

HOUSE BILL NO. 613

INTRODUCED BY EWER

IN THE HOUSE

FEBRUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 97; NOES, 3.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 18, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 19, 1993	SECOND READING, CONCURRED IN.
MARCH 20, 1993	THIRD READING, CONCURRED IN. AYES, 42; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 613
 2 INTRODUCED BY Enser
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 5 LAWS RELATING TO COUNTY AND MUNICIPAL GENERAL OBLIGATION
 6 BONDS AND REVENUE BONDS; REVISING THE REDEMPTION PROCEDURE
 7 FOR GENERAL OBLIGATION BONDS; CLARIFYING THE AUTHORITY OF A
 8 MUNICIPALITY TO ISSUE REVENUE BONDS FOR WATER AND SEWER
 9 SYSTEMS WITHOUT AN ELECTION; CLARIFYING THE AUTHORITY OF A
 10 MUNICIPALITY TO ISSUE REVENUE BONDS WITHOUT AN ELECTION TO
 11 FINANCE AN IMPROVEMENT DISTRICT FOR A PEDESTRIAN MALL OR
 12 OFFSTREET PARKING; AMENDING SECTIONS 7-7-2268, 7-7-2269,
 13 7-7-4268, 7-7-4269, 7-13-4301, AND 7-14-4714, MCA; AND
 14 REPEALING SECTIONS 7-13-4302, 7-13-4303, 7-13-4321,
 15 7-13-4322, 7-13-4323, 7-13-4324, 7-13-4325, 7-13-4326,
 16 7-13-4327, 7-13-4328, 7-13-4329, 7-13-4330, 7-13-4331,
 17 7-13-4332, 7-13-4333, 7-13-4341, 7-13-4342, 7-13-4343,
 18 7-13-4344, AND 7-13-4345, MCA."

19
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 **Section 1.** Section 7-7-2268, MCA, is amended to read:

22 "7-7-2268. Redemption of bonds held by one other than
 23 state. (1) Whenever there is available money in any sinking
 24 and interest fund over and above the amount required for
 25 payment of principal and interest becoming due on the next

1 interest payment date and sufficient to pay and redeem one
 2 or more outstanding optional bonds, or coupons principal
 3 installments in the case of amortization bonds, of the issue
 4 or series to which such the sinking and interest fund
 5 belongs, which bonds or coupons are not yet due but are then
 6 redeemable or will become redeemable on or before the next
 7 interest payment date, and whenever such the bonds or
 8 coupons are not held by the state of Montana, the county
 9 treasurer must shall apply such the available money in
 10 payment and redemption of as many of such the bonds, or
 11 coupons principal installments in the case of amortization
 12 bonds, as the same available money will pay and redeem to a
 13 redemption date on or before the next interest payment date,
 14 as fixed by the county treasurer.

15 (2) The county treasurer must shall give notice to the
 16 holder of such the bonds or coupons, if ownership of the
 17 bonds is registered or is otherwise known to him the
 18 treasurer, to the registered owners at their addresses as
 19 they appear in the bond registration books or to any bank or
 20 financial institution at which such the bonds or coupons are
 21 payable, by mail sent at least 15 days before the next
 22 interest-payment redemption date, that such the bonds or
 23 principal installments and-coupons will be paid and redeemed
 24 on such that date. A defect in or failure to give notice may
 25 not affect the validity of the proceedings for the

1 redemption of a bond or principal installment. The If the
 2 ownership of the bonds is not registered, the county
 3 treasurer must shall also publish in the official newspaper
 4 of the county, once a week for 2 consecutive weeks
 5 immediately preceding such the interest payment date, a
 6 notice that such the bonds or coupons principal installments
 7 have been called in for redemption and will be paid in full
 8 on such the interest--payment redemption date. If actual
 9 notice of the call has been given through a different means
 10 for its redemption, the holder of a bond may waive published
 11 or mailed notice.

12 (3) If such the bonds or coupons principal installments
 13 are payable at some bank or financial institution, the
 14 county treasurer must shall remit to such the bank or
 15 financial institution, before such--interest--payment the
 16 redemption date, an amount sufficient to pay and redeem such
 17 the bonds or coupons principal installments with interest
 18 accrued on the bonds or principal installments. If such the
 19 bonds are not presented for payment and redemption on such
 20 interest-payment the redemption date, interest thereon-shall
 21 cease ceases on such that date."

22 **Section 2.** Section 7-7-2269, MCA, is amended to read:

23 "7-7-2269. Order of redemption of bonds. All bonds or
 24 principal installments of amortization bond-coupons-paid-and
 25 bonds to be redeemed under the provisions of 7-7-2267 or

1 7-7-2268 must may be paid and redeemed in the numerical
 2 order-in-which-the-same-were-issued-or-become-due order the
 3 county treasurer selects, consistent with the provisions of
 4 the resolution authorizing the issuance of the bonds."

5 **Section 3.** Section 7-7-4268, MCA, is amended to read:

6 "7-7-4268. Redemption of bonds held by one other than
 7 state. (1) Whenever there is available money in any sinking
 8 and interest fund over and above the amount required for
 9 payment of principal and interest becoming due on the next
 10 interest payment date and sufficient to pay and redeem one
 11 or more of the outstanding optional bonds of the issue or
 12 series to which such the sinking and interest fund belongs,
 13 which bonds are not yet due but are then redeemable or will
 14 become redeemable on or before the next interest payment
 15 date, and whenever such the bonds are not held by the state,
 16 the city treasurer or town clerk must shall apply such the
 17 available money in payment-and redemption of as many of such
 18 the bonds as the same available money will pay and redeem to
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21 (2) The city treasurer or town clerk must shall give
 22 notice to the holder of such the bond or bonds, if ownership
 23 of the bonds is registered or is otherwise known to him the
 24 treasurer, to the registered owners at their addresses as
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1 financial institution at which such the bonds are payable,
 2 by mail sent at least 15 days before the next-interest
 3 payment redemption date, that such bonds will be redeemed
 4 and paid on such that date. A defect in or failure to give
 5 notice may not affect the validity of the proceedings for
 6 the redemption of a bond. The If the ownership of the bonds
 7 is not registered, the city treasurer or town clerk must
 8 shall also publish in some a newspaper of general
 9 circulation printed and published in the city or town and,
 10 if there be is none, then in some a newspaper of general
 11 circulation in such the city or town printed and published
 12 in the county in which such the city or town is situated a
 13 notice that such the bond or bonds have been called in for
 14 redemption and will be paid in full on such-interest-payment
 15 the redemption date. The notice ~~shall~~ must be published once
 16 a week for 2 successive weeks immediately preceding such the
 17 interest payment date. If actual notice of the call has been
 18 given through a different means for its redemption, the
 19 holder of a bond may waive published or mailed notice.

20 (3) If such the bonds are payable at some a bank or
 21 financial institution, the city treasurer or town clerk must
 22 shall remit to such the bank or institution, before such
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1 payment the redemption date, interest thereon--shall--cease
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3 **Section 4.** Section 7-7-4269, MCA, is amended to read:

4 "7-7-4269. Order of redemption of bonds. All bonds paid
 5 and to be redeemed under the provisions of 7-7-4267 or
 6 7-7-4268 must may be paid--and redeemed in the numerical
 7 order-in-which-the-same-were-issued order the city treasurer
 8 or city clerk selects, consistent with the provisions of the
 9 resolution authorizing the issuance of the bonds."

10 **Section 5.** Section 7-13-4301, MCA, is amended to read:

11 "7-13-4301. Establishment of sewage and water systems
 12 ~~---election-required.~~ Any city or town, ~~when--authorized--to~~
 13 ~~do-so-by-a-majority-vote-of-the-qualified-electors-voting-on~~
 14 ~~the-question,~~ may:

15 (1) establish, build, construct, reconstruct, and/or or
 16 extend:

17 (a) a storm and/or or sanitary sewerage system; and/or
 18 (b) a plant or plants for treatment or disposal of
 19 sewage therefrom from the city or town; or

20 (c) a water supply and/or or distribution system; or

21 (d) any combination of such systems; and

22 (2) operate and maintain such the facilities for public
 23 use."

24 **Section 6.** Section 7-14-4714, MCA, is amended to read:

25 "7-14-4714. Manner of financing district for pedestrian

1 mall or offstreet parking. An improvement district formed
2 for the purpose of establishing a pedestrian mall or
3 offstreet parking may be financed in accordance with the
4 provisions of 7-12-4161 through 7-12-4168, 7-12-4173, and
5 7-12-4175 and in accordance with the methods of financing
6 set forth ~~for the construction of water or sewer systems as~~
7 ~~set forth in 7-13-4321 through 7-13-4324, 7-13-4328,~~
8 ~~7-13-4329, and 7-13-4341 through 7-13-4345~~ in Title 7,
9 chapter 7, part 44."

10 NEW SECTION. Section 7. Repealer. Sections 7-13-4302,
11 7-13-4303, 7-13-4321, 7-13-4322, 7-13-4323, 7-13-4324,
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 8 or city clerk selects, consistent with the provisions of the
 9 resolution authorizing the issuance of the bonds."

10 **Section 5.** Section 7-13-4301, MCA, is amended to read:

11 "7-13-4301. Establishment of sewage and water systems
 12 ---election-required. Any city or town--when--authorised--to
 13 do-so-by-a-majority-vote-of-the-qualified-electors-voting-on
 14 the-questionary may:

15 (1) establish, build, construct, reconstruct, and/or or
 16 extend:

17 (a) a storm and/or or sanitary sewerage system; and/or
 18 (b) a plant or plants for treatment or disposal of
 19 sewage therefrom from the city or town; or

20 (c) a water supply and/or or distribution system; or

21 (d) any combination of such systems; and

22 (2) operate and maintain such the facilities for public
 23 use."

24 **Section 6.** Section 7-14-4714, MCA, is amended to read:

25 "7-14-4714. Manner of financing district for pedestrian

1 mall or offstreet parking. An improvement district formed
2 for the purpose of establishing a pedestrian mall or
3 offstreet parking may be financed in accordance with the
4 provisions of 7-12-4161 through 7-12-4168, 7-12-4173, and
5 7-12-4175 and in accordance with the methods of financing
6 set forth for the construction of water or sewer systems as
7 set forth in 7-13-4321 through 7-13-4324, 7-13-4328,
8 7-13-4329, and 7-13-4341 through 7-13-4345 in Title 7,
9 chapter 7, part 44."

10 NEW SECTION. Section 7. Repealer. Sections 7-13-4302,
11 7-13-4303, 7-13-4321, 7-13-4322, 7-13-4323, 7-13-4324,
12 7-13-4325, 7-13-4326, 7-13-4327, 7-13-4328, 7-13-4329,
13 7-13-4330, 7-13-4331, 7-13-4332, 7-13-4333, 7-13-4341,
14 7-13-4342, 7-13-4343, 7-13-4344, and 7-13-4345, MCA, are
15 repealed.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 17, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 613 (first reading copy -- blue), respectfully report that House Bill No. 613 be amended as follows and as so amended be concurred in.

Signed: 
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Page 1, lines 22 and 23.

Strike: "held" on line 22 through "state" on line 23

2. Page 2, lines 7 and 8.

Strike: "and" on line 7 through "Montana," on line 8


3. Page 4, lines 6 and 7.

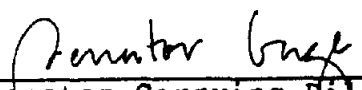
Strike: "held" on line 6 through "state" on line 7

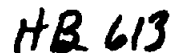
4. Page 4, line 15.

Strike: "and whenever ~~such~~ the bonds are not held by the state,"

-END-

 Amd. Coord.
Sec. of Senate


Senator Carrying Bill

SENATE

601528SC.Sma

HOUSE BILL NO. 613

INTRODUCED BY EWER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO COUNTY AND MUNICIPAL GENERAL OBLIGATION BONDS AND REVENUE BONDS; REVISING THE REDEMPTION PROCEDURE FOR GENERAL OBLIGATION BONDS; CLARIFYING THE AUTHORITY OF A MUNICIPALITY TO ISSUE REVENUE BONDS FOR WATER AND SEWER SYSTEMS WITHOUT AN ELECTION; CLARIFYING THE AUTHORITY OF A MUNICIPALITY TO ISSUE REVENUE BONDS WITHOUT AN ELECTION TO FINANCE AN IMPROVEMENT DISTRICT FOR A PEDESTRIAN MALL OR OFFSTREET PARKING; AMENDING SECTIONS 7-7-2268, 7-7-2269, 7-7-4268, 7-7-4269, 7-13-4301, AND 7-14-4714, MCA; AND REPEALING SECTIONS 7-13-4302, 7-13-4303, 7-13-4321, 7-13-4322, 7-13-4323, 7-13-4324, 7-13-4325, 7-13-4326, 7-13-4327, 7-13-4328, 7-13-4329, 7-13-4330, 7-13-4331, 7-13-4332, 7-13-4333, 7-13-4341, 7-13-4342, 7-13-4343, 7-13-4344, AND 7-13-4345, MCA."

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

Section 1. Section 7-7-2268, MCA, is amended to read:

"7-7-2268. Redemption of bonds held-by-one-other-than state. (1) Whenever there is available money in any sinking and interest fund over and above the amount required for payment of principal and interest becoming due on the next

interest payment date and sufficient to pay and redeem one or more outstanding ~~optional~~ bonds, or coupons principal installments in the case of amortization bonds, of the issue or series to which ~~such~~ the sinking and interest fund belongs, which bonds ~~or-coupons~~ are not yet due but are then redeemable or will become redeemable on or before the next interest payment date, ~~and--whenever--such~~ the bonds ~~or coupons-are-not-held-by-the-state--of--Montana,~~ the county treasurer ~~must~~ shall apply ~~such~~ the available money in ~~payment-and~~ redemption of as many of ~~such~~ the bonds, or coupons principal installments in the case of amortization bonds, as the ~~same~~ available money will pay and redeem to a redemption date on or before the next interest payment date, as fixed by the county treasurer.

(2) The county treasurer ~~must~~ shall give notice to the holder of ~~such~~ the bonds ~~or-coupons~~, if ownership of the bonds is registered or is otherwise known to him the treasurer, to the registered owners at their addresses as they appear in the bond registration books or to any bank or financial institution at which such the bonds or-coupons are payable, by mail sent at least 15 days before the next interest-payment redemption date, that such the bonds or principal installments and-coupons will be paid and redeemed on such that date. A defect in or failure to give notice may not affect the validity of the proceedings for the

redemption of a bond or principal installment. The If the ownership of the bonds is not registered, the county treasurer must shall also publish in the official newspaper of the county, once a week for 2 consecutive weeks immediately preceding such the interest payment date, a notice that such the bonds or coupons principal installments have been called in for redemption and will be paid in full on such the interest--payment redemption date. If actual notice of the call has been given through a different means for its redemption, the holder of a bond may waive published or mailed notice.

(3) If such the bonds or coupons principal installments are payable at some bank or financial institution, the county treasurer must shall remit to such the bank or financial institution, before such--interest--payment the redemption date, an amount sufficient to pay and redeem such the bonds or coupons principal installments with interest accrued on the bonds or principal installments. If such the bonds are not presented for payment and redemption on such interest-payment the redemption date, interest thereon-shall cease ceases on such that date.

Section 2. Section 7-7-2269, MCA, is amended to read:

"7-7-2269. Order of redemption of bonds. All bonds or principal installments of amortization bond-coupons-paid-and bonds to be redeemed under the provisions of 7-7-2267 or

7-7-2268 must may be paid and redeemed in the numerical order-in-which-the-same-were-issued-or-become-due order the county treasurer selects, consistent with the provisions of the resolution authorizing the issuance of the bonds."

Section 3. Section 7-7-4268, MCA, is amended to read:

"7-7-4268. Redemption of bonds held-by-one--other--than state. (1) Whenever there is available money in any sinking and interest fund over and above the amount required for payment of principal and interest becoming due on the next interest payment date and sufficient to pay and redeem one or more of the outstanding optional bonds of the issue or series to which such the sinking and interest fund belongs, which bonds are not yet due but are then redeemable or will become redeemable on or before the next interest payment date, and-when-ever-such the bonds-are-not-held-by-the-state, the city treasurer or town clerk must shall apply such the available money in payment-and redemption of as many of such the bonds as the same available money will pay and redeem to a redemption date on or before the next interest payment date, as fixed by the city treasurer or town clerk.

(2) The city treasurer or town clerk must shall give notice to the holder of such the bond or bonds, if ownership of the bonds is registered or is otherwise known to him the treasurer, to the registered owners at their addresses as they appear in the bond registration books or to any bank or

1 financial institution at which such the bonds are payable,
 2 by mail sent at least 15 days before the next-interest
 3 payment redemption date, that such bonds will be redeemed
 4 and paid on such that date. A defect in or failure to give
 5 notice may not affect the validity of the proceedings for
 6 the redemption of a bond. The If the ownership of the bonds
 7 is not registered, the city treasurer or town clerk must
 8 shall also publish in some a newspaper of general
 9 circulation printed and published in the city or town and,
 10 if there be is none, then in some a newspaper of general
 11 circulation in such the city or town printed and published
 12 in the county in which such the city or town is situated a
 13 notice that such the bond or bonds have been called in for
 14 redemption and will be paid in full on such-interest-payment
 15 the redemption date. The notice shall must be published once
 16 a week for 2 successive weeks immediately preceding such the
 17 interest payment date. If actual notice of the call has been
 18 given through a different means for its redemption, the
 19 holder of a bond may waive published or mailed notice.

20 (3) If such the bonds are payable at some a bank or
 21 financial institution, the city treasurer or town clerk must
 22 shall remit to such the bank or institution, before such
 23 interest-payment the redemption date, an amount sufficient
 24 to pay and redeem such the bonds. If such the bonds are not
 25 presented for redemption and payment on such--interest

1 payment the redemption date, interest thereon--shall--cease
 2 ceases on such that date."

3 **Section 4.** Section 7-7-4269, MCA, is amended to read:

4 "7-7-4269. Order of redemption of bonds. All bonds paid
 5 and to be redeemed under the provisions of 7-7-4267 or
 6 7-7-4268 must may be paid--and redeemed in the numerical
 7 order-in-which-the-same-were-issued order the city treasurer
 8 or city clerk selects, consistent with the provisions of the
 9 resolution authorizing the issuance of the bonds."

10 **Section 5.** Section 7-13-4301, MCA, is amended to read:

11 "7-13-4301. Establishment of sewage and water systems
 12 ---election-required. Any city or town, when--authorized--to
 13 do-so-by-a-majority-vote-of-the-qualified-electors-voting-on
 14 the-question, may:

15 (1) establish, build, construct, reconstruct, and/or or
 16 extend:

17 (a) a storm and/or or sanitary sewerage system; and/or
 18 (b) a plant or plants for treatment or disposal of
 19 sewage therefrom from the city or town; or

20 (c) a water supply and/or or distribution system; or

21 (d) any combination of such systems; and

22 (2) operate and maintain such the facilities for public
 23 use."

24 **Section 6.** Section 7-14-4714, MCA, is amended to read:

25 "7-14-4714. Manner of financing district for pedestrian

1 mall or offstreet parking. An improvement district formed
 2 for the purpose of establishing a pedestrian mall or
 3 offstreet parking may be financed in accordance with the
 4 provisions of 7-12-4161 through 7-12-4168, 7-12-4173, and
 5 7-12-4175 and in accordance with the methods of financing
 6 set forth ~~for-the-construction-of-water-or-sewer-systems--as~~
 7 ~~set---forth---in--7-13-4321--through--7-13-4324,--7-13-4328,~~
 8 ~~7-13-4329,--and--7-13-4341--through--7-13-4345~~ in Title 7,
 9 chapter 7, part 44."

10 NEW SECTION. Section 7. Repealer. Sections 7-13-4302,
 11 7-13-4303, 7-13-4321, 7-13-4322, 7-13-4323, 7-13-4324,
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 13 7-13-4330, 7-13-4331, 7-13-4332, 7-13-4333, 7-13-4341,
 14 7-13-4342, 7-13-4343, 7-13-4344, and 7-13-4345, MCA, are
 15 repealed.

-End-