

HOUSE BILL NO. 299

INTRODUCED BY J. KROTKOV, F. ANDERSON, B. BESSETTE, C. BOLAND, R. FITZGERALD,
B. HAMLETT, L. SHELDON-GALLOWAY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RURAL IMPROVEMENT DISTRICTS AND SPECIAL DISTRICTS; REVISING LOCAL GOVERNMENT REQUIREMENTS NEEDED TO SELL VARIABLE RATE BONDS AT A PRIVATELY NEGOTIATED SALE; AMENDING SECTIONS 7-12-2171 AND 7-12-4203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-12-2171, MCA, is amended to read:

"7-12-2171. Details relating to rural improvement district bonds and warrants. (1) (a) The bonds and warrants must be drawn against either the construction or maintenance fund created for the special improvement district and must bear interest from the date of registration until called for redemption or paid in full. Bonds or warrants sold at a private, negotiated sale may bear interest at a rate varying periodically at the time or times and on the terms determined by the board of county commissioners. The terms determined by the board of county commissioners may include the establishment of a maximum rate of interest or the convertibility to a fixed rate of interest.

(b) Variable rate bonds may be sold at a private negotiated sale ~~if the principal amount of the bonds is \$500,000 or less and the board of county commissioners obtains separate written opinions from underwriters of Montana rural improvement district bonds stating the bonds are not marketable through a competitive bond sale. Bonds sold in principal amounts below \$250,000 do not require a marketability opinion.~~

(c) The interest must be payable annually or semiannually, at the discretion of the board of county commissioners, on the dates that the board prescribes. The warrants or bonds must bear the signatures of the presiding officer of the board and the county clerk and may bear the corporate seal of the county. The warrants or bonds must be registered in the office of the county clerk and the county treasurer, and if interest coupons are attached to the warrants or bonds, the interest coupons must also be registered and must bear the signatures of the presiding officer of the board and the county clerk. The coupons may bear the facsimile signatures of the officers in the discretion of the board.

1 (2) The bonds must be in denominations of \$100 or fractions or multiples of \$100, may be issued in
 2 installments, and may extend over a period not to exceed 30 years. However, if federal loans are available for
 3 improvements, repayment may extend over a period not to exceed 40 years. For the purposes of this subsection,
 4 the term of a bond issue commences on July 1 of the fiscal year in which the county first levies to pay principal
 5 and interest on the bonds.

6 (3) If applicable, the board of county commissioners shall specify whether the bonds are tax credit bonds
 7 as provided in 17-5-117, recovery zone economic development bonds or recovery zone facility bonds as provided
 8 in 7-7-140, or qualified energy conservation bonds as provided in 7-7-141."

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10 **Section 2.** Section 7-12-4203, MCA, is amended to read:

11 **"7-12-4203. Details relating to special improvement district bonds and warrants.** (1) (a) The bonds
 12 and warrants must be drawn against the special improvement district fund created for the district and must bear
 13 interest from the date of registration until called for redemption or paid in full. Bonds or warrants sold at a private,
 14 negotiated sale may bear interest at a rate varying periodically at the time or times and on the terms determined
 15 by the governing body of the municipality. The terms determined by the governing body of the municipality may
 16 include the establishment of a maximum rate of interest or the convertibility to a fixed rate of interest.

17 (b) Variable rate bonds may be sold at a private negotiated sale ~~if the principal amount of the bonds is~~
 18 ~~\$500,000 or less and the governing body of the municipality obtains separate written opinions from underwriters~~
 19 ~~of Montana special improvement district bonds stating the bonds are not marketable through a competitive bond~~
 20 ~~sale. Bonds sold in principal amounts below \$250,000 do not require a marketability opinion.~~

21 (c) The interest must be payable annually or semiannually, at the discretion of the governing body of the
 22 municipality, on the dates that the governing body prescribes. The warrants or bonds must bear the signatures
 23 of the mayor and clerk and may bear the corporate seal of the city. The warrants or bonds must be registered
 24 in the office of the clerk and treasurer, and if interest coupons are attached to the warrants or bonds, they must
 25 also be registered and bear the signatures of the mayor and clerk.

26 (2) The bonds must be in denominations of \$100 or fractions or multiples of \$100, may be issued in
 27 installments, and may extend over a period not to exceed 20 years or, if refunding bonds are issued pursuant to
 28 7-12-4194, over a period ending not later than 30 years after the date that the bonds to be refunded were issued.
 29 For the purposes of this subsection, the term of a bond issue commences on July 1 of the fiscal year in which
 30 the city first levies assessments to pay principal and interest on the bonds."

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2 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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