

HOUSE BILL NO. 54

INTRODUCED BY EWER

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 4, 1993	FIRST READING.
JANUARY 6, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 7, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 8, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 99; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
JANUARY 20, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 21, 1993	SECOND READING, CONCURRED IN.
JANUARY 22, 1993	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

JANUARY 23, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 54

INTRODUCED BY EWER

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A TOWN, A CITY, OR A COUNTY NOTIFY THE BOARD OF INVESTMENTS WHEN BONDS ARE TO BE SOLD; AMENDING SECTIONS 7-7-2302, 7-7-4302, 7-12-2172, AND 7-12-4204, MCA; AND REPEALING SECTIONS 7-7-2253 AND 7-7-4253, MCA."

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

**Section 1.** Section 7-7-2302, MCA, is amended to read:

"7-7-2302. Applicability of certain other bond provisions. The provisions of 7-7-2203 through 7-7-2207, 7-7-2209 through 7-7-2211, 7-7-2222, 7-7-2255 through 7-7-2270, and 7-7-2272 through 7-7-2274 apply to refunding bonds issued under this part; however, the board of county commissioners may at its option sell bonds issued under this part at a private negotiated sale or at a public sale conducted pursuant to the provisions of 7-7-2251, 7-7-2252, and through 7-7-2254."

**Section 2.** Section 7-7-4302, MCA, is amended to read:

"7-7-4302. Applicability of certain other bond provisions. The provisions of 7-7-4201 through 7-7-4206, 7-7-4208 through 7-7-4210, 7-7-4255 through 7-7-4270, and 7-7-4272 through 7-7-4274 apply to refunding bonds issued

under this part; however, the city or town council may at its option sell bonds issued under this part at a private negotiated sale or at a public sale conducted pursuant to the provisions of 7-7-4251, 7-7-4252, and through 7-7-4254."

**Section 3.** Section 7-12-2172, MCA, is amended to read:

"7-12-2172. Procedure to issue bonds and warrants. (1) The board of county commissioners shall sell bonds or warrants issued under the provisions of 7-12-2169 and 7-12-2171 through 7-12-2174, in an amount sufficient to pay that part of the total cost and expense of the improvements which is to be assessed against the benefited property within the district, to the highest and best bidder for cash, at a price, including interest to date of delivery, not less than that prescribed by the board in the resolution calling for the sale of the bonds or warrants. The board may fix the minimum price for the bonds or warrants in an amount less than the face value of the bonds or warrants if it determines that the sale is in the best interests of the district and the county.

(2) The bonds or warrants may be sold at a private negotiated sale to the United States or the state of Montana, or an agency, instrumentality, corporation, or department thereof.

(3) In all other cases, the provisions of 7-7-4251, 7-7-4252, and through 7-7-4254 which relate to the notice of

1 sale, publication of notice, and manner and method of  
 2 selling bonds by cities and towns, insofar as they are  
 3 applicable and not in conflict with the provisions of this  
 4 section and 7-12-2173, shall apply to, govern, and control  
 5 the form of notice of sale, publication of notice, and  
 6 manner and method of selling bonds or warrants."

7 **Section 4.** Section 7-12-4204, MCA, is amended to read:

8 "7-12-4204. Procedure to issue bonds and warrants. (1)

9 The city or town council shall sell bonds or warrants issued  
 10 under the provisions of 7-12-4201, in an amount sufficient  
 11 to pay that part of the total cost and expense of the  
 12 improvements which that is to be assessed against benefited  
 13 property within the district, to the highest and best bidder  
 14 therefor for cash at a price, including interest thereon to  
 15 date of delivery, not less than that prescribed by the city  
 16 council in the resolution calling for the sale of the bonds  
 17 or warrants. The city council may fix the minimum price for  
 18 the bonds or warrants in an amount less than the face value  
 19 thereof if it determines that such the sale is in the best  
 20 interests of the district and the city.

21 (2) The bonds or warrants may be sold at a private  
 22 negotiated sale to the United States or the state of  
 23 Montana or to an agency, instrumentality, corporation, or  
 24 department thereof of the state.

25 (3) In all other cases, the provisions of 7-7-4251,

1 7-7-4252, and through 7-7-4254 with regard to the notice of  
 2 sale, publication of notice, and manner and method of  
 3 selling bonds by cities and towns, insofar as the same are  
 4 applicable thereto and not in conflict with the provisions  
 5 of this section and 7-12-4205, ~~shall~~ apply to, govern, and  
 6 control the form of notice of sale, publication of notice,  
 7 and manner and method of selling such the bonds or  
 8 warrants."

9 NEW SECTION. **Section 5. Repealer.** Sections 7-7-2253  
 10 and 7-7-4253, MCA, are repealed.

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

HOUSE BILL NO. 54

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A TOWN, A CITY, OR A COUNTY NOTIFY THE BOARD OF INVESTMENTS WHEN BONDS ARE TO BE SOLD; AMENDING SECTIONS 7-7-2302, 7-7-4302, 7-12-2172, AND 7-12-4204, MCA; AND REPEALING SECTIONS 7-7-2253 AND 7-7-4253, MCA."

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

**Section 1.** Section 7-7-2302, MCA, is amended to read:

"7-7-2302. Applicability of certain other bond provisions. The provisions of 7-7-2203 through 7-7-2207, 7-7-2209 through 7-7-2211, 7-7-2222, 7-7-2255 through 7-7-2270, and 7-7-2272 through 7-7-2274 apply to refunding bonds issued under this part; however, the board of county commissioners may at its option sell bonds issued under this part at a private negotiated sale or at a public sale conducted pursuant to the provisions of 7-7-2251, 7-7-2252, and through 7-7-2254."

**Section 2.** Section 7-7-4302, MCA, is amended to read:

"7-7-4302. Applicability of certain other bond provisions. The provisions of 7-7-4201 through 7-7-4206, 7-7-4208 through 7-7-4210, 7-7-4255 through 7-7-4270, and 7-7-4272 through 7-7-4274 apply to refunding bonds issued

under this part; however, the city or town council may at its option sell bonds issued under this part at a private negotiated sale or at a public sale conducted pursuant to the provisions of 7-7-4251, 7-7-4252, and through 7-7-4254."

**Section 3.** Section 7-12-2172, MCA, is amended to read:

"7-12-2172. Procedure to issue bonds and warrants. (1) The board of county commissioners shall sell bonds or warrants issued under the provisions of 7-12-2169 and 7-12-2171 through 7-12-2174, in an amount sufficient to pay that part of the total cost and expense of the improvements which is to be assessed against the benefited property within the district, to the highest and best bidder for cash, at a price, including interest to date of delivery, not less than that prescribed by the board in the resolution calling for the sale of the bonds or warrants. The board may fix the minimum price for the bonds or warrants in an amount less than the face value of the bonds or warrants if it determines that the sale is in the best interests of the district and the county.

(2) The bonds or warrants may be sold at a private negotiated sale to the United States or the state of Montana, or an agency, instrumentality, corporation, or department thereof.

(3) In all other cases, the provisions of 7-7-4251, 7-7-4252, and through 7-7-4254 which relate to the notice of

1 sale, publication of notice, and manner and method of  
 2 selling bonds by cities and towns, insofar as they are  
 3 applicable and not in conflict with the provisions of this  
 4 section and 7-12-2173, shall apply to, govern, and control  
 5 the form of notice of sale, publication of notice, and  
 6 manner and method of selling bonds or warrants."

7 **Section 4.** Section 7-12-4204, MCA, is amended to read:

8 "7-12-4204. Procedure to issue bonds and warrants. (1)

9 The city or town council shall sell bonds or warrants issued  
 10 under the provisions of 7-12-4201, in an amount sufficient  
 11 to pay that part of the total cost and expense of the  
 12 improvements ~~which~~ that is to be assessed against benefited  
 13 property within the district, to the highest and best bidder  
 14 therefor for cash at a price, including interest thereon to  
 15 date of delivery, not less than that prescribed by the city  
 16 council in the resolution calling for the sale of the bonds  
 17 or warrants. The city council may fix the minimum price for  
 18 the bonds or warrants in an amount less than the face value  
 19 thereof if it determines that ~~such~~ the sale is in the best  
 20 interests of the district and the city.

21 (2) The bonds or warrants may be sold at a private  
 22 negotiated sale to the United States or the state of  
 23 Montana, or to an agency, instrumentality, corporation, or  
 24 department thereof of the state.

25 (3) In all other cases, the provisions of 7-7-4251,

1 7-7-4252, and through 7-7-4254 with regard to the notice of  
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 6 control the form of notice of sale, publication of notice,  
 7 and manner and method of selling ~~such~~ the bonds or  
 8 warrants."

9 **NEW SECTION. Section 5. Repealer.** Sections 7-7-2253  
 10 and 7-7-4253, MCA, are repealed.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A TOWN, A CITY, OR A COUNTY NOTIFY THE BOARD OF INVESTMENTS WHEN BONDS ARE TO BE SOLD; AMENDING SECTIONS 7-7-2302, 7-7-4302, 7-12-2172, AND 7-12-4204, MCA; AND REPEALING SECTIONS 7-7-2253 AND 7-7-4253, MCA."

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

**Section 1.** Section 7-7-2302, MCA, is amended to read:

"7-7-2302. **Applicability of certain other bond provisions.** The provisions of 7-7-2203 through 7-7-2207, 7-7-2209 through 7-7-2211, 7-7-2222, 7-7-2255 through 7-7-2270, and 7-7-2272 through 7-7-2274 apply to refunding bonds issued under this part; however, the board of county commissioners may at its option sell bonds issued under this part at a private negotiated sale or at a public sale conducted pursuant to the provisions of 7-7-2251, 7-7-2252, and through 7-7-2254."

**Section 2.** Section 7-7-4302, MCA, is amended to read:

"7-7-4302. **Applicability of certain other bond provisions.** The provisions of 7-7-4201 through 7-7-4206, 7-7-4208 through 7-7-4210, 7-7-4255 through 7-7-4270, and 7-7-4272 through 7-7-4274 apply to refunding bonds issued

under this part; however, the city or town council may at its option sell bonds issued under this part at a private negotiated sale or at a public sale conducted pursuant to the provisions of 7-7-4251, 7-7-4252, and through 7-7-4254."

**Section 3.** Section 7-12-2172, MCA, is amended to read:

"7-12-2172. **Procedure to issue bonds and warrants.** (1) The board of county commissioners shall sell bonds or warrants issued under the provisions of 7-12-2169 and 7-12-2171 through 7-12-2174, in an amount sufficient to pay that part of the total cost and expense of the improvements which is to be assessed against the benefited property within the district, to the highest and best bidder for cash, at a price, including interest to date of delivery, not less than that prescribed by the board in the resolution calling for the sale of the bonds or warrants. The board may fix the minimum price for the bonds or warrants in an amount less than the face value of the bonds or warrants if it determines that the sale is in the best interests of the district and the county.

(2) The bonds or warrants may be sold at a private negotiated sale to the United States or the state of Montana, or an agency, instrumentality, corporation, or department thereof.

(3) In all other cases, the provisions of 7-7-4251, 7-7-4252, and through 7-7-4254 which relate to the notice of

1 sale, publication of notice, and manner and method of  
 2 selling bonds by cities and towns, insofar as they are  
 3 applicable and not in conflict with the provisions of this  
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7 **Section 4.** Section 7-12-4204, MCA, is amended to read:

8 "7-12-4204. Procedure to issue bonds and warrants. (1)

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9 NEW SECTION. **Section 5.** Repealer. Sections 7-7-2253  
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