

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.

1 HOUSE BILL NO. 61

2 INTRODUCED BY WALDRON

3

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 (2)(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-

-2- INTRODUCED BILL

Approved by Comm.
on Local Government

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, 1974~~ THE EFFECTIVE DATE OF THIS ACT, which requires a

12 local government unit to perform an activity or provide a

13 service or facility which will require the direct

14 expenditure of additional funds must provide a specific

15 means to finance the activity, service, or facility other

16 than the existing AUTHORIZED MILL LEVIES OR THE all-purpose

17 mill levy. The means of financing such activity may be

18 through a general all-purpose or special levy or through

19 remission of funds by the state of Montana to said local

20 government unit. Any law that fails to provide a specific

21 means to finance any service or facility other than the

22 existing AUTHORIZED MILL LEVIES OR THE all-purpose mill levy

23 is not effective until specific means of financing are

24 provided by the legislature.

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

16 +2+if--the--local--government--unit--may--refuse--to
17 administer comply--with or--enforce-any-law-which-does-not
18 comply-with most the-requirements-of-this--section--if--that
19 law--requires--an--expenditure--that-would-require-the-local
20 government-unit-to-exceed-its-statutory--levy--authority by
21 reasision.

22 **t3744131** No subsequent legislation shall be deemed
23 considered to supersede or modify any provision of this
24 section, whether by implication or otherwise, except to the
25 extent that such legislation shall do so expressly.

1 ~~§47152(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-

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INTRODUCED BY WALDRON

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16 than the existing ~~AUTHORIZED MILL LEVIES OR THE~~ all-purpose

17 mill levy. The means of financing such activity may be

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19 remission of funds by the state of Montana to said local

20 government unit. Any law that fails to provide a specific

21 means to finance any service or facility other than the

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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.

22 **~~§37147111~~** No subsequent legislation shall be deemed
23 considered to supersede or modify any provision of this
24 section, whether by implication or otherwise, except to the
25 extent that such legislation shall do so expressly.

1 ~~14751~~ 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-