

1 SENATE BILL NO. 291
2 INTRODUCED BY G. HERTZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE THRESHOLD FOR APPROVAL OF CERTAIN
5 BOND ELECTIONS; AMENDING SECTIONS 7-7-4235, 7-15-4218, 7-31-110, 20-9-428, 67-11-303, AND 76-
6 15-506, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

9
10 **Section 1.** Section 7-7-4235, MCA, is amended to read:

11 **"7-7-4235. Percentage of electors required to authorize issuing of bonds.** Whenever the question
12 of issuing bonds for any purpose is submitted to the registered electors of a city or town, the determination of
13 the approval or rejection of the bond proposition is made by a majority of the votes cast on the issue in the
14 following manner:

- 15 (1) determine the total number of electors who were qualified to vote in the bond election;
- 16 (2) determine the total number of qualified electors who voted in the bond election from the tally
17 sheet or sheets for the election;
- 18 (3) calculate the percentage of qualified electors voting in the bond election by dividing the number
19 determined in subsection (2) by the number determined in subsection (1); and
- 20 (4) when the calculated percentage in subsection (3) is:
 - 21 (a) 40% or more, the bond proposition is considered approved and adopted if a majority of the
22 votes cast were in favor of the proposition. ~~otherwise if less than a majority, the proposition is considered~~
23 rejected; ~~or.~~
 - 24 (5)(b) ~~when the calculated percentage in subsection (3) is~~ more than 30% but less than 40%, the
25 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the
26 proposition. ~~otherwise if less than 60%, the proposition is considered rejected; or.~~
 - 27 (6)(c) ~~when the calculated percentage in subsection (3) is~~ 30% or less, the bond proposition is
28 considered rejected."

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Section 2. Section 7-15-4218, MCA, is amended to read:

"7-15-4218. Voter approval of urban renewal plan required when general obligation bonds to be used. If the plan or any subsequent modification ~~thereof~~ of the plan involves financing by the issuance of general obligation bonds of the municipality as authorized in 7-15-4302(1) or the financing of water or sewer improvements by the issuance of revenue bonds under the provisions of part 44 of chapter 7 or of part 43 of chapter 13, the question of approving the plan and issuing ~~such~~ the bonds shall ~~must~~ be submitted to a vote of the qualified electors of ~~such~~ the municipality, in accordance with the provisions governing municipal general obligation bonds under chapter 7, part 42, at the same election and shall ~~must~~ be approved ~~by a majority of those qualified electors voting on such question~~ in the manner provided for in 7-7-4235."

Section 3. Section 7-31-110, MCA, is amended to read:

"7-31-110. Effect of election. (1) If a majority of the votes cast ~~were~~ for the contract and bonds are considered approved pursuant to subsection (3), then the contract is in full force and effect and the bonds shall ~~shall~~ must be issued and disposed of in the manner provided in this part.

(2) If ~~there was a tie vote or a majority of the votes were cast against the contract and bonds~~ were not approved as provided in subsection (3), then the contract and surety bond given for its fulfillment are void and the bonds shall ~~may~~ not be issued.

(3) The determination of the approval or rejection of the bond proposition is made in the following manner:

(a) determine the total number of electors who were qualified to vote in the bond election;

(b) determine the total number of qualified electors who voted in the bond election from the tally sheet or sheets for the election;

(c) calculate the percentage of qualified electors voting in the bond election by dividing the number determined in subsection (3)(b) by the number determined in subsection (3)(a); and

(d) when the calculated percentage in subsection (3)(c) is:

(i) 40% or more, the bond proposition is considered approved and adopted if a majority of the votes cast were in favor of the proposition. ~~otherwise it~~ If less than a majority, the proposition is considered

1 ~~rejected; or.~~
 2 ~~(e)(ii) when the calculated percentage in subsection (3)(c) is~~ more than 30% but less than 40%, the
 3 ~~bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the~~
 4 ~~proposition; otherwise it~~ If less than 60%, the proposition is considered rejected; ~~or.~~
 5 ~~(f)(iii) when the calculated percentage in subsection (3)(c) is~~ 30% or less, the bond proposition is
 6 ~~considered rejected."~~

Section 4. Section 20-9-428, MCA, is amended to read:

9 **"20-9-428. Determination of approval or rejection of proposition at bond election.** (1) When the
 10 trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they shall
 11 determine the approval or rejection of the school bond proposition ~~in the following manner:~~ as provided in this
 12 section.

13 (a) ~~Except as provided in subsection (1)(c), if the school district bond election is held at a regular~~
 14 ~~school election or at a special election called by the trustees, the~~ The trustees shall:

- 15 (i) determine the total number of electors of the school district who are qualified to vote under the
- 16 provisions of 20-20-301 from the list of electors supplied by the county registrar for the school bond election;
- 17 (ii) determine the total number of qualified electors voting at the school bond election from the tally
- 18 sheets for the election; and
- 19 (iii) calculate the percentage of qualified electors voting at the school bond election by dividing the
- 20 amount determined in subsection (1)(a)(ii) by the amount determined in subsection (1)(a)(i).

21 (b) When the calculated percentage in subsection (1)(a)(iii) is:

- 22 (i) 40% or more, the school bond proposition is approved and adopted if a majority of the votes
- 23 were cast in favor of the proposition; ~~otherwise it~~ If less than a majority, the school bond proposition is
- 24 ~~rejected;~~
- 25 (ii) more than 30% but less than 40%, the school bond proposition is approved and adopted if 60%
- 26 or more of the votes were cast in favor of the proposition; ~~otherwise it~~ If less than 60%, the school bond
- 27 proposition is rejected; ~~or.~~
- 28 (iii) 30% or less, the school bond proposition is rejected.

~~(c) If the school district bond election is held in conjunction with an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or in conjunction with a general or primary election, the determination of the approval or rejection of the bond proposition is made by a majority of the votes cast on the issue.~~

(2) If the canvass of the vote establishes the approval and adoption of the school bond proposition, the trustees shall issue a certificate proclaiming the passage of the proposition and the authorization to issue bonds of the school district for the purposes specified on the ballot for the school district bond election."

Section 5. Section 67-11-303, MCA, is amended to read:

"67-11-303. (Temporary) Bonds and obligations. (1) An authority may borrow money for any of its corporate purposes and issue its bonds for those purposes, including refunding bonds, in the form and upon the terms that it may determine, payable out of any revenue of the authority, including revenue derived from:

- (a) an airport or air navigation facility or facilities;
- (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;
- (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 bonds may not be issued at any time if the total amount of principal and interest to become due in any year on the bonds and on any then-outstanding bonds for which revenue from the same source or sources is pledged exceeds the amount of revenue 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 is pledged, sufficient to make the revenue from the pledged source in the 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 section, any bonds issued pursuant to this chapter by an authority may be payable as to principal and interest solely from revenue of the authority and must state on their face the applicable limitations or restrictions regarding the source from which the principal and interest are payable.

(4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are

1 declared to be issued for an essential public and governmental purpose by a political subdivision within the
2 meaning of 15-30-2110(2)(a).

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

8 (6) Subject to the conditions stated in this subsection, the governing body of any municipality
9 having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the
10 municipality or by an authority in which the municipality is included, may by resolution covenant that in the
11 event that at any time all revenue, including taxes, appropriated and collected for the bonds is insufficient to pay
12 principal or interest then due, it shall, subject to 15-10-420, levy a general tax upon all of the taxable property in
13 the municipality for the payment of the deficiency. The governing body may further covenant that at any time a
14 deficiency is likely to occur within 1 year for the payment of principal and interest due on the bonds, it shall,
15 subject to 15-10-420, levy a general tax upon all the taxable property in the municipality for the payment of the
16 deficiency, and the taxes are limited to a rate estimated to be sufficient to produce the amount of the deficiency.
17 In the event that more than one municipality having a population in excess of 10,000 is included in an authority
18 issuing bonds pursuant to this chapter, the municipalities may apportion the obligation to levy taxes for the
19 payment of, or in anticipation of, a deficiency in the revenue appropriated for the bonds in a manner that the
20 municipalities may determine. The resolution must state the principal amount and purpose of the bonds and the
21 substance of the covenant respecting deficiencies. A resolution may not be effective until the question of its
22 approval has been submitted to the qualified electors of the municipality at a special election called for that
23 purpose by the governing body of the municipality and a majority of the electors voting on the question have
24 voted in favor of the resolution. The special election must be held in conjunction with a regular or primary
25 election. The notice and conduct of the election is governed, to the extent applicable, as provided for municipal
26 general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns and as provided
27 for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by counties. If a majority
28 of the electors voting on the issue vote against approval of the resolution, the municipality may not make the

1 covenant or levy a tax for the payment of deficiencies pursuant to this section, but the municipality or authority
2 may issue bonds under this chapter payable solely from the sources referred to in subsection (1).

3 **67-11-303. (Effective January 1, 2024) Bonds and obligations.** (1) An authority may borrow money
4 for any of its corporate purposes and issue its bonds for those purposes, including refunding bonds, in the form
5 and upon the terms that it may determine, payable out of any revenue of the authority, including revenue
6 derived from:

- 7 (a) an airport or air navigation facility or facilities;
- 8 (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;
- 9 (c) grants or contributions from the federal government; or
- 10 (d) other sources.

11 (2) The bonds may be issued by resolution of the authority, without an election and without any
12 limitation of amount, except that bonds may not be issued at any time if the total amount of principal and
13 interest to become due in any year on the bonds and on any then-outstanding bonds for which revenue from
14 the same source or sources is pledged exceeds the amount of revenue to be received in that year as estimated
15 in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and
16 possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any is pledged, sufficient to make
17 the revenue from the pledged source in the year at least equal to the amount of principal and interest due in
18 that year.

19 (3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102.
20 Except as otherwise provided in this section, any bonds issued pursuant to this chapter by an authority may be
21 payable as to principal and interest solely from revenue of the authority and must state on their face the
22 applicable limitations or restrictions regarding the source from which the principal and interest are payable.

23 (4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are
24 declared to be issued for an essential public and governmental purpose by a political subdivision.

25 (5) For the security of bonds, the authority or municipality may by resolution make and enter into
26 any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by
27 a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal
28 and interest and to create and maintain a reserve for the bonds may be paid from any revenue referred to in

1 this chapter, prior to the payment of current costs of operation and maintenance of the facilities.

2 (6) Subject to the conditions stated in this subsection, the governing body of any municipality
3 having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the
4 municipality or by an authority in which the municipality is included, may by resolution covenant that in the
5 event that at any time all revenue, including taxes, appropriated and collected for the bonds is insufficient to pay
6 principal or interest then due, it shall, subject to 15-10-420, levy a general tax upon all of the taxable property in
7 the municipality for the payment of the deficiency. The governing body may further covenant that at any time a
8 deficiency is likely to occur within 1 year for the payment of principal and interest due on the bonds, it shall,
9 subject to 15-10-420, levy a general tax upon all the taxable property in the municipality for the payment of the
10 deficiency, and the taxes are limited to a rate estimated to be sufficient to produce the amount of the deficiency.
11 In the event that more than one municipality having a population in excess of 10,000 is included in an authority
12 issuing bonds pursuant to this chapter, the municipalities may apportion the obligation to levy taxes for the
13 payment of, or in anticipation of, a deficiency in the revenue appropriated for the bonds in a manner that the
14 municipalities may determine. The resolution must state the principal amount and purpose of the bonds and the
15 substance of the covenant respecting deficiencies. A resolution may not be effective until the question of its
16 approval has been submitted to the qualified electors of the municipality at a special election called for that
17 purpose by the governing body of the municipality and a majority of the electors voting on the question have
18 voted in favor of the resolution as provided in 7-7-4235. The special election must be held in conjunction with a
19 regular or primary election. The notice and conduct of the election is governed, to the extent applicable, as
20 provided for municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and
21 towns and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by
22 counties. If a majority of the electors voting on the issue vote against approval of the resolution, the municipality
23 may not make the covenant or levy a tax for the payment of deficiencies pursuant to this section, but the
24 municipality or authority may issue bonds under this chapter payable solely from the sources referred to in
25 subsection (1)."

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27 **Section 6.** Section 76-15-506, MCA, is amended to read:

28 **"76-15-506. Bonds authorized -- election.** (1) Whenever a board of supervisors deems it necessary,

1 it may issue bonds payable from revenues, assessments, or both, or the district may use other financing as
2 provided for by this part and part 6 for the cost of works.

3 (2) The board of supervisors may call an election to be held in accordance with Title 13, chapter 1,
4 part 5.

5 (3) ~~If from the returns of the election it appears that the majority of votes cast at the election was in~~
6 ~~favor of and assented to the incurring of the indebtedness the bonds are considered approved pursuant to~~
7 ~~subsection (4), then the board of supervisors may by resolution provide for the issuance of the bonds.~~

8 (4) The determination of the approval or rejection of the bond proposition is made in the following
9 manner:

10 (a) determine the total number of electors who were qualified to vote in the bond election;

11 (b) determine the total number of qualified electors who voted in the bond election from the tally
12 sheet or sheets for the election;

13 (c) calculate the percentage of qualified electors voting in the bond election by dividing the number
14 determined in subsection (4)(b) by the number determined in subsection (4)(a); and

15 (d) when the calculated percentage in subsection (4)(c) is:

16 (i) 40% or more, the bond proposition is considered approved and adopted if a majority of the
17 votes cast were in favor of the proposition. ~~otherwise if less than a majority, the proposition is considered~~
18 rejected; ~~or.~~

19 (e)(ii) when the calculated percentage in subsection (4)(c) is more than 30% but less than 40%, the
20 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the
21 proposition. ~~otherwise if less than 60%, the proposition is considered rejected; ~~or.~~~~

22 (f)(iii) when the calculated percentage in subsection (4)(c) is 30% or less, the bond proposition is
23 considered rejected.

24 (4)(5) The issuance of bonds must be carried out in accordance with 7-7-4426 and 7-7-4432 through
25 7-7-4435. The validity of the bonds, use of the bond revenue, and the refunding of the bonds must be done in
26 accordance with the provisions of 7-7-4425, 7-7-4430, 7-7-4501(2) and (3), and 7-7-4502 through 7-7-4505.

27 (5)(6) Any bonds issued under this part and part 6 have the same force, value, and use as bonds
28 issued by a municipality and are exempt from taxation as property within the state of Montana."

