# CHAPTER NO. 613

# SENATE BILL NO. 234

## INTRODUCED BY McCALLUM

# IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Taxation.
January 29, 1979	Fiscal note requested.
February 2, 1979	Fiscal note returned.
March 3, 1979	Committee recommend bill do pass as amended. Report adopted.
March 5, 1979	Printed and placed on members' desks.
March 6, 1979	Second reading, do pass as amended.
March 7, 1979	Correctly engrossed.
March 8, 1979	Third reading, passed. Transmitted to second house.
IN THE HO	OUSE
March 9, 1979	Introduced and referred to Committee on Taxation.
April 7, 1979	Committee recommend bill be concurred in. Report adopted.
April 9, 1979	Second reading, concurred in.
April 12, 1979	Third reading, concurred in.
IN THE SI	ENATE
April 12, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

LC 0241/01

INTRODUCED BY Ma Ballin 1 2

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE GOVERNING 5 BODY OF A COUNTY TO EXCEED EXISTING MILL LEVY LIMITS IF A 6 MAJORITY VOTING ON THE QUESTION ARE IN FAVOR OF THE 7 ADDITIONAL LEVY OR LEVIES."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. County may exceed maximum mill levy ---11 election required. The governing body of a county may raise 12 money by taxation for the support of county government 13 services, facilities, or other capital projects in excess of 14 the levy or levies allowed by law under the following 15 conditions:

16 (1) The governing body must pass a resolution 17 indicating its intent to exceed the current statutory mill 18 levy on the approval of a majority of the qualified electors 19 voting in an election under subsection (2). The resolution 20 must include:

(a) the specific purpose for which the additional
 money will be used;

23 (b) the specific amount to be raised; and

24 (c) the approximate number of mills required.

25 (2) The governing body must submit the question of the

additional mill levy to the qualified electors of the county 1 at a regular election or a special election called for that Z purpose by the governing body. If the majority voting on 3 the question are in favor of the additional levy or levies. 4 the governing body is authorized to exceed the statutory 5 mill levy limit in the amount specified in the resolution. 6 Section 2. Purpose of additional mill levy to be 7 stated. The submission of the question shall expressly state 8 the purpose for which the additional levy is to be made. 9 Section 3. Notice of election on question of 10 additional mill levy. Whenever the question of making an 11 additional mill levy is submitted to the qualified electors, 12 notice shall be given by publication for at least 30 days 13 prior to the election in a newspaper of general circulation 14 15 in the county and by posting notice for the same period in a public place in each county commissioner district within the 16 17 county.

18 Section 4. Form of ballot. (1) If at any time it is desired to submit the question of additional levies for more 20 than one purpose, such propositions shall be submitted on 21 separate ballots.

22 (2) Each of the ballots shall be in substantially the23 following form:

24 Shall the county governing body be authorized to make a 25 levy of (here insert the number) mills taxes in addition to

> -2- 55 234 INTRODUCED BILL

1 the regular levy now authorized by law for the purpose of 2 (here insert the purpose for which the additional levy is to 3 be made)? FOR additional levy 4 AGAINST additional levy 5 Section 5. Conduct of election. (1) The electors shall á 7 mark the ballot or ballots in the same manner as other ballots are marked under the election laws of this state. 8 (2) The election shall be held and the votes canvassed 9 10 and returned as in other county elections as provided in 11 Title 13. 12 Section 6. Use of proceeds from additional mill levy. 13 (1) Except as provided in subsection (1), if authorized, the 14 money raised by the additional levy shall be used only for 15 that specific purpose provided for in [section 2]. 16 (2) If any balance remains on hand after the purpose 17 for which the levy was made has been accomplished, the 15 balance may by vote of the governing body be transferred to 19 any other fund of the county. -End-

#### STATE OF MONTANA

REQUEST NO. 169-79

#### FISCAL NOTE

Form BD-15

In compliance with a written request received January 29 , 19 _ 79 , there is hereby submitted a Fiscal Note
forSB_234 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.

DESCRIPTION OF LEGISLATION:

Senate Bill 234 permits the governing body of a county to exceed statutory mill levy limits if a majority voting on the question are in favor.

#### **ASSUMPTIONS:**

- Of the 39 counties currently budgeting at the maximum statutory levies for their General, Road, and/or Poor funds, all will hold elections in 1979 to seek voter approval for an additional 10% spending authority in each fund.
- 2. Of the 41 counties currently budgeting at the maximum statutory levies for their bridge funds, 75% of such counties will hold elections in 1979 to seek voter approval for an additional 10% spending authority.
- 3. Of the elections held under 1 and 2 above, 75% will approve additional spending authority.
- 4. Taxable valuations will remain constant statewide over the biennium.

#### LOCAL IMPACT:

County Property Tax Revenue, Various Funds:

Under Current Law	1980 \$ 15,107,913 .	1981 \$ 15,107,913
Under Proposed Law	16,618,704	16,618,704
Increased revenues under proposed law	\$ <u>1,510,791</u>	\$ <u>1,510,791</u>

BUDGET DIRECTOR Office of Budget and Program Planning Date: \_\_\_\_\_\_\_/2/?/

\$8 0234/02

# Approved by Committee on <u>Texation</u>

1	SENATE BILL NO. 234	1
2	INTRODUCED BY MCCALLUM	2
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE GOVERNING	4
5	BODY OF A COUNTY TO EXCEED EXISTING MILL LEVY LIMITS IF A	5
6	MAJORITY VOTING ON THE QUESTION ARE IN FAVOR OF THE	6
7	ADDITIONAL LEVY OR LEVIES."	7
8		8
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9
10	Section L. County may exceed maximum mill levy	10
11	election required. The governing body of a county may raise	11
12	money by taxation for the support of county government	12
13	services, facilities, or other capital projects in excess of	13
14	the levy or levies allowed by law under the following	14
15	conditions:	15
16	(1) The governing body must pass a resolution	16
17	indicating its intent to exceed the current statutory mill	17
18	levy on the approval of a majority of the qualified electors	18
19	voting in an election under subsection [2]. The resolution	19
20	must include:	20
21	(a) the specific purpose for which the additional	21
22	money will be used;	22
23	(b) the specific amount to be raised; and	23
24	(c) the approximate number of mills required <u>:_AND</u>	24

25 (D)\_IHE\_SPECIFIC\_MILL\_LEVY\_LIMITATION\_TO\_BE\_EXCEEDED.

1 (2) The governing body must submit the question of the 2 additional mill levy to the qualified electors of the county 3 at a IHE\_NEXI regular GENERAL election or-a-special-election 4 called--for--that--purpose--by--the--qoverning-body. If the 5 majority voting on the question are in favor of the 6 additional levy or levies, the governing body is authorized 7 to exceed the statutory mill levy limit in the amount 8 specified in the resolution <u>EQR A PERIOD\_NOT\_TO\_EXCEED\_2</u> 9 YEARS-

10 Section 2. Purpose of additional mill levy to be 11 stated. The submission of the question shall expressly state 12 the purpose for which the additional levy is to be made.

Section 3. Notice of election on question of additional mill levy. Whenever the question of making an additional mill levy is submitted to the qualified electors. notice shall be given by-publication-for-at-least-30-days proor-to-the-election-in-a-newspaper-of-general--circulation in-the-county-and-by-posting-notice-for-the-same-period-in-a public-place-in-each-county-commissioner-district-within-the county IN\_IME\_MANNER\_PRESCRIBED\_BY\_LAW\_EOR\_NOIICING\_OF ELECTIONS. Section 4. Form of ballot. (1) If at any time it is desired to submit the question of additional levies for more

24 than one purpose, such propositions shall be submitted on 25 separate ballots.

-2- SECOND READING

SB 234

1	(2) Each of the ballots shall be in substantially the
2	following form:
3	Shall the county governing body be authorized to make a
4	levy of (here insert the number) mills taxes in addition to
5	the regular levy now authorized by law for the purpose of
6	(here insert the purpose for which the additional levy is to
7	be made AND_IHE_PERIOD_FOR_WHICH_II_SHALL_BE_IN_EFFECI)?
8	FOR additional levy
9	AGAINST additional levy
10	Section 5. Conduct of election. (1) The electors shall
11	mark the ballot or ballots in the same manner as other
12	ballots are marked under the election laws of this state.
13	(2) The election shall be held and the votes canvassed
14	and returned as in other county elections as provided in
15	Title 13.
16	Section 6. Use of proceeds from additional mill levy.
17	(1) Except as provided in subsection (1), if authorized, the
18	money raised by the additional levy shall be used only for
19	that specific purpose provided for in [section 2].
20	(2) If any balance remains on hand after the purpose
21	for which the levy was made has been accomplished, the
22	balance may by vote of the governing body be transferred to
23	any other fund of the county.
24	SECTION_7EMERGENCY_PROVISIONS_IN_EFFECT:NOIHING_IN
25	[THIS_ACT] SHALL AFFECT THE EMERGENCY LEVY AS PROVIDED BY

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-End-

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SB 234

SB 0234/03

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13	services, facilities, or other capital projects in excess of

14 the levy or levies allowed by law under the following 15 conditions: 16 {1} The governing body must pass a resolution

indicating its intent to exceed the current statutory mill
levy on the approval of a majority of the qualified electors
voting in an election under subsection (2). The resolution
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(a) the specific purpose for which the additional
 money will be used;

23 (b) the specific amount to be raised; and

24 (c) the approximate number of mills required; AND

25 (D)\_\_IHE\_SPECIFIC\_HILL\_LEVY\_LIMITATION\_TO\_BE\_\_EXCEEDED+

1 (2) The governing body must submit the question of the additional mill levy to the qualified electors of the county 2 3 at a IHE\_NEXI regular GENERAL PRIMARY election HELD\_IN\_THE EVEN-NUMBERED\_YEARS or-s-special-election--called--for--that 4 5 purpose--by--the--governing-body. If the majority voting on the question are in favor of the additional levy or levies, 6 the governing body is authorized to exceed the statutory 7 R mill levy limit in the amount specified in the resolution 9 FOR A PERIOD NOT TO EXCEED 2 YEARS. Section 2. Purpose of additional mill levy to be 10 21 stated. The submission of the question shall expressly state the purpose for which the additional levy is to be made. 12 13 Section 3. Notice of election on question of 14 additional mill levy. Whenever the question of making an additional mill levy is submitted to the qualified electors, 15 16 notice shall be given by-publication-for-at--least--30--days prior--to-the-election-in-e-newspaper-of-general-circulation 17 18 in-the-county-and-by-posting-notice-for-the-same-period-in-a 19 public-place-in-each-county-commissioner-district-within-the 20 county IN\_IHE\_MANNER\_PRESCRIBED\_BY\_LAW\_FOR\_NOTICING\_OF 21 ELECIIONS. Section 4. Form of ballot. (1) If at any time it is 22 23 desired to submit the question of additional levies for more than one purpose, such propositions shall be submitted on 24

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-2- SB 234 THIRD READING

SB 234

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1	(2) Each of the ballots shall be in substantially the
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3	Shall the county governing body be authorized to make a
4	levy of (here insert the number) mills taxes in addition to
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18	money raised by the additional levy shall be used only for
19	that specific purpose provided for in [section 2].
20	(2) If any balance remains on hand after the purpose
21	for which the levy was made has been accomplished, the
22	balance may by vote of the governing body be transferred to
23	any other fund of the county.
24	SECTION 7. ENERGENCY PROVISIONS IN EFFECT. NOTHING IN
25	[THIS_ACT] SHALL AFFECT THE EMERGENCY LEVY AS PROVIDED BY

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SB 0234/03

-End-

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SB 0234/04

SB 0234/04

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22 Section 4. Form of ballot. (1) If at any time it is 23 desired to submit the question of additional levies for more 24 than one purpose, such propositions shall be submitted on 25 separate ballots.

#### -2- SB 234 REFERENCE BILL

#### SB 0234/04

SB 234

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1 LAMA

-End-

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