

1 HOUSE BILL NO. 125

2 INTRODUCED BY F. ANDERSON

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC NOTICE LAWS FOR CERTAIN MONTANA
6 FACILITY FINANCE AUTHORITY PUBLIC HEARINGS; AMENDING SECTIONS 90-7-225 AND 90-7-229,
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 90-7-225, MCA, is amended to read:

12 **"90-7-225. Procedure prior to financing qualified small bond issue projects.** (1) In addition to
13 meeting the other requirements contained in this chapter or in state or federal law, the requirements of
14 subsections (2) through (4) must be met before financing is provided for a project described in 90-7-104(1)(l).

15 (2) The authority shall find that the financing is in the public interest. In order to determine whether
16 or not the financing is in the public interest, a public hearing must be conducted in the following manner:

17 (a) the city or county in which the project will be located must be notified, and the city and county
18 shall, within 14 days after receipt of the notice, notify the board if it elects to conduct the hearing; or

19 (b) if a request for a local hearing is not received by the authority within 14 days after the
20 notification in subsection (2)(a), the authority may hold the hearing at a time and place it determines.

21 (3) Notice of the hearing must be published at least ~~once a week for 2 weeks~~ 7 calendar days prior
22 to the date set for the hearing by publication on a governmental unit website or in a newspaper of general
23 circulation in the city or county where the hearing will be held and the project will be located. The notice must
24 include the time and place of the hearing, a general description of the nature and location of the project, the
25 name of the lessee, borrower, or user of the project and the maximum principal amount of the financing to be
26 provided by the authority.

27 (4) If the hearing required by subsection (2) is conducted by a local government, the governing
28 body of the local government shall notify the authority of its determination of whether the financing is in the

1 public interest within 14 days after the completion of the public hearing."

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3 **Section 2.** Section 90-7-229, MCA, is amended to read:

4 **"90-7-229. Procedure prior to financing certain projects.** (1) In addition to meeting the other
5 requirements contained in this chapter or in state or federal law, the requirements of subsections (2) through (4)
6 must be met before financing is provided for a project described in 90-7-104(1)(l).

7 (2) The authority shall find that the financing is in the public interest. In order to determine whether
8 or not the financing is in the public interest, a public hearing must be conducted in the following manner:

9 (a) the city or county in which the project will be located must be notified, and the city and county
10 shall, within 14 days after receipt of the notice, notify the board if it elects to conduct the hearing; or

11 (b) if a request for a local hearing is not received by the authority within 14 days after the
12 notification in subsection (2)(a), the authority may hold the hearing at a time and place it determines.

13 (3) Notice of the hearing must be published at least ~~once a week for 2 weeks~~ 7 calendar days prior
14 to the date set for the hearing by publication on a governmental unit website or in a newspaper of general
15 circulation in the city or county where the hearing will be held and the project will be located. The notice must
16 include the time and place of the hearing, a general description of the nature and location of the project, the
17 name of the lessee, borrower, or user of the project, and the maximum principal amount of the financing to be
18 provided by the authority.

19 (4) If the hearing required by subsection (2) is conducted by a local government, the governing
20 body of the local government shall notify the authority of its determination of whether the financing is in the
21 public interest within 14 days after the completion of the public hearing."

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

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