

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 HOUSE

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 SENATE

April 12, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 *Senate* BILL NO. *234*  
2 INTRODUCED BY *Mr. Ballan*

3  
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:

- 21 (a) the specific purpose for which the additional  
22 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

1 additional mill levy to the qualified electors of the county  
2 at a regular election or a special election called for that  
3 purpose by the governing body. If the majority voting on  
4 the question are in favor of the additional levy or levies,  
5 the governing body is authorized to exceed the statutory  
6 mill levy limit in the amount specified in the resolution.

7 Section 2. Purpose of additional mill levy to be  
8 stated. The submission of the question shall expressly state  
9 the purpose for which the additional levy is to be made.

10 Section 3. Notice of election on question of  
11 additional mill levy. Whenever the question of making an  
12 additional mill levy is submitted to the qualified electors,  
13 notice shall be given by publication for at least 30 days  
14 prior to the election in a newspaper of general circulation  
15 in the county and by posting notice for the same period in a  
16 public place in each county commissioner district within the  
17 county.

18 Section 4. Form of ballot. (1) If at any time it is  
19 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 the  
23 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

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)?

4  FOR additional levy

5  AGAINST additional levy

6 Section 5. Conduct of election. (1) The electors shall  
7 mark the ballot or ballots in the same manner as other  
8 ballots are marked under the election laws of this state.

9 (2) The election shall be held and the votes canvassed  
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  
18 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 for SB 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:

1. 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:

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

*Richard L. Drury*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/2/79

Approved by Committee  
on Taxation

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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:  
21       (a) the specific purpose for which the additional  
22   money will be used;  
23       (b) the specific amount to be raised; and  
24       (c) the approximate number of mills required; AND  
25       (D) THE 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 THE NEXT regular GENERAL election or a special election  
4   called for that purpose by the governing 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 FOR A PERIOD NOT TO EXCEED 2  
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.  
13       Section 3. Notice of election on question of  
14   additional mill levy. Whenever the question of making an  
15   additional mill levy is submitted to the qualified electors,  
16   notice shall be given by publication for at least 30 days  
17   prior to the election in a newspaper of general circulation  
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 THE MANNER PRESCRIBED BY LAW FOR NOTICING OF  
21   ELECTIONS.  
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.

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

1 LAMs

-End-

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 THE PERIOD FOR WHICH IT SHALL BE IN EFFECT)?

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 7. EMERGENCY PROVISIONS IN EFFECT. NOTHING IN  
25 [THIS ACT] SHALL AFFECT THE EMERGENCY LEVY AS PROVIDED BY

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