

CHAPTER NO. 217

HOUSE BILL NO. 61

INTRODUCED BY WALDRON

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Local Government.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Local Government.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 7, 1979	Second reading, concurred in.
March 10, 1979	Third reading, concurred in.

IN THE HOUSE

March 12, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 61
 2 INTRODUCED BY WALDRON
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INSURE THAT STATUTES
 5 IMPOSING NEW LOCAL GOVERNMENT DUTIES PROVIDE A SPECIFIC
 6 MEANS OF FINANCING; AMENDING SECTION 1-2-112, MCA."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 1-2-112, MCA, is amended to read:
 10 *1-2-112. Statutes imposing new local government
 11 duties. (1) Any law enacted by the legislature after July 1,
 12 1974, which requires a local government unit to perform an
 13 activity or provide a service or facility which will require
 14 the direct expenditure of additional funds must provide a
 15 specific means to finance the activity, service, or facility
 16 other than the existing all-purpose mill levy. The means of
 17 financing such activity may be through a general
 18 ~~all-purpose~~ or special levy or through remission of funds
 19 by the state of Montana to said local government unit. Any
 20 law that fails to provide a specific means to finance any
 21 service or facility other than the existing all-purpose mill
 22 levy is not effective until specific means of financing are
 23 provided by the legislature.
 24 (2) The legislature may provide for an increase in the
 25 all-purpose mill levy, special mill levies, or remission of

1 ~~money by the state of Montana to local governments; however,~~
 2 ~~an increase in the all-purpose mill levy or any special mill~~
 3 ~~levy. However, any requirement in such law that financing be~~
 4 ~~made from the local government unit's levy authority must~~
 5 ~~also provide authority therein to increase said levy by an~~
 6 ~~amount necessary to finance said program, the additional~~
 7 ~~costs and if financing is provided by remission of funds by~~
 8 ~~the state of Montana, such the remission shall bear a~~
 9 ~~reasonable relationship to the actual cost of performing the~~
 10 ~~activity or providing the service or facility.~~
 11 ~~(3)(3)~~ The local government unit may refuse to
 12 ~~administer~~ comply with or enforce any law which does not
 13 ~~comply with~~ meet the requirements of this section if ~~that~~
 14 ~~law requires an expenditure that would require the local~~
 15 ~~government unit to exceed its statutory levy authority by~~
 16 ~~resolution.~~
 17 ~~(3)(4)~~ No subsequent legislation shall be deemed
 18 ~~considered~~ to supersede or modify any provision of this
 19 section, whether by implication or otherwise, except to the
 20 extent that such legislation shall do so expressly.
 21 ~~(4)(5)~~ This section shall not apply to any law under
 22 which the required expenditure of additional local funds is
 23 incidental to the main purpose of the law."

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 61

INTRODUCED BY WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO INSURE THAT STATUTES IMPOSING NEW LOCAL GOVERNMENT DUTIES PROVIDE A SPECIFIC MEANS OF FINANCING; AMENDING SECTION 1-2-112, MCA."

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

Section 1. Section 1-2-112, MCA, is amended to read:

"1-2-112. Statutes imposing new local government duties. (1) Any law enacted by the legislature after ~~July 1,~~ ~~1974~~ [THE EFFECTIVE DATE OF THIS ACT], which requires a local government unit to perform an activity or provide a service or facility which will require the direct expenditure of additional funds must provide a specific means to finance the activity, service, or facility ~~other than the existing AUTHORIZED MILL LEVIES OR THE all-purpose mill levy.~~ ~~The means of financing such activity may be through a general all-purpose or special levy or through remission of funds by the state of Montana to said local government unit.~~ Any law that fails to provide a specific means to finance any service or facility other than the existing AUTHORIZED MILL LEVIES OR THE all-purpose mill levy is not effective until specific means of financing are provided by the legislature.

~~(2) The legislature may provide FULFILL THE REQUIREMENTS OF [THIS ACT] BY PROVIDING for an increase in the EXISTING AUTHORIZED MILL LEVIES OR THE all-purpose mill levy, special mill levies, or remission of money by the state of Montana to local governments; however, an increase in the EXISTING AUTHORIZED MILL LEVIES OR THE all-purpose mill levy or any special mill levy. However, any requirement in such law that financing be made from the local government unit's levy authority must also provide authority therein to increase said levy by an amount necessary to finance said program, the additional costs and if financing is provided by remission of funds by the state of Montana, such the remission shall bear a reasonable relationship to the actual cost of performing the activity or providing the service or facility.~~

~~(2)(1) The local government unit may refuse to administer, comply with or enforce any law which does not comply with most the requirements of this section if that law requires an expenditure that would require the local government unit to exceed its statutory levy authority by resolution.~~

~~(3)(1) No subsequent legislation shall be deemed considered to supersede or modify any provision of this section, whether by implication or otherwise, except to the extent that such legislation shall do so expressly.~~

1 ~~4)15)14)~~ This section shall not apply to any law
2 under which the required expenditure of additional local
3 funds is incidental to the main purpose of the law."

-End-

HOUSE BILL NO. 61

INTRODUCED BY WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO INSURE THAT STATUTES IMPOSING NEW LOCAL GOVERNMENT DUTIES PROVIDE A SPECIFIC MEANS OF FINANCING; AMENDING SECTION 1-2-112, MCA."

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

Section 1. Section 1-2-112, MCA, is amended to read:

"1-2-112. Statutes imposing new local government duties. (1) Any law enacted by the legislature after ~~July 1, 1974~~ (THE EFFECTIVE DATE OF THIS ACT), which requires a local government unit to perform an activity or provide a service or facility which will require the direct expenditure of additional funds must provide a specific means to finance the activity, service, or facility other than the existing AUTHORIZED MILL LEVIES OR THE all-purpose mill levy. ~~The means of financing such activity may be through a general all-purpose or special levy or through remission of funds by the state of Montana to said local government unit.~~ Any law that fails to provide a specific means to finance any service or facility other than the existing AUTHORIZED MILL LEVIES OR THE all-purpose mill levy is not effective until specific means of financing are provided by the legislature.

~~(2) The legislature may provide FULFILL THE REQUIREMENTS OF (THIS ACT) BY PROVIDING for an increase in the EXISTING AUTHORIZED MILL LEVIES OR THE all-purpose mill levy, special mill levies, or remission of money by the state of Montana to local governments; however, an increase in the EXISTING AUTHORIZED MILL LEVIES OR THE all-purpose mill levy or any special mill levy. However any requirement in such law that financing be made from the local government unit's levy authority must also provide authority therein to increase said levy by an amount necessary to finance said program the additional costs and if financing is provided by remission of funds by the state of Montana, such the remission shall bear a reasonable relationship to the actual cost of performing the activity or providing the service or facility.~~

~~(2)(3) The local government unit may refuse to administer comply with or enforce any law which does not comply with meet the requirements of this section if that law requires an expenditure that would require the local government unit to exceed its statutory levy authority by resolution.~~

~~(3)(4)(3) No subsequent legislation shall be deemed considered to supersede or modify any provision of this section, whether by implication or otherwise, except to the extent that such legislation shall do so expressly.~~

1 ~~†††††(4)~~ This section shall not apply to any law
2 under which the required expenditure of additional local
3 funds is incidental to the main purpose of the law."

-End-