

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

February 17, 1983

The meeting of the Local Government Committee was called to order by Chairman George McCallum on February 17, 1983 at 12:30 p.m. in Room 405, State Capitol.

ROLL CALL: All present.

CONSIDERATION OF SENATE BILL NO. 428: Sen. Mark Etchart, District #2 said that this bill sets up a weather modification authority in the state and addresses the formulation of the same at the county level. Eastern Montana experienced a drought in 1980 which lasted for a 2-year period. This bill is similar to the one in North Dakota, however, theirs is more of a hail suppression type. They do get just as much benefit from the rain as the hail suppression efforts. There is a lot of controversy in weather modification. There are two ways of accomplishing it: (1) injecting silver iodide into the air from ground based generators, and (2) flying a plane with silver iodide into the clouds. This bill would not take any authorization away from the state.

Setting up a weather modification authority would be done by petition. If the farmers in the area could get 51% of the qualified electors on a petition, they could present this to the county commissioners. It would give the county commissioners the power to levy up to 2 mills on all the property in the county. This mandate would terminate in five years, at which time the petition process would have to be repeated or the county commissioners, by resolution, could extend it.

PROPOSERS: Jim Fuhrmann, Larshan, Montana, said that one reason for this bill was that it was extremely dry in the spring of 1980. The biggest problem at the time was trying to get the funding. They tried, on an emergency basis, to deal with FEMA in Denver. However, they did receive 1/2" of rain and that removed it from the emergency basis. One inch more rain increases crop yield by 4 bushels per acre. For Valley County, this could possibly be over \$11 million in return for a minimal cost per acre.

There were no further proponents and no opponents.

DISCUSSION OF SENATE BILL NO. 428: Sen. Story asked what would happen to the 2 mills once the 55 mill levy for the counties is passed. Sen. Etchart replied that this would be in addition to any taxing authority the counties have. The urban people might not want to be taxed for this but in an agricultural community it is these people that support the towns. Sen. Conover wanted to know if this would be mandatory. Sen. Etchart said it would not be mandatory and explained that 51% of the electorate would be tough to get. It would be strictly voluntary.

In answer to Sen. Van Valkenburg's question about the number of registered voters in Valley County, Sen. Etchart said there were around 6,000, so 3,000 - 3,500 signatures would be needed on a peti-

tion. Sen. Van Valkenberg asked why Sen. Etchart wanted to go with a majority of electors rather than a petition and then go to a ballot issue. Sen. Etchart replied that he was not locked into this and that there may be ways to accomplish it. He just patterned this after the North Dakota law. He stated that the petition is presented to the county commissioners for action and they have the discretion to go ahead with it or not. The bill says "may". Sen. Van Valkenberg said that, in other words, the county commissioners must levy whatever some board tells them. He felt that the elected officials should be able to make the decision without being told by a board what they must levy.

Chairman McCallum pointed out that a bill had been passed stating that the county commissioners could, by resolution, put something on the ballot but Sen. Van Valkenberg said that was for general obligation bonds. Sen. Etchart suggested that perhaps some amendments could be worked out for this bill.

The hearing on SB 428 was closed.

CONSIDERATION OF SENATE BILL NO. 412: Sen. J.D. Lynch, District #44, Butte, said that this bill was introduced on behalf of the Urban Coalition along with various cities and towns in the state. It simply changes the fiscal year for counties, cities and towns to coincide with the Federal government. Currently, there is approximately 3-8 weeks when they don't know what kind of money is going to come in and they are working on their budget. Sen. Lynch referred any questions the committee might have to Mr. George Bousliman.

PROPOSERS: Mr. George Bousliman, Urban Coalition. The bill is very simple in what it does. The main reason for it is not to get in sync with the Feds. It would allow the local governments to be more accurate and honest when they put together their budgets. They don't know what the revenues will be until they are certified by the Department of Revenue and the certification is not made until sometime in August. This would allow the local governments to know what the revenue is going to be when they put together their budget. The first year of the transition would be 15 months and it would appear to be a tax increase. However, on page 30, line 14 through 17, explains that they may exceed the statutory annual mill levy by 25% to fund the extra three months.

Bill Verwolf, City of Helena, said that it would be much better in that it would put the seasonal revenues more in line with the budget year. Now, these seasonal revenues, like the park or swimming pool are spread out over two different periods. The 25% is necessary due to the fact that the cities do not have the cash carry over for the extra three months. Most of the cities will have to use the 25% increase. This procedure would provide that the budget would be set up in September and be approved in October.

Al Thelen, City Manager of Billings, endorsed the bill. It would allow them to do a better job of managing their budgets.

Mae Nan Ellingson, City of Missoula, said that the city of Missoula is in a position that they would have to levy the 25%. Right now, they are issuing warrants against a budget that has not been approved.

There were no further proponents and no opponents.

DISCUSSION OF SENATE BILL NO. 412: Sen. Marbut asked if there were any county officials present and Mr. Bousliman said that he represented several urban counties. Sen. Marbut asked if this would have any effect on the schools but schools would not be affected by this as they don't wait for these budgets to be set. Sen. Lynch said also, that it does not have any effect whatsoever on the tax laws so taxes would still be due at the same time. Sen. Ochsner asked how this was going to affect the counties. Chairman McCallum said that they will have to budget for 15 months. This is not a tax increase but that budget for 15 months is going to make some people wonder because of that 25% increase.

There being no further discussion, the hearing on SB 412 was closed.

CONSIDERATION OF SENATE BILL NO. 428: Sen. Norman, District #47, sponsor of the bill, explained it to the committee and stated a hypothetical case: A developer or someone wishes to have an SID; the SID is laid out; the 5% up-front money is there and things are going well. Then, for some reason, the SID gets in trouble. It can borrow from the city revolving fund. This fund accepts the transfer of money between SID's. If the revolving fund can't pay it, the city must pay it. If the general fund of the city can't, then it becomes a general obligation of the city. This bill would remove that requirement. He felt it was not fair that people living on the other side of the town could be paying for an SID that was of no benefit to them.

PROPOSERS: There were no proponents.

OPPOSERS: Mae Nan Ellingson, City of Missoula, said that this is a very important bill. RID's and SID's are needed for funding special improvements which are a general benefit to the general community. The general fund backs them to a limited extent. The implementation of this bill would take away the ability of local governments to finance public improvements, and without this method she didn't know how local governments would be able to do it.

Bill Verwolf, City of Helena, agreed with Mrs. Ellingson. Sewer, water and street pavement improvements are taken care of with SID's and allows neighborhoods to upgrade their facilities.

Bruce McKenzie, D.A. Davidson Company, said that it is a limited general obligation bond in that they are allowed to levy up to 5%. Bonding companies will not buy the bonds without the revolving fund backing them.

Al Thelen, City of Billings, felt that it would raise the cost of providing public improvements. There is approximately \$20 million in SID's outstanding and thought this bill goes in the opposite direction. It should be a general obligation on the city.

CONSIDERATION OF SENATE BILL NO. 458: Sen. Marbut asked if the loan from the fund to the district was interest bearing. Mr. Verwolf said it was the same interest as the bonds that the district carries.

In closing, Sen. Norman said that it did not take away the ability to fund the revolving fund, as some people think. This bill is not addressing the revolving fund. The city can move against the property if the SID should fail. He did not feel people living clear across town should have to pay for someone hooking up to city services, such as sewer or water or paving their streets. He pointed out the unfairness of the law and said that this bill attempts to correct this.

The hearing was closed on SB 458.

CONSIDERATION OF SENATE BILL NO. 460: Sen. Fuller, District #15, sponsor of the bill said he would like to move SB 460 to the Business and Industry Committee if it was agreeable to all concerned. Chairman McCallum said that it was fine with him and that the bill had been sent to this committee because most of the other committees are overloaded with bills. If it is agreeable with Sen. Kolstad to accept the bill, the bill will be moved to B & I. Sen. Fuller felt it would be more appropriate to hear it in that committee. Chairman McCallum did tell Sen. Fuller if Sen. Kolstad would not accept it he might have to take the chance of it dying in this committee as there are no other bills to be posted for hearing. Sen. Fuller said that he would just have to take the chance.

DISPOSITION OF SENATE BILL NO. 124: The proposed amendments by Mr. McCaffrey were presented to the committee. Sen. Crippen was very uncomfortable with both of them. The first amendment, to him, is bad policy. There are enough bad annexation laws on the books at the present time. In the second amendment, this creates another class of property tax charged within the city. Felt we may be opening Pandora's box, and felt the Supreme Court could really have a field day with this amendment.

This bill was introduced to help the town of Colstrip. Sen. Marbut said he thought the coal impact fund was set up for this type of thing. Sen. Van Valkenberg said the impact money is available if the area is at the minimum mill levy. Mr. McCaffrey said their levy is around 12 and if they lost the valuation of those power plants on the roads the 15 mills would not be enough.

Sen. Ochsner MOVED AMENDMENT #1. MOTION CARRIED, Story and Hammond voting "no". Sen. Ochsner MOVED SB 124 DO PASS AS AMENDED. MOTION CARRIED, 7-4.

Dave Bohyer, Legislative Council, felt there are some real problems with the amendment and will work on it. Sen. Van Valkenberg said that this should be sent to the floor of the Senate and the amendment changed there. He did not feel the researcher should draft amendments without the committee adopting them.

DISPOSITION OF SENATE BILL NO. 458: Sen. Crippen was very definitely against this bill as there is a first lien on all the property concerned. Sen. Crippen MOVED SB 458 DO NOT PASS. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 319: Jeremiah Johnson has some figures about the one-time increase. There were two different amendments proposed for the committee to look at and these were explained to the committee.

The \$103,000 statewide would be broken down over a period of 3 years. He did not have it broken down by county or district. Under the full impact the average chief would go to \$27,000 and the average deputy to \$20,000 and the longevity would be in addition to that. Mr. Johnson said that some of these people are starting to leave the state because the pay is better elsewhere and felt that the longevity would be an incentive to keep some of them in their positions. Chairman McCallum explained the circumstances surrounding the increase in their salaries and the cost of living allowance last session.

Glen Hufstelter, Probation Officer, Kalispell said that they want to be consistent with other county employees.

A motion was made to change the 3 year provision to 4 years.

Sen. Ochsner did not like the retroactive part of the bill and Chairman McCallum asked why the longevity could not start as of the present. Mr. Johnson said that the committee has the discretion to do that. Chairman McCallum felt that considering other county employees, they are being paid very adequately.

Sen. Marbut called for the motion; no action was taken. Sen. Hammond said they had discussed this two years ago and felt that some of these

counties may not be able to pay. One of the members felt if the counties have this authorization now, let them do it. Sen. Van Valkenburg said the only way they would have this ability would be by virtue of collective bargaining and that would not apply to an officer whose salary is set by the Legislature and most probation officers work multi-county districts. Probation officer's salaries are prorated between the counties based upon the valuation and the number of counties in the districts vary.

Mr. Johnson said that they have asked to be put under the state plan but were turned down. They are trying to get something done so they don't have to be coming back all the time asking for money.

Sen. Crippen was also concerned about the retroactive longevity even though he did realize the reason for longevity - you try to keep certain types of people on the job. Why not a certain number of years they could go back? Mr. Johnson suggested 5 years, page 2, line 14.

Sen. Story made a substitute motion to accept the language on page 1 concerning the July 1 date. This was the original purpose for bringing this bill in; the cost-of-living allowance. Longevity was added on. He said that a probation officer, after six years of service would be able to receive a 1% per year longevity. Sen. Crippen asked what about the person that has been employed for 15 years? Sen. Story replied it would be 1%.

Sen. Van Valkenburg proposed, in addition to Sen. Story's substitute motion, to amend page 2, line 12,

Following: "probation officer"  
Insert: "with more than 5 years of service"  
Following: "allowance"  
Insert: "."  
Strike: "beginning at the completion of the  
officer's first year of employment."

The same amendment should be incorporated on page 3, (2), line 9. SUBSTITUTE MOTION CARRIED UNANIMOUSLY. Sen. Marbut MOVED SB 319 DO PASS AS AMENDED. MOTION CARRIED. Dave Bohyer will look over the amendments.

DISPOSITION OF SENATE BILL NO. 412: MOTION MADE, DO PASS. MOTION CARRIED, with Sens. Ochsner and McCallum voting "no".

DISPOSITION OF SENATE BILL NO. 322: Sen. Van Valkenburg MOVED THE PROPOSED AMENDMENTS. MOTION CARRIED UNANIMOUSLY. Sen. Fuller MOVED SB 322 DO PASS, AS AMENDED. MOTION CARRIED, Sens. Hammond and Conover voting "no".

DISPOSITION OF SENATE BILL NO. 89: Sen. Crippen said that there is a House Bill, which is in this committee, that accomplishes the same thing as Sen. Eck's bill and perhaps in a better way. Sen. Crippen MOVED SB 89 BE TABLED. MOTION CARRIED, UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 135: Sen. Marbut MOVED THE ADOPTION OF THE AMENDMENTS submitted by the sponsor. MOTION CARRIED UNANIMOUSLY.

Sen. Marbut moved an amendment to take (7) and (8) out of the list of 12 and reduce the 24 mills to 20 mills in the title and the body of the bill. Sen. Crippen said that the museum levy is still in there and he was going to object to that. Sen. Crippen moved to strike (5) of Section 3. Sen. Fuller felt that if all of this is taken out, you are gutting the bill and there is nothing left. He felt it was alright in its original state. Sen. Marbut said these amendments were discussed by the subcommittee on SB 135 and also agreed to buy the Urban Coalition. Sen. Ochsner, Chairman of the Subcommittee, made it known that he did not agree with the other two members and wanted it stated in the record.

Chairman McCallum asked for the committee's preference for a meeting for executive action. A meeting will be called on Saturday, February 19, on adjournment.

MEETING ADJOURNED 2:30 p.m.

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/17

| NAME           | PRESENT | ABSENT | EXCUSED |
|----------------|---------|--------|---------|
| OCHSNER        | ✓       |        |         |
| CRIPPEN        | ✓       |        |         |
| HAMMOND        | ✓       |        |         |
| STORY          | ✓       |        |         |
| MARBUT         | ✓       |        |         |
| CONOVER        | ✓       |        |         |
| FULLER         | ✓       |        |         |
| THOMAS         | ✓       |        |         |
| VAN VALKENBURG | ✓       |        |         |
| BOYLAN         | ✓       |        |         |
| McCALLUM       | ✓       |        |         |
|                |         |        |         |
|                |         |        |         |
|                |         |        |         |
|                |         |        |         |
|                |         |        |         |



DATE \_\_\_\_\_

COMMITTEE ON \_\_\_\_\_

## VISITORS' REGISTER

[illegible]

Harry J. Fuhrman  
Box 7  
Lawson, Mt. 59244

## Weather Modification

### 1. Reasons for having program established

A. Would be ready to do a project on short notice in times of severe drought such as the spring of 1980

B. Without having funding in place and trying to gather up money on an individual basis delayed a project in the spring of 1980 resulting in a large loss to the economy of Valley county and Eastern Montana as a whole.

C. Depending on the size of a project the cost per acre is very minimal. If I remember correctly the cost per acre for Valley County would have been 5¢ - 6¢ per acre in the spring of 1980. Returns on W/M money can be tremendous. For example Dr. Frick claims an average of 30% to 50% increase which would increase our average yearly moisture from about 12" to 15" up to 18".

County average \$ 24 bu acre<sup>2</sup>

300,000 acres wheat x 4 bushel increase = 1,200,000

bushel more wheat x 3.20 = \$ 3,840,000.00 return to county for 1" of rain

6¢ acre cost returns \$ 12.80 <sup>for 1 inch</sup> ~~return~~ This figure could be as high \$ 25.60 for just 1" increase in rain. 6¢ returns 38.40 for three inches

3" of rain raises 4 bushel per acre which is 12 bushel

D. along with this is the potential to go from half fallow & half crop to  $\frac{2}{3}$  crop  $\frac{1}{3}$  fallow or even all crop means again a large increase in income to the counties and states.

E. with a good program you reduce the risk of hail and modify the rains from gully washers to more general softer rains

F. Southern Alberta has renewed Dr. Kruck for several years in a row on a yearly basis based on his performance the previous year.

G. We need to have the right to choose who we want to do a project in spite of possible bidding, providing they meet the specifications of the state laws

H. The important thing is to have money available right away whether it be solely county or county funds matched by the state funds

SENATE COMMITTEE LOCAL GOVERNMENT

Date \_\_\_\_\_ Bill No. 124 Time \_\_\_\_\_

| NAME                              | YES | NO |
|-----------------------------------|-----|----|
| OCHSNER, J. Donald, Vice-Chairman | ✓   |    |
| CRIPPEN, Bruce                    | ✓   |    |
| HAMMOND, H.W.                     |     | ✓  |
| STORY, Pete                       |     | ✓  |
| MARBUT, Reed                      |     | ✓  |
| CONOVER, Max                      | ✓   |    |
| FULLER, David                     | ✓   |    |
| THOMAS, Bill                      | ✓   |    |
| VAN VALKENBURG, Fred              |     | ✓  |
| BOYLAN, Paul                      | ✓   |    |
| McCallum, George                  | ✓   |    |
|                                   |     |    |

Louise Sullivan  
Secretary

Sen. George McCallum  
Chairman

Motion: \_\_\_\_\_

*To Pass As Amended*  
*Motion carried 7-4*

(include enough information on motion--put with yellow copy of committee report.)

Amendments to Senate Bill 322 (Introduced copy) McCallum

Title, line 6.

Following: "UTILITIES;"

Strike: "REMOVING THE LIMITATION ON ANNUAL RATE INCREASES  
THAT MAY BE MADE BY THE MUNICIPALITY; PROVIDING FOR  
PUBLIC REPORTS ON THE UTILITY: AUTHORIZING THE PUBLIC  
SERVICE COMMISSION TO PROVIDE TECHNICAL ASSISTANCE;  
AMENDING SECTIONS 69-7-101 AND 69-7-121, MCA; AND"

Title, line 11.

Following: "1981"

Strike: ", IMMEDIATELY; REPEALING SECTION 69-7-102, MCA"

Insert: "; AND PROVIDING AND IMMEDIATE EFFECTIVE DATE"

Page 1, line 15 through line 21 on page 2.

Strike: sections 1 through 3 in their entirety

Re-number: subsequent sections

Page 3, lines 2 through 6.

Strike: sections 5 and 6 in their entirety

Page 3, line 7.

Following: "date."

Strike: "Section 4"

Insert: "This act"

*Feb. 15, 1983*

AMENDMENTS TO SENATE BILL 319

1. Page 1, line 16.  
Following: "\$22,000 a year"  
Insert: ", exclusive of cost-of-living and longevity allowances under this section."
2. Page 2, lines 2 and 3  
Strike: "the fiscal year beginning July 1"
3. Page 2, line 3  
Strike: "of"  
—
4. Page 2, line 12  
Strike: "is entitled to"  
Insert: "shall"
5. Page 2, line 14  
Following: "employment"  
Insert: "and adjusted annually"
6. Page 3, line 10  
Strike: "is entitled to"  
Insert: "shall"
7. Page 3, line 12  
Following: "employment"  
Insert: "and adjusted annually"
8. Page 3  
Following: line 15  
Insert: "(3) The salary of a deputy probation officer must be computed on the chief probation officer's base salary plus cost-of-living allowances.  
(4) A deputy probation officer appointed to chief probation officer will retain all cost-of-living and longevity allowances and his salary may not be decreased by such appointment, notwithstanding the limits imposed in section 1.  
(5) The salary paid a deputy probation officer may not be decreased by appointment of a new chief probation officer."

*J. Johnson*

ADMENDMENTS TO SENATE BILL 319

Page 2, Line 18.

Following: "Installments."

Insert: "For the year beginning July 1, 1983, only 33-1/3% of the initial longevity allowance authorized shall be paid; for the year beginning July 1, 1984, only 66-2/3% of the initial longevity allowance authorized shall be paid; and for the year beginning July 1, 1985, and all years thereafter at 100% of the longevity allowance authorized shall be paid."

Page 3, Line 15.

Following: "installments."

Insert: "For the year beginning July 1, 1983, only 33-1/3% of the initial longevity allowance authorized shall be paid; for the year beginning July 1, 1984, only 66-2/3% of the initial longevity allowance authorized shall be paid; and for the year beginning July 1, 1985, and all years thereafter at 100% of the longevity allowance authorized shall be paid."

# /

SB 124 shall be amended to read:

page 2, line 4, Section (4) shall be removed in its entirety and replaced with: "When the proposed city or town has been established and includes land used for industrial or manufacturing purposes, 50% of the taxable value shall remain to the credit of the county road fund."



SB 124 shall be amended to read:

page 2, line 4, Section (4) shall be removed in its entirety and replaced with:

"Land used for industrial purposes shall not be included in  
the described limits of a proposed city or town."

Amendments to Senate Bill 322 (Introduced copy) McCallum

Title, line 6.

Following: "UTILITIES;"

Strike: "REMOVING THE LIMITATION ON ANNUAL RATE INCREASES  
THAT MAY BE MADE BY THE MUNICIPALITY; PROVIDING FOR  
PUBLIC REPORTS ON THE UTILITY: AUTHORIZING THE PUBLIC  
SERVICE COMMISSION TO PROVIDE TECHNICAL ASSISTANCE;  
AMENDING SECTIONS 69-7-101 AND 69-7-121, MCA; AND"

Title, line 11.

Following: "1981"

Strike: ", IMMEDIATELY; REPEALING SECTION 69-7-102, MCA"

Insert: "; AND PROVIDING AND IMMEDIATE EFFECTIVE DATE"

Page 1, line 15 through line 21 on page 2.

Strike: sections 1 through 3 in their entirety

Renumber: subsequent sections

Page 3, lines 2 through 6.

Strike: sections 5 and 6 in their entirety

Page 3, line 7.

Following: "date."

Strike: "Section 4"

Insert: "This act"

BILL SUMMARIES

SENATE LOCAL GOVERNMENT COMMITTEE

SB 412      Senate Bill 412 would change the fiscal year of local governments  
(Lynch)      from the current July 1-June to October 1-September 30.

SB 428      Senate Bill 428 authorizes counties to establish weather  
(Etchart)      modification authorities.

SB 458      Senate Bill 458 removes the authority for the use of general  
(Norman)      property tax to fund RID and SID revolving funds.

SB 460      Senate Bill 460 would create the Montana Economic Development  
(Fuller)      Corporation. The purpose of the Corporation would be to create  
jobs through diversifying Montana's economy.

SENATE MEMBERS

PAT M. GOODOVER  
CHAIRMAN  
CARROLL GRAHAM  
JOSEPH P. MAZUREK  
JESSE O'HARA

HOUSE MEMBERS

JOHN VINCENT  
VICE CHAIRMAN  
BURT L. HURWITZ  
REX MANUEL  
BOBBY SPILKER



## Montana Legislative Council

State Capital  
Helena, MT. 59620

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SHAROLE CONNELLY  
DIRECTOR, ACCOUNTING DIVISION

ROBERT C. PYFER  
DIRECTOR, LEGAL SERVICES

February 3, 1983

TO: Senator George McCallum  
FROM: Dave Bohyer *DAVE*  
RE: Senate Bill 135; 55 mill limit

This is in answer to your question about how many mills could be levied under SB 135.

The basic general fund levy maximum for counties under the bill is 55 mills. However Section 3 of the bill also authorizes several permissive levies. Those levies could vary greatly and would be in addition the 55 mills general levy.

For counties of the first, second and third class, the maximum levy could be:

- \* general fund - 55 mills
- \* maximum permissive - 56½ mills
- \* other permissive - can't be calculated

Total - 111½ mills, plus

For counties of the fourth, fifth, sixth and seventh class, the maximum levy could be:

- \* general fund - 55 mills
- \* maximum permissive - 58½ mills
- \* other permissive - can't be calculated

Total - 113½ mills, plus

For fiscal year 1982-83 only three counties, Anaconda-Deer Lodge (132.05), Granite (100.52) and Butte-Silver Bow (153.79), had levies over 100 mills. And, of course, Anaconda-Deer Lodge and Butte-Silver Bow, are consolidated city-county governments.

DB:rm:Z

SENATE BILL 135

This bill allows an all purpose levy of 55 mills in addition to levies for several funds such as the road fund, poor fund and others. The all purpose levy and additional fund levies, with statutory limits, amount to more than 90 mills for county government. The average county levy for 1982-83 was 47 mills. Authorized mill levies will double as a result of this bill.

Section 3, page 3, (10) allows the county commissioners to impose any new levy they desire and (11) provides that the commissioners can establish new taxing districts and impose tax levies as they choose. These sections effectively remove all mill levy restrictions on county governments.

Section 4 allows the county commissioners to exceed the 55 mill all purpose levy if they wish. This section, again, removes all mill levy restrictions.

Section 7 provides that all new levies established by the legislature are in addition to the 55 mill all purpose levy. This expands tax limits even more.

The impact of the bill is to eliminate all current mill levy limitations although it is not spelled out in the title of the bill. I don't believe the title conforms to the body of the bill and none of the current statutes are amended to conform with this legislation. If the bill is passed in its present form, it will conflict with the current laws regarding county mill levies.

*introduced bill*

*Exhibit #1  
J. D. Holmes  
Feb. 10, 1983*

Senate Bill 135

Proposed Amendment, in Section 3, Page 2.

Insert after Line 9, Page 2 x x x 7-6-2511;

(4) for the library fund as provided in 22-1-304;

(5) for the museum fund as provided in 7-16-2205;

Renumber the remaining paragraphs in Section 3, Pages 2 and 3.

Submitted by J.D.Holmes  
Montana Arts Advocacy  
2/10/83



# Montana Association Of Conservation Districts

7 Edwards  
Helena, Montana 59601  
Ph. 406-443-5711

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:


I am Steve Meyer, representing the Montana Association of Conservation Districts.

I would like to offer an amendment to SB135, which you have before you.

Our lawyer is not certain that this bill would pertain to the conservation district mill levy. A February 6, 1981 opinion of Attorney General Mike Greely holds that the authority to cause the conservation district tax to be levied lies with the district board of supervisors and not with the county commissioners. We feel that this amendment will end some of the confusion on district budgets before it starts. This will also limit the burden of operating the district to only those landowners within the district.

I urge your adoption of this amendment.

Thank you.

  
\_\_\_\_\_  
Steven R. Meyer  
Executive Vice President

SRM:dv  
Amendment attached

insert on line 10, page 2:

(4) for the conservation district fund as provided  
in 76-15-516,

renumber all subsequent subsections



# STANDING COMMITTEE REPORT

February 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **SENATE** Bill No. **322**

Respectfully report as follows: That **SENATE** Bill No. **322**,  
introduced copy, be amended as follows:

1. Title, line 6.  
Following: "UTILITIES;"  
Strike: "REMOVING THE LIMITATION ON ANNUAL RATE INCREASES  
THAT MAY BE MADE BY THE MUNICIPALITY; PROVIDING FOR PUBLIC  
REPORTS ON THE UTILITY; AUTHORIZING THE PUBLIC SERVICE  
COMMISSION TO PROVIDE TECHNICAL ASSISTANCE; AMENDING SECTIONS  
69-7-101 AND 69-7-121, MCA; AND"
2. Title, line 11.  
Following: "1981"  
Strike: ", IMMEDIATELY; REPEALING SECTION 69-7-102, MCA"  
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
3. Page 1, line 15 through line 21 on page 2.  
Strike: sections 1 through 3 in their entirety  
Renumber: subsequent sections

**XXXXXX**  
DO PASS

Continued

4. Page 3, lines 2 through 6.  
Strike: sections 5 and 6 in their entirety  
Renumber: subsequent section
5. Page 3, line 7.  
Following: "date."  
Strike: "Section 4"  
Insert: "This act"

AND AS SO AMENDED,  
DO PASS

# STANDING COMMITTEE REPORT

February 17 19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **SENATE** Bill No. **458**

Respectfully report as follows: That **SENATE** Bill No. **458,**  
introduced copy,

**DO NOT PASS**

**~~REXXXX~~**

# STANDING COMMITTEE REPORT

February 17

83

19

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 319

Respectfully report as follows: That SENATE Bill No. 319,  
introduced bill, be amended as follows:

1. Page 2, line 12.  
Following: "officer"  
Insert: "with more than 5 years of service"
2. Page 2, lines 13 and 14.  
Strike: "beginning at the completion of the officer's first  
year of employment"
3. Page 3, line 10.  
Following: "officer"  
Insert: "with more than 5 years of service"
4. Page 3, lines 11 and 12.  
Strike: "beginning at the completion of the officer's first  
year of employment"

AND AS SO AMENDED,

DO PASS

# STANDING COMMITTEE REPORT

February 17

83

19.....

MR. **PRESIDENT**.....

We, your committee on **LOCAL GOVERNMENT**.....

having had under consideration **SENATE**..... Bill No. **412**.....

Respectfully report as follows: That **SENATE**..... Bill No. **412**,  
**introduced copy,**

DO PASS

(10) developmental disabilities facility levy, as provided in 53-20-208;

(11) airport levy, as provided in 67-10-402; and

(12) livestock show levy, as provided in 81-8-503.

NEW SECTION. Section 4. Changes from consolidated services levy. A county adopting the consolidated services levy provided for in [this act] is bound by that adoption during the ensuing fiscal year, but may abandon the method in succeeding fiscal years.

NEW SECTION. Section 5. Distribution of consolidated services levy. The money received from the consolidated services levy must be accounted for in a common fund known as the consolidated services fund.

NEW SECTION. Section 6. Future levies. Any statutory mill levy authorized for county governments after July 1, 1983, that does not specifically include that mill levy within the consolidated services levy is in addition to the consolidated services levy.

NEW SECTION. Section 7. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 8. Effective date. This act is effective July 1, 1983."

*Amendments*

AMEND SENATE BILL 135 AS FOLLOWS:

1. Title, line 5.  
Following: "USING A"  
Strike: "55-MILL"  
Insert: "24-MILL" *"26-MILL"*  
Following: "55-MILL,"  
Strike: "ALL-PURPOSE"  
Insert: "CONSOLIDATED SERVICES"

*Strike 798*

2. Title, line 6.  
Following: "TAXES"  
Strike: "AND PURPOSES"  
Following: "TO BE"  
Strike: "FUNDED OUTSIDE"  
Insert: "REPLACED BY"

3. Title, line 7.  
Following: line 6  
Strike: "ALL-PURPOSE"  
Insert: "CONSOLIDATED SERVICES"  
Following: "LEVY;"  
Strike: "AMENDING SECTION 7-6-2220, MCA;"

4. Pages 1 through 4.  
Strike: all of the bill following the enacting clause  
Insert: "NEW SECTION. Section 1. consolidated services levy authorized for counties. A county may at its option levy a consolidated services mill levy as provided in [this act]."

NEW SECTION. Section 2. Consolidated services levy -- maximum. (1) The consolidated services levy is an annual levy upon the taxable value of all property in the county subject to taxation for county purposes in lieu of the levies specified in [section 3]. The consolidated services levy may not exceed 24 mills on the dollar.

(2) If the county governing body determines that the interests of the county would be served by a consolidated services mill levy it shall specify its intent to impose the consolidated services mill levy in the resolution approving and adopting the annual budget.

NEW SECTION. Section 3. Special service levies replaced by consolidated services levy. A county using the consolidated services levy may not impose any of the following levies:

- (1) bridge levy, as provided in 7-14-2502;
- ~~(2) ferry levy, as provided in 7-14-2807;~~
- (3) recreation levy, as provided in 7-16-101;
- (4) civic center levy, as provided in 7-16-2102;
- ~~(5) museum levy, as provided in 7-16-2205;~~
- (6) county fair levy, as provided in 7-21-3410;
- ~~(7) weed levy, as provided in 7-22-2142;~~
- ~~(8) library levy, as provided in 22-1-304;~~
- (9) insect pest levy, as provided in 7-22-2306;