

CHAPTER NO. 275

HOUSE BILL NO. 229

INTRODUCED BY SALES, NORDTVEDT, BAETH, SHELDEN

IN THE HOUSE

January 17, 1979	Introduced and referred to Committee on Judiciary.
January 25, 1979	Committee recommend bill do pass. Report adopted.
January 26, 1979	Printed and placed on members' desks.
January 27, 1979	Second reading, do pass.
January 29, 1979	Considered correctly engrossed.
January 30, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Judiciary.
March 3, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 6, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 10, 1979	Returned from second house. Concurred in as amended.
March 14, 1979	Second reading, amendments adopted.
March 15, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 HOUSE BILL NO. 229
 2 INTRODUCED BY Salis Knutson Boeth
 3 Shelden

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFICALLY INCLUDE
 5 DISTRICT COURT JUDGES IN THE COUNTY BUDGET LAW; AMENDING
 6 SECTIONS 7-6-2323 AND 7-6-2324, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 7-6-2323, MCA, is amended to read:

10 "7-6-2323. Effect of exceeding budget appropriations
 11 -- personal liability. (1) Expenditures made, liabilities
 12 incurred, or warrants issued in excess of any of the
 13 detailed budget appropriations, as originally determined or
 14 as thereafter revised by transfer as provided in this part,
 15 shall not be a liability of the county, but the official
 16 making or incurring such expenditure or issuing such warrant
 17 shall be liable therefor personally and upon his official
 18 bond. ~~Except as provided in 3-9-404, this part applies to~~
 19 ~~expenditures made by district court judges in excess of~~
 20 ~~district court appropriations authorized by the county~~
 21 ~~governing body.~~

22 (2) (a) The board of county commissioners shall not
 23 approve any claim and the county clerk and recorder shall
 24 not issue any warrant for any expenditure in excess of said
 25 detailed budget appropriations, as finally adopted or as

1 revised under the provisions of this part, except upon an
 2 order of a court of competent jurisdiction or for an
 3 emergency as hereinafter provided. Any county commissioner
 4 or commissioners or county clerk and recorder approving any
 5 claim or issuing any warrant in excess of any such budget
 6 appropriation except as above provided shall forfeit to the
 7 county fourfold the amount of such claim or warrant.

8 (b) The amount forfeited under subsection (2)(a) shall
 9 be recovered in an action against such county commissioner
 10 or commissioners or county clerk and recorder or all of them
 11 and their several sureties on their official bonds. It shall
 12 be the duty of the county attorney of such county to bring
 13 an action therefor in the name of the county."

14 Section 2. Section 7-6-2324, MCA, is amended to read:

15 "7-6-2324. Limitations on appropriations after budget
 16 adopted. (1) The estimates of expenditures, itemized and
 17 classified as required in 7-6-2313 and 7-6-2314 and as
 18 finally fixed and adopted by said board of county
 19 commissioners shall constitute the appropriations for the
 20 county for the fiscal year intended to be covered thereby.

21 (2) Except as provided in 7-6-2325 and 7-31-2101, the
 22 county commissioners and every other county official,
 23 including judges of the district court, shall be limited in
 24 the making of expenditures or incurring of liabilities to
 25 the amount of such detailed appropriations and

LC 1007/01

1 classifications, respectively."

-End-

STATE OF MONTANA

Request No. 88-79 Amended

FISCAL NOTE

Form BD-15

In compliance with a written request received April 4, 1979, there is hereby submitted a Fiscal Note for House Bill 229 Amended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

The amendments reflected on the third reading copy of HB 299 do not change the fiscal impact from that indicated on the initial fiscal note.

DESCRIPTION:

This proposed bill provides for special tax treatment for a capital investment in a recognized nonfossil form of energy generation, by exempting a portion of the appraised value from property taxation for ten years and placing any value in excess of this amount in class eighteen and providing and effective date.

ASSUMPTIONS:

- 1) There are approximately 350 non-fossil energy generating systems currently in Montana.
- 2) The Renewable Energy Plan calls for 700 systems by the end of the biennium.
- 3) Because January 1st is assessment date, it is assumed that there will be 350 systems in FY 80 and 550 systems in FY 81.
- 4) The average appraised value of each system is \$3000.
- 5) Current systems are taxed at 8.55%.
- 6) The local government levy is 200 mills.
- 7) The state levy is 6 mills for the University System. (Information for assumptions 1,2,4 provided by Energy Division, Dept. of Natural Resources)

FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
6 mill University Levy		
under current law	\$500	\$800
under proposed law	<u>0</u>	<u>0</u>
Estimated Decrease	<u>(\$500)</u>	<u>(\$800)</u>

EFFECT ON LOCAL GOVERNMENTS:

Local governments will lose \$18,000 in FY 80 and \$28,000 in FY 81.

LONG-RANGE EFFECTS:

The small loss in revenues should increase each year this bill is in effect.

Richard L. Gray
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 4/3/79

PREPARED BY DEPARTMENT OF REVENUE

Approved by Committee on Judiciary

1 HOUSE BILL NO. 229
2 INTRODUCED BY Sales Wirtzsch Barth
3 Shelden

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFICALLY INCLUDE
5 DISTRICT COURT JUDGES IN THE COUNTY BUDGET LAW; AMENDING
6 SECTIONS 7-6-2323 AND 7-6-2324, MCA."

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

9 Section 1. Section 7-6-2323, MCA, is amended to read:

10 "7-6-2323. Effect of exceeding budget appropriations
11 -- personal liability. (1) Expenditures made, liabilities
12 incurred, or warrants issued in excess of any of the
13 detailed budget appropriations, as originally determined or
14 as thereafter revised by transfer as provided in this part,
15 shall not be a liability of the county, but the official
16 making or incurring such expenditure or issuing such warrant
17 shall be liable therefor personally and upon his official
18 bond. Except as provided in 3-5-404, this part applies to
19 expenditures made by district court judges in excess of
20 district court appropriations authorized by the county
21 governing body.

22 (2) (a) The board of county commissioners shall not
23 approve any claim and the county clerk and recorder shall
24 not issue any warrant for any expenditure in excess of said
25 detailed budget appropriations, as finally adopted or as

1 revised under the provisions of this part, except upon an
2 order of a court of competent jurisdiction or for an
3 emergency as hereinafter provided. Any county commissioner
4 or commissioners or county clerk and recorder approving any
5 claim or issuing any warrant in excess of any such budget
6 appropriation except as above provided shall forfeit to the
7 county fourfold the amount of such claim or warrant.

8 (b) The amount forfeited under subsection (2)(a) shall
9 be recovered in an action against such county commissioner
10 or commissioners or county clerk and recorder or all of them
11 and their several sureties on their official bonds. It shall
12 be the duty of the county attorney of such county to bring
13 an action therefor in the name of the county."

14 Section 2. Section 7-6-2324, MCA, is amended to read:

15 "7-6-2324. Limitations on appropriations after budget
16 adopted. (1) The estimates of expenditures, itemized and
17 classified as required in 7-6-2313 and 7-6-2314 and as
18 finally fixed and adopted by said board of county
19 commissioners shall constitute the appropriations for the
20 county for the fiscal year intended to be covered thereby.

21 (2) Except as provided in 7-6-2325 and 7-31-2101, the
22 county commissioners and every other county official,
23 including judges of the district court, shall be limited in
24 the making of expenditures or incurring of liabilities to
25 the amount of such detailed appropriations and

LC 1007/01

1 classifications, respectively."

-End-

1 House BILL NO. 229
2 INTRODUCED BY Sales Wentworth Booth
3 Shelden

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFICALLY INCLUDE
5 DISTRICT COURT JUDGES IN THE COUNTY BUDGET LAW; AMENDING
6 SECTIONS 7-6-2323 AND 7-6-2324, MCA."
7

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

9 Section 1. Section 7-6-2323, MCA, is amended to read:
10 "7-6-2323. Effect of exceeding budget appropriations
11 -- personal liability. (1) Expenditures made, liabilities
12 incurred, or warrants issued in excess of any of the
13 detailed budget appropriations, as originally determined or
14 as thereafter revised by transfer as provided in this part,
15 shall not be a liability of the county, but the official
16 making or incurring such expenditure or issuing such warrant
17 shall be liable therefor personally and upon his official
18 bond. Except as provided in 3-5-404, this part applies to
19 expenditures made by district court judges in excess of
20 district court appropriations authorized by the county
21 governing body.

22 (2) (a) The board of county commissioners shall not
23 approve any claim and the county clerk and recorder shall
24 not issue any warrant for any expenditure in excess of said
25 detailed budget appropriations, as finally adopted or as

1 revised under the provisions of this part, except upon an
2 order of a court of competent jurisdiction or for an
3 emergency as hereinafter provided. Any county commissioner
4 or commissioners or county clerk and recorder approving any
5 claim or issuing any warrant in excess of any such budget
6 appropriation except as above provided shall forfeit to the
7 county fourfold the amount of such claim or warrant.

8 (b) The amount forfeited under subsection (2)(a) shall
9 be recovered in an action against such county commissioner
10 or commissioners or county clerk and recorder or all of them
11 and their several sureties on their official bonds. It shall
12 be the duty of the county attorney of such county to bring
13 an action therefor in the name of the county."

14 Section 2. Section 7-6-2324, MCA, is amended to read:
15 "7-6-2324. Limitations on appropriations after budget
16 adopted. (1) The estimates of expenditures, itemized and
17 classified as required in 7-6-2313 and 7-6-2314 and as
18 finally fixed and adopted by said board of county
19 commissioners shall constitute the appropriations for the
20 county for the fiscal year intended to be covered thereby.

21 (2) Except as provided in 7-6-2325 and 7-31-2101, the
22 county commissioners and every other county official,
23 including judges of the district courts, shall be limited in
24 the making of expenditures or incurring of liabilities to
25 the amount of such detailed appropriations and

LC 1007/01

1 classifications, respectively.”

-End-

HOUSE BILL NO. 229

INTRODUCED BY SALES, NORDTVEDT, BAETH, SHELDEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFICALLY INCLUDE DISTRICT COURT JUDGES IN THE COUNTY BUDGET LAW; AMENDING SECTIONS 7-6-2323 AND SECTION 7-6-2324, MCA."

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

Section 1. Section 7-6-2323, MCA, is amended to read:

"7-6-2323. Effect of exceeding budget appropriations

person's liability. (1) Expenditures made, liabilities

incurred, or warrants issued in excess of any of the

detailed budget appropriations as originally determined or

as thereafter revised by transfer as provided in this part

shall not be a liability of the county, but the official

making or incurring such expenditure or issuing such warrant

shall be liable therefor personally and upon his official

bonds. Except as provided in 3-5-404, this part applies to

expenditures made by district court judges in excess of

district court appropriations authorized by the county

governing body.

(2) (a) The board of county commissioners shall not

approve any claim and the county clerk and recorder shall

not issue any warrant for any expenditure in excess of said

detailed budget appropriations as finally adopted or as

revised under the provisions of this part, except upon an

order of a court of competent jurisdiction or for an

emergency as hereinafter provided. Any county commissioner

or commissioners or county clerk and recorder approving any

claim or issuing any warrant in excess of any such budget

appropriation except as above provided shall forfeit to the

county fourfold the amount of such claim or warrant.

(b) The amount forfeited under subsection (2)(a) shall

be recovered in an action against such county commissioner

or commissioners or county clerk and recorder or all of them

and their several sureties on their official bonds. It shall

be the duty of the county attorney of such county to bring

an action therefor in the name of the county."

Section 1. Section 7-6-2324, MCA, is amended to read:

"7-6-2324. Limitations on appropriations after budget

adopted. (1) The estimates of expenditures, itemized and

classified as required in 7-6-2313 and 7-6-2314 and as

finally fixed and adopted by said board of county

commissioners shall constitute the appropriations for the

county for the fiscal year intended to be covered thereby.

(2) Except as provided in 3-5-404, 7-6-2325, and

7-31-2101, the county commissioners and every other county

officials, including judges of the district courts, shall be

limited in the making of expenditures or incurring of

liabilities to the amount of such detailed appropriations

HB 0229/02

i and classifications, respectively."

-End-

March 3, 1979

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 229 be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "SECTIONS 7-6-2323 AND"
Insert: "SECTION"
2. Page 1, line 9 through line 13 on page 2.
Strike: section 1 in its entirety
Renumber: subsequent section
3. Page 2, line 21.
Following: "in"
Insert: "3-5-404,"
Following: "7-6-2325"
Insert: ", "