

HOUSE BILL NO. 291

INTRODUCED BY L. BREWSTER, C. KNUDSEN, S. VINTON, G. KMETZ, B. PHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT INVESTMENT OPTIONS; ALLOWING MUNICIPAL GROUP SELF-INSURANCE PROGRAMS TO INVEST USING INSURER INVESTMENT STRATEGIES ALLOWED IN TITLE 33, CHAPTER 12, PARTS 1 THROUGH 3; AND AMENDING SECTIONS 7-6-202, 7-7-2316, 7-7-4316, AND 20-9-412, MCA."

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

Section 1. Section 7-6-202, MCA, is amended to read:

"7-6-202. Investment of public money in direct obligations of United States. (1) A municipal group self-insurance program that may include consolidated governments established pursuant to an interlocal agreement may follow the investment standards provided in Title 33, chapter 12, parts 1 through 3, to invest public money that is not required for immediate use by the municipal group self-insurance program.

(2) A local governing body may invest public money not necessary for immediate use by the county, city, or town in the following eligible securities:

(a) United States government treasury bills, notes, and bonds and in United States treasury obligations, such as state and local government series (SLGS), separate trading of registered interest and principal of securities (STRIPS), or similar United States treasury obligations;

(b) United States treasury receipts in a form evidencing the holder's ownership of future interest or principal payments on specific United States treasury obligations that, in the absence of payment default by the United States, are held in a special custody account by an independent trust company in a certificate or book-entry form with the federal reserve bank of New York; or

(c) obligations of the following agencies of the United States, subject to the limitations in subsection ~~(2)~~ (3):

(i) federal home loan bank;

(ii) federal national mortgage association;

1 (iii) federal home mortgage corporation; and

2 (iv) federal farm credit bank.

3 ~~(2)~~(3) An investment in an agency of the United States is authorized under this section if the  
4 investment is a general obligation of the agency and has a fixed or zero-coupon rate and does not have  
5 prepayments that are based on underlying assets or collateral, including but not limited to residential or  
6 commercial mortgages, farm loans, multifamily housing loans, or student loans.

7 ~~(3)~~(4) The local governing body may invest in a United States government security money market  
8 fund if:

9 (a) the fund is sold and managed by a management-type investment company or investment trust  
10 registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 through 80a-64), as may be amended;

11 (b) the fund consists only of eligible securities as described in this section;

12 (c) the use of repurchase agreements is limited to agreements that are fully collateralized by the  
13 eligible securities, as described in this section, and the investment company or investment trust takes delivery  
14 of the collateral for any repurchase agreement, either directly or through an authorized custodian;

15 (d) the fund is listed in a national financial publication under the category of "money market mutual  
16 funds", showing the fund's average maturity, yield, and asset size; and

17 (e) the fund's average maturity does not exceed 397 days.

18 ~~(4)~~(5) Except as provided in ~~subsections (5) and subsection~~ (6), an investment authorized in this part  
19 may not have a maturity date exceeding 5 years, except when the investment is used in an escrow account to  
20 refund an outstanding bond issue in advance.

21 ~~(5) An investment of the assets of a local government group self-insurance program established~~  
22 ~~pursuant to 2-9-211 or 39-71-2103 in an investment authorized in this part may not have a maturity date~~  
23 ~~exceeding 10 years, and the average maturity of all those authorized investments of a local government group~~  
24 ~~self-insurance program may not exceed 6 years.~~

25 (6) An investment in zero-coupon United States government treasury bills, notes, and bonds  
26 purchased as a sinking fund investment for a balloon payment on qualified construction bonds described in 17-  
27 5-116(1) may have a maturity date exceeding 5 years if:

28 (a) the maturity date of the United States government treasury bills, notes, and bonds is on or

1 before the date of the balloon payment; and

2 (b) the school district trustees provide written consent.

3 (7) This section may not be construed to prevent the investment of public funds under the state  
4 unified investment program established in Title 17, chapter 6, part 2."

5

6 **Section 2.** Section 7-7-2316, MCA, is amended to read:

7 **"7-7-2316. Advance refunding bonds.** (1) The board of county commissioners may issue refunding  
8 bonds pursuant to this section to refund outstanding bonds in advance of the date on which the bonds mature  
9 or are subject to redemption, provided that the proceeds of the refunding bonds, less any accrued interest or  
10 premium received upon the sale of the refunding bonds, are deposited with other funds appropriated to the  
11 payment of the outstanding bonds in escrow with a suitable banking institution in or out of the state.

12 (2) Except as provided in subsection (3), the funds deposited must be invested in securities that  
13 are general obligations of the United States or the principal and interest of which are guaranteed by the United  
14 States and that mature or are callable at the option of the holder on those dates and bear interest at those rates  
15 and are payable on the dates that are required to provide funds sufficient, with any cash retained in the escrow  
16 account, to pay when due the interest to accrue on each bond being refunded to its maturity or redemption  
17 date, if called for redemption, to pay the principal of the bond at maturity or upon the redemption date, and to  
18 pay any redemption premium.

19 (3) If the funds initially deposited in escrow are sufficient, without regard to any investment income  
20 on those funds, to redeem in full the bonds being refunded as of their redemption date and to pay the principal  
21 of and interest and premium on the bonds being refunded at their stated maturities, the funds may be invested  
22 in the securities described in subsection (2) or in a money market fund composed exclusively of eligible  
23 securities described in 7-6-202 and that otherwise satisfies the requirements of 7-6-202~~(3)~~(4).

24 (4) The escrow account is irrevocably appropriated to the payment of the principal of and interest  
25 and redemption premium on the bonds being refunded. Funds in the sinking fund account for the payment of  
26 the bonds being refunded and not required for the payment of principal of or interest on the bonds being  
27 refunded due prior to issuance of the refunding bonds may be appropriated by the county to the escrow  
28 account. The county may pay the reasonable costs and expenses of printing the refunding bonds and of

1 establishing and maintaining the escrow account. Bonds that are refunded pursuant to this part are not to be  
2 considered outstanding for purposes of 7-7-2203 or any other debt limitation."

3

4 **Section 3.** Section 7-7-4316, MCA, is amended to read:

5 **"7-7-4316. Advance refunding bonds.** (1) A city or town may issue refunding bonds pursuant to this  
6 section to refund outstanding bonds in advance of the date on which the bonds mature or are subject to  
7 redemption, provided that the proceeds of the refunding bonds, less any accrued interest or premium received  
8 upon the sale of the refunding bonds, are deposited with other funds appropriated to the payment of the  
9 outstanding bonds in escrow with a suitable banking institution in or outside of the state.

10 (2) Except as provided in subsection (3), the funds deposited must be invested in securities that  
11 are general obligations of the United States or the principal and interest of which are guaranteed by the United  
12 States and that mature or are callable at the option of the holder on those dates and bear interest at those rates  
13 and are payable on the dates that are required to provide funds sufficient, with any cash retained in the escrow  
14 account, to pay when due the interest to accrue on each bond being refunded to its maturity or redemption  
15 date, if called for redemption, to pay the principal of the bond at maturity or upon the redemption date, and to  
16 pay any redemption premium.

17 (3) If the funds initially deposited in escrow are sufficient, without regard to any investment income  
18 on those funds, to redeem in full the bonds being refunded as of their redemption date and to pay the principal  
19 of and interest and premium on the bonds being refunded at their stated maturities, the funds may be invested  
20 in the securities described in subsection (2) or in a money market fund that is composed exclusively of eligible  
21 securities described in 7-6-202 and that otherwise satisfies the requirements of 7-6-202~~(3)~~(4).

22 (4) The escrow account is irrevocably appropriated to the payment of the principal of and interest  
23 and redemption premium on the bonds being refunded. Funds in the sinking fund account for the payment of  
24 the bonds being refunded and not required for the payment of principal of or interest on the bonds being  
25 refunded due prior to issuance of the refunding bonds may be appropriated by the city or town to the escrow  
26 account. The city or town may pay the reasonable costs and expenses of printing the refunding bonds and of  
27 establishing and maintaining the escrow account. Bonds that are refunded pursuant to this part are not to be  
28 considered outstanding for purposes of 7-7-4201 or any other debt limitation."

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2           **Section 4.** Section 20-9-412, MCA, is amended to read:

3           **"20-9-412. Issuance of refunding bonds without election.** (1) Bonds of a school district issued for  
4 the purpose of providing the money needed to redeem outstanding bonds may be issued without submitting the  
5 proposition to the electorate at an election. In order to issue refunding bonds, the trustees, at a regular meeting  
6 or a special meeting, shall adopt a resolution setting forth:

- 7           (a) the facts regarding the outstanding bonds that are to be redeemed;
- 8           (b) the reasons for issuing new bonds; and
- 9           (c) the term and details of the new bond issue.

10           (2) After the adoption of the resolution, the trustees shall:

- 11           (a) sell the bonds at a private negotiated sale; or
- 12           (b) at their option, give notice of the sale of the new bonds in the same manner that notice is  
13 required to be given for the sale of bonds authorized at a school election and sell the new bonds in open  
14 competitive bidding, by written bids or by sealed bids.

15           (3) Except for bonds refunded by a school district under the provisions of Title 17, chapter 5, part  
16 16, including any variable rate finance program that is authorized, bonds may not be refunded by the issuance  
17 of new bonds unless the rate of interest offered on the new bonds is at least 1/2 of 1% a year less than the rate  
18 of interest in the bonds to be refunded or redeemed.

19           (4) If a refunding bond issue refunds only a portion of an outstanding bond issue, the unrefunded  
20 portion of the outstanding bond issue and the refunding bond issue must be treated as a single bond issue for  
21 the purposes of 20-9-408.

22           (5) Refunding bonds may be issued in a principal amount greater than the principal amount of the  
23 outstanding bonds if there is a reduction of total debt service cost to the district.

24           (6) (a) Refunding bonds issued pursuant to this section may be issued to refund outstanding  
25 bonds in advance of the date on which the bonds mature or are subject to redemption, provided that the  
26 proceeds of the refunding bonds, less any accrued interest or premium received upon the sale of the bonds,  
27 are deposited with other funds appropriated to the payment of the outstanding bonds in escrow with a suitable  
28 banking institution in or outside of the state.

1 (b) Except as provided in subsection (6)(c), funds deposited must be invested in securities that are  
 2 general obligations of the United States or the principal and interest of which are guaranteed by the United  
 3 States and that mature or are callable at the option of the holder on the dates and bear interest at the rates and  
 4 are payable on the dates that are required to provide funds sufficient, with any cash retained in the escrow  
 5 account, to pay when due the interest to accrue on each bond being refunded to its maturity or redemption  
 6 date, if called for redemption, to pay the principal of the bond at maturity or upon the redemption date, and to  
 7 pay any redemption premium.

8 (c) If the funds initially deposited in escrow are sufficient, without regard to any investment income  
 9 on those funds, to redeem in full the bonds being refunded as of their redemption date and to pay the principal  
 10 of and interest and premium on the bonds being refunded at their stated maturities, the funds may be invested  
 11 in the securities described in subsection (6)(b) or in a money market fund that is composed exclusively of  
 12 eligible securities described in 7-6-202 and that otherwise satisfies the requirements of 7-6-202~~(3)~~(4).

13 (d) The escrow account must be irrevocably appropriated to the payment of the principal of and  
 14 interest and redemption premium on the bonds being refunded. Funds in the debt service fund for the payment  
 15 of the bonds being refunded and not required for the payment of principal of or interest on the bonds being  
 16 refunded due prior to issuance of the refunding bonds may be appropriated by the district to the escrow  
 17 account. The school district may pay the reasonable costs and expenses of printing the refunding bonds and of  
 18 establishing and maintaining the escrow account. Bonds that are refunded pursuant to this part are not to be  
 19 considered outstanding for purposes of 20-9-406 or any other debt limitation."

20 - END -