 16, 1989

SECOND READING, CONCURRED IN.

MARCH 18, 1989

THIRD READING, CONCURRED IN.
AYES, 46; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 483 *Whalen*
 2 INTRODUCED BY *Original: Zwickler, Roddy Kimbrell,*
 3 *McDonald, Bowers, St. Paulovich, Harold Roth*
 4 *Ramirez, Don Nelson*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL PORT
 6 AUTHORITY TO ENGAGE IN ECONOMIC DEVELOPMENT-RELATED
 7 ACTIVITIES DESIGNED TO AID COMMERCE AND STIMULATE THE
 8 CREATION OF JOBS; AND AMENDING SECTIONS 7-14-1104,
 9 7-14-1111, 7-14-1112, 7-14-1133, AND 7-14-1137, MCA."

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

11 **Section 1.** Section 7-14-1104, MCA, is amended to read:

12 "7-14-1104. Functions Purpose -- public and
 13 governmental functions. (1) The purposes of a port authority
 14 are to:

15 (a) promote, stimulate, develop, and advance the
 16 general welfare, commerce, economic development, and
 17 prosperity of the state and its citizens;

18 (b) endeavor to increase the volume of commerce within
 19 the jurisdiction of the port authority and the state through
 20 planning, advertising, acquisition, establishment,
 21 development, regulation, and protection of ports and
 22 transportation and storage facilities that promote the safe,
 23 efficient, and economical handling of commerce;

24 (c) cooperate and act in conjunction with other
 25 organizations, public or private, in the development of

1 commerce, industry, manufacturing, services, natural
 2 resources, agriculture, livestock, recreation, tourism,
 3 health care, and other economic activity in the state;

4 (d) support the creation, expansion, modernization,
 5 retention, and relocation of new and existing businesses and
 6 industry in the state and otherwise stimulate, assist in,
 7 and support the growth of all kinds of economic activity
 8 that will tend to promote commerce and business development,
 9 maintain the economic stability and prosperity of the state,
 10 and thus provide maximum opportunities for employment and
 11 improvement in the standard of living of citizens of the
 12 state.

13 (2) The acquisition of any land or interest therein in
 14 land pursuant to this part, the planning, acquisition,
 15 establishment, development, construction, improvement,
 16 maintenance, equipment, operation, regulation, and
 17 protection of ports and transportation and storage
 18 facilities, and the exercise of any powers granted to port
 19 authorities and other public agencies to be severally or
 20 jointly exercised are public and governmental functions,
 21 exercised for a public purpose, and matters of public
 22 necessity. All land and other property and privileges
 23 acquired and used by or on behalf of any authority or other
 24 public agency, as provided in this part, must be used for
 25 public and governmental purposes and as a matter of public

necessity."

Section 2. Section 7-14-1111, MCA, is amended to read:

"7-14-1111. **General powers of authority.** An authority has all the powers necessary or convenient to carry out the purposes of this part, including but not limited to the power to:

(1) certify annually to the governing bodies creating it the amount of tax to be levied by the governing bodies for port purposes;

(2) sue and be sued, have a seal, and have perpetual succession;

(3) execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this part;

(4) plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect ports and transportation and storage facilities. For such purposes an authority may, by purchase, gift, devise, lease, or otherwise, acquire real or personal property or any interest therein, including easements.

(5) establish comprehensive port zoning regulations in accordance with the laws of this state;

(6) acquire, by purchase, gift, devise, lease, or otherwise, existing ports and transportation and storage facilities. However, an authority may not acquire or take

over any port or transportation and storage facility owned or controlled by another authority, county, municipality, or public agency without the consent of such authority, county, municipality, or public agency.

(7) provide financial and other support to organizations in its jurisdiction, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4, whose purpose is to promote, stimulate, develop, and advance the general welfare, economic development, and prosperity of the state and its citizens by stimulating, assisting in, and supporting the growth of all kinds of economic activity, including the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state, all of which will tend to promote business development, maintain the economic stability and prosperity of the state, and thus provide maximum opportunities for employment and improvement in the standards of living of citizens of the state. Financial support authorized by this subsection is limited to the use of port authority revenues, including federal and state money as provided in 7-14-1136, to make grants and loans and to otherwise provide financial and other support to organizations, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4. An authority may

1 not borrow, bond, or in any way pledge the credit of the
 2 authority or of state, county, or municipal governments to
 3 provide financial support to such economic development
 4 organizations or to any other private entities."

5 **Section 3.** Section 7-14-1112, MCA, is amended to read:

6 "7-14-1112. Rules. An authority may adopt, amend, and
 7 repeal such reasonable resolutions, rules, and orders as it
 8 considers necessary for its own administration, management,
 9 and governance as well as for the management, government
 10 governance, and use of any port or transportation and
 11 storage facility owned by it or under its control. No rule,
 12 order, or standard prescribed by the commission may be
 13 inconsistent with or contrary to any act of the congress of
 14 the United States or any regulation promulgated or standard
 15 established pursuant thereto. The authority shall keep on
 16 file at the principal office of the authority a copy of all
 17 its rules for public inspection."

18 **Section 4.** Section 7-14-1133, MCA, is amended to read:

19 "7-14-1133. Bonds and obligations. (1) An authority
 20 may borrow money for any of its corporate purposes, except
 21 for providing financial support to private organizations,
 22 and issue bonds therefor, including refunding bonds, in such
 23 form and upon such terms as it determines, payable out of
 24 any revenues of the authority, including revenues derived
 25 from:

- 1 (a) any port or transportation and storage facility;
- 2 (b) taxes levied pursuant to 7-14-1131 or 67-10-402;
- 3 (c) grants or contributions from the federal
- 4 government; or
- 5 (d) other sources.

6 (2) The bonds may be issued by resolution of the
 7 authority, without an election and without any limitation of
 8 amount, except that no bonds may be issued at any time if
 9 the total amount of principal and interest to become due in
 10 any year on such bonds and on any then outstanding bonds for
 11 which revenues from the same source are pledged exceeds the
 12 amount of such revenues to be received in that year, as
 13 estimated in the resolution authorizing the issuance of the
 14 bonds. The authority shall take all action necessary and
 15 possible to impose, maintain, and collect rates, charges,
 16 rentals, and taxes, if any are pledged, sufficient to make
 17 the revenues from the pledged source in such year at least
 18 equal to the amount of principal and interest due in that
 19 year.

20 (3) The bonds may be sold at public or private sale
 21 and may bear interest as provided in 17-5-102. Except as
 22 otherwise provided in this part, any bonds issued pursuant
 23 to this part by an authority may be payable as to principal
 24 and interest solely from revenues of the authority and shall
 25 state on their face the applicable limitations or

1 restrictions regarding the source from which such principal
2 and interest are payable.

3 (4) Bonds issued by an authority, county, or
4 municipality pursuant to the provisions of this part are
5 declared to be issued for an essential public and
6 governmental purpose by a political subdivision within the
7 meaning of 15-30-111(2)(a).

8 (5) For the security of any such bonds, the authority,
9 county, or municipality may by resolution make and enter
10 into any covenant, agreement, or indenture and may exercise
11 any additional powers authorized to be exercised by a
12 municipality under Title 7, chapter 7, parts 44 and 45. The
13 sums required from time to time to pay principal and
14 interest and to create and maintain a reserve for the bonds
15 may be paid from any revenues referred to in this part,
16 prior to the payment of current costs of operation and
17 maintenance of the facilities."

18 **Section 5.** Section 7-14-1137, MCA, is amended to read:

19 "7-14-1137. **Tax exemption.** Any property in this state
20 acquired by an authority for port purposes pursuant to the
21 provisions of this part, and any income derived by the
22 authority from the ownership, operation, or control thereof
23 of the property, and income the authority has derived from
24 organizations, including corporations organized under Title
25 32, chapter 4, are exempt from taxation to the same extent

1 as other property used for public purposes."

2 **NEW SECTION. Section 6. Severability.** If a part of
3 [this act] is invalid, all valid parts that are severable
4 from the invalid part remain in effect. If a part of [this
5 act] is invalid in one or more of its applications, the part
6 remains in effect in all valid applications that are
7 severable from the invalid applications.

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 483

INTRODUCED BY DRISCOLL, QUILICI, ADDY, KIMBERLEY,
WHALEN, MCDONOUGH, GERVAIS, STRIZICH, PAVLOVICH,
HANNAH, ROTH, T. NELSON, RAMIREZ, SIMON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL PORT
AUTHORITY TO ENGAGE IN ECONOMIC DEVELOPMENT-RELATED
ACTIVITIES DESIGNED TO AID COMMERCE AND STIMULATE THE
CREATION OF JOBS; AND AMENDING SECTIONS 7-14-1104,
7-14-1111, 7-14-1112, 7-14-1133, AND 7-14-1137, MCA."

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

Section 1. Section 7-14-1104, MCA, is amended to read:

"7-14-1104. Panctions Purpose -- public and governmental functions. (1) The purposes of a port authority are to:

(a) promote, stimulate, develop, and advance the general welfare, commerce, economic development, and prosperity of the state and its citizens;

(b) endeavor to increase the volume of commerce within the jurisdiction of the port authority and the state through planning, advertising, acquisition, establishment, development, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, EQUIPMENT, OPERATION, regulation, and protection of ports and transportation and storage facilities that promote the

safe, efficient, and economical handling of commerce;

(c) cooperate and act in conjunction with other organizations, public or private, in the development of commerce, industry, manufacturing, services, natural resources, agriculture, livestock, recreation, tourism, health care, and other economic activity in the state;

(d) support the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state and otherwise stimulate, assist in, and support the growth of all kinds of economic activity that will tend to promote commerce and business development, maintain the economic stability and prosperity of the state, and thus provide maximum opportunities for employment and improvement in the standard of living of citizens of the state.

(2) The acquisition of any land or interest therein in land pursuant to this part, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of ports and transportation and storage facilities, and the exercise of any powers granted to port authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges

1 acquired and used by or on behalf of any authority or other
2 public agency, as provided in this part, must be used for
3 public and governmental purposes and as a matter of public
4 necessity."

5 **Section 2.** Section 7-14-1111, MCA, is amended to read:

6 "7-14-1111. General powers of authority. An authority
7 has all the powers necessary or convenient to carry out the
8 purposes of this part, including but not limited to the
9 power to:

10 (1) certify annually to the governing bodies creating
11 it the amount of tax to be levied by the governing bodies
12 for port purposes;

13 (2) sue and be sued, have a seal, and have perpetual
14 succession;

15 (3) execute such contracts and other instruments and
16 take such other action as may be necessary or convenient to
17 carry out the purposes of this part;

18 (4) plan, establish, acquire, develop, construct,
19 purchase, enlarge, improve, maintain, equip, operate,
20 regulate, and protect ports and transportation and storage
21 facilities. For such purposes an authority may, by purchase,
22 gift, devise, lease, or otherwise, acquire real or personal
23 property or any interest therein, including easements.

24 (5) establish comprehensive port zoning regulations in
25 accordance with the laws of this state;

1 (6) acquire, by purchase, gift, devise, lease, or
2 otherwise, existing ports and transportation and storage
3 facilities. However, an authority may not acquire or take
4 over any port or transportation and storage facility owned
5 or controlled by another authority, county, municipality, or
6 public agency without the consent of such authority, county,
7 municipality, or public agency.

8 (7) provide financial and other support to
9 organizations in its jurisdiction, including corporations
10 organized under the provisions of the development
11 corporation act in Title 32, chapter 4, whose purpose is to
12 promote, stimulate, develop, and advance the general
13 welfare, economic development, and prosperity of the state
14 and its citizens by stimulating, assisting in, and
15 supporting the growth of all kinds of economic activity,
16 including the creation, expansion, modernization, retention,
17 and relocation of new and existing businesses and industry
18 in the state, all of which will tend to promote business
19 development, maintain the economic stability and prosperity
20 of the state, and thus provide maximum opportunities for
21 employment and improvement in the standards of living of
22 citizens of the state. Financial support authorized by this
23 subsection is limited to the use of port authority revenues,
24 including federal and state money as provided in 7-14-1136,
25 to make grants and loans and to otherwise provide financial

~~and other support to organizations, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4. An authority may not borrow, bond, or in any way pledge the credit of the authority or of state, county, or municipal governments to provide financial support to such economic development organizations or to any other private entities."~~

Section 3. Section 7-14-1112, MCA, is amended to read:

"7-14-1112. Rules. An authority may adopt, amend, and repeal such reasonable resolutions, rules, and orders as it considers necessary for its own administration, management, and governance as well as for the management, government governance, and use of any port or transportation and storage facility owned by it or under its control. No rule, order, or standard prescribed by the commission may be inconsistent with or contrary to any act of the congress of the United States or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at the principal office of the authority a copy of all its rules for public inspection."

Section 4. Section 7-14-1133, MCA, is amended to read:

"7-14-1133. Bonds and obligations. (1) An authority may borrow money for any of its corporate purposes, except for providing financial support to private organizations, and issue bonds therefor, including refunding bonds, in such

form and upon such terms as it determines, payable out of any revenues of the authority, including revenues derived from:

- (a) any port or transportation and storage facility;
- (b) taxes levied pursuant to 7-14-1131 or 67-10-402;
- (c) grants or contributions from the federal government; or
- (d) other sources.

(2) The bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that no bonds may be issued at any time if the total amount of principal and interest to become due in any year on such bonds and on any then outstanding bonds for which revenues from the same source are pledged exceeds the amount of such revenues to be received in that year, as estimated in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any are pledged, sufficient to make the revenues from the pledged source in such year at least equal to the amount of principal and interest due in that year.

(3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102. Except as otherwise provided in this part, any bonds issued pursuant

to this part by an authority may be payable as to principal and interest solely from revenues of the authority and shall state on their face the applicable limitations or restrictions regarding the source from which such principal and interest are payable.

(4) Bonds issued by an authority, county, or municipality pursuant to the provisions of this part are declared to be issued for an essential public and governmental purpose by a political subdivision within the meaning of 15-30-111(2)(a).

(5) For the security of any such bonds, the authority, county, or municipality may by resolution make and enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any revenues referred to in this part, prior to the payment of current costs of operation and maintenance of the facilities.

(6) NOTHING IN THIS SECTION OR 7-14-1134 MAY BE CONSTRUED TO LIMIT THE USE OF PORT AUTHORITY REVENUES, INCLUDING FEDERAL AND STATE MONEY AS DESCRIBED IN 7-14-1136, TO MAKE GRANTS AND LOANS OR TO OTHERWISE PROVIDE FINANCIAL AND OTHER SUPPORT TO ORGANIZATIONS, INCLUDING CORPORATIONS

ORGANIZED UNDER THE PROVISIONS OF THE DEVELOPMENT CORPORATION ACT IN TITLE 32, CHAPTER 4. UNDER NO CIRCUMSTANCES MAY THE CREDIT OF THE STATE, COUNTY, OR MUNICIPAL GOVERNMENTS OR THEIR AGENCIES OR AUTHORITIES BE PLEDGED TO PROVIDE FINANCIAL SUPPORT TO SUCH DEVELOPMENT ORGANIZATIONS."

Section 5. Section 7-14-1137, MCA, is amended to read:

"7-14-1137. Tax exemption. Any property in this state acquired by an authority for port purposes pursuant to the provisions of this part, and any income derived by the authority from the ownership, operation, or control thereof ~~of--the~~ THEREOF, INCLUDING property ACQUIRED, and income the authority--has derived from organizations, including corporations organized under Title 32, chapter 4, are exempt from taxation to the same extent as other property used for public purposes."

NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

RE-REFERRED AND
APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

AS AMENDED

HOUSE BILL NO. 483

INTRODUCED BY DRISCOLL, QUILICI, ADDY, KIMBERLEY,

WHALEN, MCDONOUGH, GERVAIS, STRIZICH, PAVLOVICH,

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

Section 1. Section 7-14-1104, MCA, is amended to read:

"7-14-1104. Functions Purpose -- public and
governmental functions. (1) The purposes of a port authority
are to:

(a) promote, stimulate, develop, and advance the
general welfare, commerce, economic development, and
prosperity of ITS JURISDICTION AND OF the state and its
citizens;

(b) endeavor to increase the volume of commerce within
the jurisdiction of the port authority and the state through
planning, advertising, acquisition, establishment,
development, CONSTRUCTION, IMPROVEMENT, MAINTENANCE,
EQUIPMENT, OPERATION, regulation, and protection of ports

and transportation and storage facilities that promote the
safe, efficient, and economical handling of commerce;

(c) cooperate and act in conjunction with other
organizations, public or private, in the development of
commerce, industry, manufacturing, services, natural
resources, agriculture, livestock, recreation, tourism,
health care, and other economic activity in the state;

(d) support the creation, expansion, modernization,
retention, and relocation of new and existing businesses and
industry in the state and otherwise stimulate, assist in,
and support the growth of all kinds of economic activity
that will tend to promote commerce and business development,
maintain the economic stability and prosperity of ITS
JURISDICTION AND OF the state, and thus provide maximum
opportunities for employment and improvement in the standard
of living of citizens of the state.

(2) The acquisition of any land or interest therein in
land pursuant to this part, the planning, acquisition,
establishment, development, construction, improvement,
maintenance, equipment, operation, regulation, and
protection of ports and transportation and storage
facilities, and the exercise of any powers granted to port
authorities and other public agencies to be severally or
jointly exercised are public and governmental functions,
exercised for a public purpose, and matters of public

1 necessity. All land and other property and privileges
2 acquired and used by or on behalf of any authority or other
3 public agency, as provided in this part, must be used for
4 public and governmental purposes and as a matter of public
5 necessity."

6 **Section 2.** Section 7-14-1111, MCA, is amended to read:

7 "7-14-1111. **General powers of authority.** An authority
8 has all the powers necessary or convenient to carry out the
9 purposes of this part, including but not limited to the
10 power to:

11 (1) certify annually to the governing bodies creating
12 it the amount of tax to be levied by the governing bodies
13 for port purposes;

14 (2) sue and be sued, have a seal, and have perpetual
15 succession;

16 (3) execute such contracts and other instruments and
17 take such other action as may be necessary or convenient to
18 carry out the purposes of this part;

19 (4) plan, establish, acquire, develop, construct,
20 purchase, enlarge, improve, maintain, equip, operate,
21 regulate, and protect ports and transportation and storage
22 facilities. For such purposes an authority may, by purchase,
23 gift, devise, lease, or otherwise, acquire real or personal
24 property or any interest therein, including easements.

25 (5) establish comprehensive port zoning regulations in

1 accordance with the laws of this state;

2 (6) acquire, by purchase, gift, devise, lease, or
3 otherwise, existing ports and transportation and storage
4 facilities. However, an authority may not acquire or take
5 over any port or transportation and storage facility owned
6 or controlled by another authority, county, municipality, or
7 public agency without the consent of such authority, county,
8 municipality, or public agency.

9 (7) provide financial and other support to
10 organizations in its jurisdiction, including corporations
11 organized under the provisions of the development
12 corporation act in Title 32, chapter 4, whose purpose is to
13 promote, stimulate, develop, and advance the general
14 welfare, economic development, and prosperity of ITS
15 JURISDICTION AND OF the state and its citizens by
16 stimulating, assisting in, and supporting the growth of all
17 kinds of economic activity, including the creation,
18 expansion, modernization, retention, and relocation of new
19 and existing businesses and industry in the state, all of
20 which will tend to promote business development, maintain
21 the economic stability and prosperity of the state, and thus
22 provide maximum opportunities for employment and improvement
23 in the standards of living of citizens of the state.
24 Financial support authorized by this subsection is limited
25 to the use of port authority revenues, including federal and

~~state--money--as--provided--in--7-14-1136--to--make--grants--and
loans--and--to--otherwise--provide--financial--and--other--support
to--organizations,--including--corporations--organized--under--the
provisions--of--the--development--corporation--act--in--Title--32,
chapter--4.--An--authority--may--not--borrow,--bond,--or--in--any--way
pledge--the--credit--of--the--authority--or--of--state,--county,--or
municipal--governments--to--provide--financial--support--to--such
economic--development--organizations--or--to--any--other--private
entities."~~

Section 3. Section 7-14-1112, MCA, is amended to read:

"7-14-1112. Rules. An authority may adopt, amend, and repeal such reasonable resolutions, rules, and orders as it considers necessary for its own administration, management, and governance as well as for the management, government governance, and use of any port or transportation and storage facility owned by it or under its control. No rule, order, or standard prescribed by the commission may be inconsistent with or contrary to any act of the congress of the United States or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at the principal office of the authority a copy of all its rules for public inspection."

Section 4. Section 7-14-1133, MCA, is amended to read:

"7-14-1133. Bonds and obligations. (1) An authority may borrow money for any of its corporate purposes, except

for providing financial support to private organizations
THROUGH THE ISSUING OF BONDS AS PROVIDED IN 7-14-1134 AND
THIS SECTION TO AN ORGANIZATION, INCLUDING A CORPORATION
ORGANIZED UNDER THE PROVISIONS OF TITLE 32, CHAPTER 4, WHOSE
PRUPOSE IS TO ADVANCE ECONOMIC DEVELOPMENT OF ITS
JURISDICTION AND THE STATE AND ITS CITIZENS, and issue bonds therefor, including refunding bonds, in such form and upon such terms as it determines, payable out of any revenues of the authority, including revenues derived from:

(a) any port or transportation and storage facility;

(b) taxes levied pursuant to 7-14-1131 or 67-10-402;

(c) grants or contributions from the federal government; or

(d) other sources.

(2) The bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that no bonds may be issued at any time if the total amount of principal and interest to become due in any year on such bonds and on any then outstanding bonds for which revenues from the same source are pledged exceeds the amount of such revenues to be received in that year, as estimated in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any are pledged, sufficient to make

1 the revenues from the pledged source in such year at least
2 equal to the amount of principal and interest due in that
3 year.

4 (3) The bonds may be sold at public or private sale
5 and may bear interest as provided in 17-5-102. Except as
6 otherwise provided in this part, any bonds issued pursuant
7 to this part by an authority may be payable as to principal
8 and interest solely from revenues of the authority and shall
9 state on their face the applicable limitations or
10 restrictions regarding the source from which such principal
11 and interest are payable.

12 (4) Bonds issued by an authority, county, or
13 municipality pursuant to the provisions of this part are
14 declared to be issued for an essential public and
15 governmental purpose by a political subdivision within the
16 meaning of 15-30-111(2)(a).

17 (5) For the security of any such bonds, the authority,
18 county, or municipality may by resolution make and enter
19 into any covenant, agreement, or indenture and may exercise
20 any additional powers authorized to be exercised by a
21 municipality under Title 7, chapter 7, parts 44 and 45. The
22 sums required from time to time to pay principal and
23 interest and to create and maintain a reserve for the bonds
24 may be paid from any revenues referred to in this part,
25 prior to the payment of current costs of operation and

1 maintenance of the facilities.

2 (6) NOTHING IN THIS SECTION OR 7-14-1134 MAY BE
3 CONSTRUED TO LIMIT THE USE OF PORT AUTHORITY REVENUES,
4 INCLUDING FEDERAL AND STATE MONEY AS DESCRIBED IN 7-14-1136,
5 TO MAKE GRANTS AND LOANS OR TO OTHERWISE PROVIDE FINANCIAL
6 AND OTHER SUPPORT TO ORGANIZATIONS, INCLUDING CORPORATIONS
7 ORGANIZED UNDER THE PROVISIONS OF THE DEVELOPMENT
8 CORPORATION ACT IN TITLE 32, CHAPTER 4. UNDER NO
9 CIRCUMSTANCES MAY THE CREDIT OF THE STATE, COUNTY, OR
10 MUNICIPAL GOVERNMENTS OR THEIR AGENCIES OR AUTHORITIES BE
11 PLEGGED TO PROVIDE FINANCIAL SUPPORT TO SUCH DEVELOPMENT
12 ORGANIZATIONS."

13 **Section 5.** Section 7-14-1137, MCA, is amended to read:

14 "7-14-1137. **Tax exemption.** Any property in this state
15 acquired by an authority for port purposes pursuant to the
16 provisions of this part, and any income derived by the
17 authority from the ownership, operation, or control thereof
18 of--the THEREOF, INCLUDING property ACQUIRED, and income the
19 authority--has derived from organizations, including
20 corporations organized under Title 32, chapter 4, are exempt
21 from taxation to the same extent as other property used for
22 public purposes."

23 NEW SECTION. **Section 6. Severability.** If a part of
24 [this act] is invalid, all valid parts that are severable
25 from the invalid part remain in effect. If a part of [this

HB 0483/03

- 1 act] is invalid in one or more of its applications, the part
- 2 remains in effect in all valid applications that are
- 3 severable from the invalid applications.

-End-

HOUSE BILL NO. 483

INTRODUCED BY DRISCOLL, QUILICI, ADDY, KIMBERLEY,
WHALEN, MCDONOUGH, GERVAIS, STRIZICH, PAVLOVICH,
HANNAH, ROTH, T. NELSON, RAMIREZ, SIMON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL PORT
AUTHORITY TO ENGAGE IN ECONOMIC DEVELOPMENT-RELATED
ACTIVITIES DESIGNED TO AID COMMERCE AND STIMULATE THE
CREATION OF JOBS; AND AMENDING SECTIONS 7-14-1104,
7-14-1111, 7-14-1112, 7-14-1133, AND 7-14-1137, MCA."

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

Section 1. Section 7-14-1104, MCA, is amended to read:

"7-14-1104. Functions Purpose -- public and
governmental functions. (1) The purposes of a port authority
are to:

(a) promote, stimulate, develop, and advance the
general welfare, commerce, economic development, and
prosperity of ITS JURISDICTION AND OF the state and its
citizens;

(b) endeavor to increase the volume of commerce within
the jurisdiction of the port authority and the state through
planning, advertising, acquisition, establishment,
development, CONSTRUCTION, IMPROVEMENT, MAINTENANCE,
EQUIPMENT, OPERATION, regulation and protection of ports

and transportation and storage facilities that promote the
safe, efficient, and economical handling of commerce;

(c) cooperate and act in conjunction with other
organizations, public or private, in the development of
commerce, industry, manufacturing, services, natural
resources, agriculture, livestock, recreation, tourism,
health care, and other economic activity in the state;

(d) support the creation, expansion, modernization,
retention, and relocation of new and existing businesses and
industry in the state and otherwise stimulate, assist in,
and support the growth of all kinds of economic activity
that will tend to promote commerce and business development,
maintain the economic stability and prosperity of ITS
JURISDICTION AND OF the state, and thus provide maximum
opportunities for employment and improvement in the standard
of living of citizens of the state.

(2) The acquisition of any land or interest therein in
land pursuant to this part, the planning, acquisition,
establishment, development, construction, improvement,
maintenance, equipment, operation, regulation, and
protection of ports and transportation and storage
facilities, and the exercise of any powers granted to port
authorities and other public agencies to be severally or
jointly exercised are public and governmental functions,
exercised for a public purpose, and matters of public

necessity. All land and other property and privileges acquired and used by or on behalf of any authority or other public agency, as provided in this part, must be used for public and governmental purposes and as a matter of public necessity."

Section 2. Section 7-14-1111, MCA, is amended to read:

"7-14-1111. **General powers of authority.** An authority has all the powers necessary or convenient to carry out the purposes of this part, including but not limited to the power to:

(1) certify annually to the governing bodies creating it the amount of tax to be levied by the governing bodies for port purposes;

(2) sue and be sued, have a seal, and have perpetual succession;

(3) execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this part;

(4) plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect ports and transportation and storage facilities. For such purposes an authority may, by purchase, gift, devise, lease, or otherwise, acquire real or personal property or any interest therein, including easements.

(5) establish comprehensive port zoning regulations in

accordance with the laws of this state;

(6) acquire, by purchase, gift, devise, lease, or otherwise, existing ports and transportation and storage facilities. However, an authority may not acquire or take over any port or transportation and storage facility owned or controlled by another authority, county, municipality, or public agency without the consent of such authority, county, municipality, or public agency.

(7) provide financial and other support to organizations in its jurisdiction, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4, whose purpose is to promote, stimulate, develop, and advance the general welfare, economic development, and prosperity of ITS JURISDICTION AND OF the state and its citizens by stimulating, assisting in, and supporting the growth of all kinds of economic activity, including the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state, all of which will tend to promote business development, maintain the economic stability and prosperity of the state, and thus provide maximum opportunities for employment and improvement in the standards of living of citizens of the state.
~~Financial support authorized by this subsection is limited to the use of port authority revenues, including federal and~~

~~state--money--as--provided--in--7-14-1136--to--make--grants--and
loans--and--to--otherwise--provide--financial--and--other--support
to--organizations--including--corporations--organized--under--the
provisions--of--the--development--corporation--act--in--Title--32,
chapter--4--An--authority--may--not--borrow--bond--or--in--any--way
pledge--the--credit--of--the--authority--or--of--state--county--or
municipal--governments--to--provide--financial--support--to--such
economic--development--organizations--or--to--any--other--private
entities;"~~

Section 3. Section 7-14-1112, MCA, is amended to read:

"7-14-1112. Rules. An authority may adopt, amend, and repeal such reasonable resolutions, rules, and orders as it considers necessary for its own administration, management, and governance as well as for the management, government governance, and use of any port or transportation and storage facility owned by it or under its control. No rule, order, or standard prescribed by the commission may be inconsistent with or contrary to any act of the congress of the United States or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at the principal office of the authority a copy of all its rules for public inspection."

Section 4. Section 7-14-1133, MCA, is amended to read:

"7-14-1133. Bonds and obligations. (1) An authority may borrow money for any of its corporate purposes, except

for providing financial support to private organizations
THROUGH THE ISSUING OF BONDS AS PROVIDED IN 7-14-1134 AND
THIS SECTION TO AN ORGANIZATION, INCLUDING A CORPORATION
ORGANIZED UNDER THE PROVISIONS OF TITLE 32, CHAPTER 4, WHOSE
PROPOSE IS TO ADVANCE ECONOMIC DEVELOPMENT OF ITS
JURISDICTION AND THE STATE AND ITS CITIZENS, and issue bonds therefor, including refunding bonds, in such form and upon such terms as it determines, payable out of any revenues of the authority, including revenues derived from:

- (a) any port or transportation and storage facility;
- (b) taxes levied pursuant to 7-14-1131 or 67-10-402;
- (c) grants or contributions from the federal government; or
- (d) other sources.

(2) The bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that no bonds may be issued at any time if the total amount of principal and interest to become due in any year on such bonds and on any then outstanding bonds for which revenues from the same source are pledged exceeds the amount of such revenues to be received in that year, as estimated in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any are pledged, sufficient to make

1 the revenues from the pledged source in such year at least
2 equal to the amount of principal and interest due in that
3 year.

4 (3) The bonds may be sold at public or private sale
5 and may bear interest as provided in 17-5-102. Except as
6 otherwise provided in this part, any bonds issued pursuant
7 to this part by an authority may be payable as to principal
8 and interest solely from revenues of the authority and shall
9 state on their face the applicable limitations or
10 restrictions regarding the source from which such principal
11 and interest are payable.

12 (4) Bonds issued by an authority, county, or
13 municipality pursuant to the provisions of this part are
14 declared to be issued for an essential public and
15 governmental purpose by a political subdivision within the
16 meaning of 15-30-111(2)(a).

17 (5) For the security of any such bonds, the authority,
18 county, or municipality may by resolution make and enter
19 into any covenant, agreement, or indenture and may exercise
20 any additional powers authorized to be exercised by a
21 municipality under Title 7, chapter 7, parts 44 and 45. The
22 sums required from time to time to pay principal and
23 interest and to create and maintain a reserve for the bonds
24 may be paid from any revenues referred to in this part,
25 prior to the payment of current costs of operation and

1 maintenance of the facilities.

2 (6) NOTHING IN THIS SECTION OR 7-14-1134 MAY BE
3 CONSTRUED TO LIMIT THE USE OF PORT AUTHORITY REVENUES,
4 INCLUDING FEDERAL AND STATE MONEY AS DESCRIBED IN 7-14-1136,
5 TO MAKE GRANTS AND LOANS OR TO OTHERWISE PROVIDE FINANCIAL
6 AND OTHER SUPPORT TO ORGANIZATIONS, INCLUDING CORPORATIONS
7 ORGANIZED UNDER THE PROVISIONS OF THE DEVELOPMENT
8 CORPORATION ACT IN TITLE 32, CHAPTER 4. UNDER NO
9 CIRCUMSTANCES MAY THE CREDIT OF THE STATE, COUNTY, OR
10 MUNICIPAL GOVERNMENTS OR THEIR AGENCIES OR AUTHORITIES BE
11 PLEGGED TO PROVIDE FINANCIAL SUPPORT TO SUCH DEVELOPMENT
12 ORGANIZATIONS."

13 **Section 5.** Section 7-14-1137, MCA, is amended to read:

14 "7-14-1137. Tax exemption. Any property in this state
15 acquired by an authority for port purposes pursuant to the
16 provisions of this part, and any income derived by the
17 authority from the ownership, operation, or control thereof
18 of--the THEREOF, INCLUDING property ACQUIRED, and income the
19 authority--has derived from organizations, including
20 corporations organized under Title 32, chapter 4, are exempt
21 from taxation to the same extent as other property used for
22 public purposes."

23 **NEW SECTION. Section 6. Severability.** If a part of
24 [this act] is invalid, all valid parts that are severable
25 from the invalid part remain in effect. If a part of [this

HB 0483/03

1 act] is invalid in one or more of its applications, the part
2 remains in effect in all valid applications that are
3 severable from the invalid applications.

-End-

SENATE STANDING COMMITTEE REPORT

March 15, 1989

MR. PRESIDENT:

We, your committee on Business and Industry, having had under consideration HB 483 (third reading copy -- blue), respectfully report that HB 483 be amended and as so amended be concurred in:

Sponsor: Driscoll (Thayer)

1. Page 5, line 24.

Following: "(1)"

Strike: "An"

Insert: "Except for providing financial support to a private development organization, including a corporation organized under Title 32, chapter 4, whose purpose is to advance the economic development of its jurisdiction and of the state and its citizens, an"

2. Page 5, line 25 through page 6, line 6.

Strike: "except" on line 25 through "CITIZENS," page 6, line 6

3. Page 8, line 6.

Following: "TO"

Insert: "private development"

4. Page 8, line 12.

Strike: "ORGANZATIONS"

Insert: "organizations"

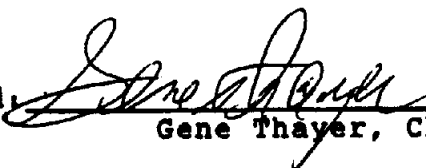
5. Page 8, line 20.

Following: "chapter 4,"

Insert: "whose purpose is to advance the economic development of its jurisdiction and of the state and its citizens,"

AND AS AMENDED BE CONCURRED IN

Signed:


Gene Thayer, Chairman

SENATE
HB 483

HOUSE BILL NO. 483

INTRODUCED BY DRISCOLL, QUILICI, ADDY, KIMBERLEY,
WHALEN, MCDONOUGH, GERVAIS, STRIZICH, PAVLOVICH,
HANNAH, ROTH, T. NELSON, RAMIREZ, SIMON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL PORT
AUTHORITY TO ENGAGE IN ECONOMIC DEVELOPMENT-RELATED
ACTIVITIES DESIGNED TO AID COMMERCE AND STIMULATE THE
CREATION OF JOBS; AND AMENDING SECTIONS 7-14-1104,
7-14-1111, 7-14-1112, 7-14-1133, AND 7-14-1137, MCA."

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

Section 1. Section 7-14-1104, MCA, is amended to read:

**"7-14-1104. Functions Purpose -- public and
governmental functions. (1) The purposes of a port authority
are to:**

**(a) promote, stimulate, develop, and advance the
general welfare, commerce, economic development, and
prosperity of ITS JURISDICTION AND OF the state and its
citizens;**

**(b) endeavor to increase the volume of commerce within
the jurisdiction of the port authority and the state through
planning, advertising, acquisition, establishment,
development, CONSTRUCTION, IMPROVEMENT, MAINTENANCE,
EQUIPMENT, OPERATION, regulation, and protection of ports**

**and transportation and storage facilities that promote the
safe, efficient, and economical handling of commerce;**

**(c) cooperate and act in conjunction with other
organizations, public or private, in the development of
commerce, industry, manufacturing, services, natural
resources, agriculture, livestock, recreation, tourism,
health care, and other economic activity in the state;**

**(d) support the creation, expansion, modernization,
retention, and relocation of new and existing businesses and
industry in the state and otherwise stimulate, assist in,
and support the growth of all kinds of economic activity
that will tend to promote commerce and business development,
maintain the economic stability and prosperity of ITS
JURISDICTION AND OF the state, and thus provide maximum
opportunities for employment and improvement in the standard
of living of citizens of the state.**

**(2) The acquisition of any land or interest therein in
land pursuant to this part, the planning, acquisition,
establishment, development, construction, improvement,
maintenance, equipment, operation, regulation, and
protection of ports and transportation and storage
facilities, and the exercise of any powers granted to port
authorities and other public agencies to be severally or
jointly exercised are public and governmental functions,
exercised for a public purpose, and matters of public**

1 necessity. All land and other property and privileges
2 acquired and used by or on behalf of any authority or other
3 public agency, as provided in this part, must be used for
4 public and governmental purposes and as a matter of public
5 necessity."

6 **Section 2.** Section 7-14-1111, MCA, is amended to read:

7 "7-14-1111. **General powers of authority.** An authority
8 has all the powers necessary or convenient to carry out the
9 purposes of this part, including but not limited to the
10 power to:

11 (1) certify annually to the governing bodies creating
12 it the amount of tax to be levied by the governing bodies
13 for port purposes;

14 (2) sue and be sued, have a seal, and have perpetual
15 succession;

16 (3) execute such contracts and other instruments and
17 take such other action as may be necessary or convenient to
18 carry out the purposes of this part;

19 (4) plan, establish, acquire, develop, construct,
20 purchase, enlarge, improve, maintain, equip, operate,
21 regulate, and protect ports and transportation and storage
22 facilities. For such purposes an authority may, by purchase,
23 gift, devise, lease, or otherwise, acquire real or personal
24 property or any interest therein, including easements.

25 (5) establish comprehensive port zoning regulations in

1 accordance with the laws of this state;

2 (6) acquire, by purchase, gift, devise, lease, or
3 otherwise, existing ports and transportation and storage
4 facilities. However, an authority may not acquire or take
5 over any port or transportation and storage facility owned
6 or controlled by another authority, county, municipality, or
7 public agency without the consent of such authority, county,
8 municipality, or public agency.

9 (7) provide financial and other support to
10 organizations in its jurisdiction, including corporations
11 organized under the provisions of the development
12 corporation act in Title 32, chapter 4, whose purpose is to
13 promote, stimulate, develop, and advance the general
14 welfare, economic development, and prosperity of ITS
15 JURISDICTION AND OF the state and its citizens by
16 stimulating, assisting in, and supporting the growth of all
17 kinds of economic activity, including the creation,
18 expansion, modernization, retention, and relocation of new
19 and existing businesses and industry in the state, all of
20 which will tend to promote business development, maintain
21 the economic stability and prosperity of the state, and thus
22 provide maximum opportunities for employment and improvement
23 in the standards of living of citizens of the state.
24 Financial support authorized by this subsection is limited
25 to the use of port authority revenues, including federal and

1 ~~state money as provided in 7-14-11367 to make grants and~~
 2 ~~loans and to otherwise provide financial and other support~~
 3 ~~to organizations, including corporations organized under the~~
 4 ~~provisions of the development corporation act in Title 32,~~
 5 ~~chapter 4. An authority may not borrow, bond, or in any way~~
 6 ~~pledge the credit of the authority or of state, county, or~~
 7 ~~municipal governments to provide financial support to such~~
 8 ~~economic development organizations or to any other private~~
 9 ~~entities."~~

10 **Section 3.** Section 7-14-1112, MCA, is amended to read:

11 "7-14-1112. Rules. An authority may adopt, amend, and
 12 repeal such reasonable resolutions, rules, and orders as it
 13 considers necessary for its own administration, management,
 14 and governance as well as for the management, government
 15 governance, and use of any port or transportation and
 16 storage facility owned by it or under its control. No rule,
 17 order, or standard prescribed by the commission may be
 18 inconsistent with or contrary to any act of the congress of
 19 the United States or any regulation promulgated or standard
 20 established pursuant thereto. The authority shall keep on
 21 file at the principal office of the authority a copy of all
 22 its rules for public inspection."

23 **Section 4.** Section 7-14-1133, MCA, is amended to read:

24 "7-14-1133. Bonds and obligations. (1) An EXCEPT FOR
 25 PROVIDING FINANCIAL SUPPORT TO A PRIVATE DEVELOPMENT

1 ORGANIZATION, INCLUDING A CORPORATION ORGANIZED UNDER TITLE
 2 32, CHAPTER 4, WHOSE PURPOSE IS TO ADVANCE THE ECONOMIC
 3 DEVELOPMENT OF ITS JURISDICTION AND OF THE STATE AND ITS
 4 CITIZENS, AN authority may borrow money for any of its
 5 corporate purposes, except for providing financial support
 6 to private organizations THROUGH THE ISSUING OF BONDS AS
 7 PROVIDED IN 7-14-1134 AND THIS SECTION TO AN ORGANIZATION,
 8 INCLUDING A CORPORATION ORGANIZED UNDER THE PROVISIONS OF
 9 TITLE 32, CHAPTER 4, WHOSE PURPOSE IS TO ADVANCE ECONOMIC
 10 DEVELOPMENT OF ITS JURISDICTION AND THE STATE AND ITS
 11 CITIZENS, and issue bonds therefor, including refunding
 12 bonds, in such form and upon such terms as it determines,
 13 payable out of any revenues of the authority, including
 14 revenues derived from:

- 15 (a) any port or transportation and storage facility;
- 16 (b) taxes levied pursuant to 7-14-1131 or 67-10-402;
- 17 (c) grants or contributions from the federal
- 18 government; or
- 19 (d) other sources.

20 (2) The bonds may be issued by resolution of the
 21 authority, without an election and without any limitation of
 22 amount, except that no bonds may be issued at any time if
 23 the total amount of principal and interest to become due in
 24 any year on such bonds and on any then outstanding bonds for
 25 which revenues from the same source are pledged exceeds the

1 amount of such revenues to be received in that year, as
 2 estimated in the resolution authorizing the issuance of the
 3 bonds. The authority shall take all action necessary and
 4 possible to impose, maintain, and collect rates, charges,
 5 rentals, and taxes, if any are pledged, sufficient to make
 6 the revenues from the pledged source in such year at least
 7 equal to the amount of principal and interest due in that
 8 year.

9 (3) The bonds may be sold at public or private sale
 10 and may bear interest as provided in 17-5-102. Except as
 11 otherwise provided in this part, any bonds issued pursuant
 12 to this part by an authority may be payable as to principal
 13 and interest solely from revenues of the authority and shall
 14 state on their face the applicable limitations or
 15 restrictions regarding the source from which such principal
 16 and interest are payable.

17 (4) Bonds issued by an authority, county, or
 18 municipality pursuant to the provisions of this part are
 19 declared to be issued for an essential public and
 20 governmental purpose by a political subdivision within the
 21 meaning of 15-30-111(2)(a).

22 (5) For the security of any such bonds, the authority,
 23 county, or municipality may by resolution make and enter
 24 into any covenant, agreement, or indenture and may exercise
 25 any additional powers authorized to be exercised by a

1 municipality under Title 7, chapter 7, parts 44 and 45. The
 2 sums required from time to time to pay principal and
 3 interest and to create and maintain a reserve for the bonds
 4 may be paid from any revenues referred to in this part,
 5 prior to the payment of current costs of operation and
 6 maintenance of the facilities.

7 (6) NOTHING IN THIS SECTION OR 7-14-1134 MAY BE
 8 CONSTRUED TO LIMIT THE USE OF PORT AUTHORITY REVENUES,
 9 INCLUDING FEDERAL AND STATE MONEY AS DESCRIBED IN 7-14-1136,
 10 TO MAKE GRANTS AND LOANS OR TO OTHERWISE PROVIDE FINANCIAL
 11 AND OTHER SUPPORT TO PRIVATE DEVELOPMENT ORGANIZATIONS,
 12 INCLUDING CORPORATIONS ORGANIZED UNDER THE PROVISIONS OF THE
 13 DEVELOPMENT CORPORATION ACT IN TITLE 32, CHAPTER 4. UNDER NO
 14 CIRCUMSTANCES MAY THE CREDIT OF THE STATE, COUNTY, OR
 15 MUNICIPAL GOVERNMENTS OR THEIR AGENCIES OR AUTHORITIES BE
 16 PLEGGED TO PROVIDE FINANCIAL SUPPORT TO SUCH DEVELOPMENT
 17 ORGANATIONS ORGANIZATIONS."

18 Section 5. Section 7-14-1137, MCA, is amended to read:

19 "7-14-1137. Tax exemption. Any property in this state
 20 acquired by an authority for port purposes pursuant to the
 21 provisions of this part, and any income derived by the
 22 authority from the ownership, operation, or control thereof
 23 of-the THEREOF, INCLUDING property ACQUIRED, and income the
 24 authority---has derived from organizations, including
 25 corporations organized under Title 32, chapter 4, WHOSE

1 PURPOSE IS TO ADVANCE THE ECONOMIC DEVELOPMENT OF ITS
2 JURISDICTION AND OF THE STATE AND ITS CITIZENS, are exempt
3 from taxation to the same extent as other property used for
4 public purposes."

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

-End-