

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### CONFERENCE COMMITTEE ON SENATE BILL 77

Call to Order: By Chairman Tom Beck, on March 22, 1989, at 9:00 A.M.

#### ROLL CALL

Members Present: Senator Beck, Senator Nathe and Senator Vaughn.  
Representative Guthrie, Representative Johnson,  
and Representative Darko.

Members Excused: None

Members Absent: None

Staff Present: Mark Bennett, Amendments Coordinator

#### DISPOSITION OF SENATE BILL 77

Discussion: Gordon Morris explains what he and Senator Beck talked about earlier this morning. He felt that the last House amendment made the bill redundant in terms of current state law. "This allows commissioners to submit a question to the voters to exceed the statutory mill levy limitations already set. The only difference would be you submit the questions to the voters and that authority is limited to a two year period. If you were simply looking at getting authority to go beyond the current statutory limits for the road levy you could do that...You don't submit questions to the voters where there is only one answer to be sought. This is not a case you can say no to...The limits that were proposed in the bill is introduced 25 to 27 respectively."

Senator Beck - "The last amendments on the bill. Evidently, the amendments that were put in going from 25 to 20 and 27 to 23, were they defeated? They were put in the bill on March 4. Then on March 7, we go over here to the amendments--it shows 25 back to 15 and 27 back to 18. Am I correct in saying, they were put back?"

Representative Johnson - "That was done on the floor."

Senator Beck - "Is this committee in favor or not in favor of getting rid of section (b) in section one of the bill. 'The board of county commissioners may not levy more than 10 mills in addition without an election of the people.' How does the

committee feel on that?"

Representative Guthrie - "I was going to support the 5 mills not the 10 mills."

Senator Beck - "How about the election by the people? Get that out of the bill."

Representative Guthrie - "That's what I wanted."

Senator Beck indicated there was a motion on the floor to strike "(a)" on line 13 and strike all of the language on line 23 on page 1, continuing to line 2, on page 2.

The motion carried unanimously with the House and the Senate voting yes.

Senator Beck explained that 76-25-31 of the codes dealt with the election by the people..."It says you can already do that with a voted levy."

Senator Beck stated, "The last amendment in this bill was from 20 to 15 mills. Let's strike that amendment and go back to 20 and 23 mills on line 17 and line 19."

Representative Darko indicated that was her amendment that Senator Beck wanted to strike.

Senator Beck stated there was a motion on the floor to strike the language on line 17 the number "15" and insert "20" and on line 19 strike "18" and insert "23".

The motion carried unanimously with both the House and the Senate voting yes.

Representative Darko - "There are going to be some questions over in the House as far as transfer of moneys from other funds and where exactly is this money going to come from. Is it going to come from other mill levies or other designated budgets like general funds. We can't increase the over all debt load."

Senator Beck - "The only time this is going to take affect Paula (Representative Darko) in my estimation is if valuation starts to drop. You are capped at dollar figures. If valuation drops in your county, you can increase the mills...The other thing if you can't transfer out of the general fund because the road mill levy is not an equal mill levy to the general fund."

Senator Nathe - "It's got to be a county mill...The only thing that's a county mill is soil conservation."

Senator Beck - "Yes, your soil conservation district. Maybe rodent control or something like that."

Senator Nathe - "There are some fund transfers, aren't there?"

Senator Beck indicated there were. He stated that one could not get into the general fund and go into the road fund...Senator Beck asked the committee if they knew of any funds that could be transferred specifically.

Senator Nathe explained that there are some federal funds that can be transferred.

Representative Darko - "They (The House) were wondering about timber receipts money."

Senator Beck - "Timber receipts money is on and above this mill levy...When we got to talking about the mills, you are not transferring funds. But if you need a rodent control program then you can take a mill off for rodent control. You can't take money out of rodent control. There is a definite cap on here. That is not going to let this get too far out of place...They can't use general fund money, either."

Senator Beck indicated the title will have to changed on line 8. Also he stated that the mills in the title had to be changed down to 20 and 23. "In fourth, fifth, sixth, and seventh class counties from 18 mills to 23 mills and in all other counties from 15 mills to 20 mills;"

The motion carried unanimously with both the House and the Senate voting yes.

ADJOURNMENT

Adjournment At: 9:17 A.M.

  
SENATOR TOM BECK, CHAIRMAN

ROLL CALL

CONFERENCE

COMMITTEE - SENATE BILL 77

51st LEGISLATIVE SESSION -- 1989

Date 3-22-89

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NAME	PRESENT	ABSENT	EXCUSED
SEN. TOM BECK	X		
SEN. DENNIS NATHE	X		
SENATOR ELEANOR VAUGHN	X		
REP. BERT GUTHRIE	X		
REP. JOHN JOHNSON	X		
REP. PAULA DARKO	X		

Each day attach to minutes.

Conference Committee Report  
on SB 77  
Report No. 1, March 22, 1989

CONFERENCE COMMITTEE ON SB 77  
March 22, 1989  
page 2 of 2

Mr President and Mr. Speaker:

We, your Conference Committee on SB 77 met and considered:

1. The House Committee of Whole amendments to SB 77 (third reading copy -- blue) offered by Rep. Darko and dated March 4, 1989.
2. The House Committee of the Whole amendments to SB 77 (third reading copy -- blue) offered by Rep. Boharski and dated March 7, 1989.

We recommend that SB 77 (reference copy -- salmon) be amended as follows:

1. Title, lines 4 and 5.  
Strike: "TO" on line 4 through "COMMISSIONERS" on line 5
2. Title, line 8.  
Following: "25".  
Strike: "BY UP TO 10".  
Insert: "IN FOURTH, FIFTH, SIXTH, AND SEVENTH CLASS COUNTIES FROM 18 HILLS TO 23 HILLS AND IN ALL OTHER COUNTIES FROM 15 HILLS TO 20".  
Following: "MILLS".  
Strike: "IF APPROVED BY THE ELECTORATE"

3. Page 1, line 13.  
Strike: "(A)".

4. Page 1, line 17.  
Following: "20".  
Strike: "15".  
Insert: "20".

5. Page 1, line 19.  
Following: "23".  
Strike: "18".  
Insert: "23".

6. Page 1, line 23 through page 2, line 2.  
Strike: subsection [E] in its entirety

And that this Conference Committee Report be adopted.

FOR THE SENATE

FOR THE HOUSE

Don Beck  
Sen. Beck, Chairman

Paula Darko  
Rep. Darko

Anastasia E. Vaughn  
Sen. Vaughn

John Johnson  
Rep. Johnson

Sen. Mathe

Rep. Guthrie

ADOPT

REJECT

continued

ccsb077.322

SB 77  
ccsb077.322

1 SENATE BILL NO. 77

2 INTRODUCED BY NATHE, BECK

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE BOARD  
5 OF COUNTY COMMISSIONERS TO RAISE THE COUNTY ROAD MILL LEVY  
6 IN FOURTH, FIFTH, SIXTH, AND SEVENTH CLASS COUNTIES FROM 18  
7 MILLS TO 27 MILLS AND IN ALL OTHER COUNTIES FROM 15 MILLS TO  
8 25 BY BR-20-10 IN FOURTH, FIFTH, SIXTH, AND SEVENTH CLASS  
9 COUNTIES FROM 18 MILLS TO 23 MILLS AND IN ALL OTHER COUNTIES  
10 FROM 15 MILLS TO 20 MILLS IF APPROVED BY THE ELECTORATE;  
11 AMENDING SECTION 7-14-2501, MCA; AND PROVIDING AN EFFECTIVE  
12 DATE."  
13

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

15 **Section 1.** Section 7-14-2501, MCA, is amended to read:

16 "7-14-2501. General road tax authorized. (1) (A) To  
17 raise revenue for the construction, maintenance, or  
18 improvement of public highways, each board of county  
19 commissioners may levy a general tax upon the taxable  
20 property in the county of not more than 15 25 20 15 20  
21 mills, except in fourth, fifth, sixth, and seventh class  
22 counties, which may levy not more than 10 27 23 10 23 mills,  
23 payable to the county treasurer. The tax from freeholders  
24 shall be collected the same as other taxes, and from  
25 nonfreeholders, as the board may direct.

1 ~~(B) -- THE BOARD OF COUNTY COMMISSIONERS -- MAY -- LEVY -- NOT~~  
2 ~~MORE THAN 10 MILLS IN ADDITION TO THE APPROPRIATE NUMBER OF~~  
3 ~~MILLS AUTHORIZED IN SUBSECTION (1) (A) IF THE ELECTORATE -- OP~~  
4 ~~THE COUNTY SUBJECT TO THE TAX APPROVES THE IMPOSITION OF THE~~  
5 ~~ADDITIONAL LEVY AT A GENERAL OR SPECIAL ELECTION.~~  
6 (2) This section shall not apply to incorporated  
7 cities and towns which by ordinance provide for the levy of  
8 a like tax for road, street, or alley purposes.  
9 (3) All money collected under this section shall  
10 belong to the county road fund."  
11 NEW SECTION. Section 2. Effective date. [This act] is  
12 effective July 1, 1989.

-End-