

CHAPTER NO. 614.

SENATE BILL NO. 235  
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 7, 1979	Committee recommend bill do pass as amended. Report adopted.
March 9, 1979	Printed and placed on members' desks.
March 10, 1979	Second reading, do pass.
March 12, 1979	Considered correctly engrossed.
March 13, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

March 14, 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 *Sen. McCallum* BILL NO. *235*  
 2 INTRODUCED BY *McCallum*  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 LAWS THAT PERMIT THE GOVERNING BODY OF A MUNICIPALITY TO  
 6 EXCEED EXISTING MILL LEVY LIMITS IN CERTAIN CASES; REPEALING  
 7 SECTION 7-6-4433, MCA."

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

10 Section 1. Section 7-6-4431, MCA, is amended to read:

11 "7-6-4431. Authorization to exceed maximum mill levy  
 12 -- election required. ~~{1} subject to the conditions of~~  
 13 ~~subsection (2), whenever the council of any city or town~~  
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 15 ~~excess of the levy now allowed by law for any purpose for~~  
 16 ~~which said city or town is authorized to expend money raised~~  
 17 ~~by taxation in said city or town, it shall submit the~~  
 18 ~~question of such additional levy to the legal voters of such~~  
 19 ~~city or town who are taxpaying freeholders therein, either~~  
 20 ~~at the regular annual election held in said city or town or~~  
 21 ~~at a special election called for that purpose by the council~~  
 22 ~~of such city or town, if the majority voting on the question~~  
 23 ~~are in favor of such additional levy or levies, the city or~~  
 24 ~~town council shall so certify and such additional levy or~~  
 25 ~~levies of taxes shall be made by the city or town council~~

1 ~~for that year. The governing body of a municipality may~~  
 2 ~~raise money by taxation for the support of municipal~~  
 3 ~~government services, facilities, or other capital projects~~  
 4 ~~in excess of the levy or levies allowed by law under the~~  
 5 ~~following conditions:~~

6 {1} The governing body must pass a resolution  
 7 indicating its intent to exceed the current statutory mill  
 8 levy on the approval of a majority of the qualified electors  
 9 voting in an election under subsection (2). The resolution  
 10 must include:

- 11 (a) the specific purpose for which the additional
- 12 money will be used;
- 13 (b) the specific dollar amount to be raised; and
- 14 (c) the approximate number of mills required.

15 {2} Such additional levy shall not exceed 5 mills. The  
 16 governing body must submit the question of the additional  
 17 mill levy to the qualified electors of the municipality at a  
 18 regular election or a special election called for that  
 19 purpose by the governing body. If the majority voting on the  
 20 question are in favor of the additional levy or levies, the  
 21 governing body is authorized to exceed the statutory mill  
 22 levy limit in the amount specified in the resolution."

23 Section 2. Section 7-6-4432, MCA, is amended to read:

24 "7-6-4432. Purpose of additional mill levy to be  
 25 stated. The submission of said the question shall expressly

1 ~~provide for what state the~~ purpose such for which the  
2 additional levy is to be made."

3 Section 3. Section 7-6-4434, MCA, is amended to read:

4 "7-6-4434. Notice of election on question of  
5 additional mill levy. Where the question of making such an  
6 additional levy is so submitted to the qualified electors,  
7 notice thereof shall be given by publication for at least 30  
8 days prior to such the election in every newspaper published  
9 in said city or town the municipality and by posting a like  
10 notice for the same period of time in a public place in each  
11 word of said city or town precinct within the municipality."

12 Section 4. Section 7-6-4435, MCA, is amended to read:

13 "7-6-4435. Form of ballot. (1) If at any time it is  
14 desired to submit the question of additional levies for more  
15 than one purpose, such propositions shall be submitted on  
16 separate ballots.

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

19 Shall the city (or town) council governing body be  
20 authorized to make a levy of (here insert the number) mills  
21 taxes in addition to the regular levy now authorized by law  
22 for the purpose of (here insert the purpose for which the  
23 additional levy is to be made)?

24  FOR additional levy.

25  AGAINST additional levy."

1 Section 5. Section 7-6-4436, MCA, is amended to read:

2 "7-6-4436. Conduct of election. (1) The voters  
3 electors shall mark the ballot or ballots in the same manner  
4 as other ballots are marked under the election laws of this  
5 state.

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7 and returned as in other city or town municipal elections."

8 Section 6. Section 7-6-4437, MCA, is amended to read:

9 "7-6-4437. Use of proceeds from additional mill levy.

10 (1) Except as provided in subsection (2), if authorized, the  
11 money raised for such by the additional levy shall be used  
12 only for that specific purpose provided for in 7-6-4432.

13 (2) If any balance remains on hand after the purpose  
14 for which said the levy was made has been accomplished, such  
15 the balance may by vote of the council governing body be  
16 transferred to any other fund of said city or town the  
17 municipality."

18 Section 7. Repealer. Section 7-6-4433, MCA, is  
19 repealed.

-End-

STATE OF MONTANA

REQUEST NO. 159-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 29, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 235 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:

SB 235 revises laws that permit the governing body of a municipality to exceed existing mill levy limits in certain cases.

LOCAL IMPACT:

The bill does not substantially change current law. Since the 5-mill levy is removed, there may be elections, but there is no way of forecasting same.

*Richard L. Franzen*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/2/79

Approved by Committee  
on Taxation

SENATE BILL NO. 235  
INTRODUCED BY McCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS THAT PERMIT THE GOVERNING BODY OF A MUNICIPALITY TO EXCEED EXISTING MILL LEVY LIMITS IN CERTAIN CASES; REPEALING SECTION 7-6-4433, MCA."

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

Section 1. Section 7-6-4431, MCA, is amended to read:

"7-6-4431. Authorization to exceed maximum mill levy -- election required. ~~(1) Subject to the conditions of subsection (2) whenever the council of any city or town shall deem it necessary to raise money by taxation in excess of the levy now allowed by law for any purpose for which said city or town is authorized to expend money raised by taxation in said city or town, it shall submit the question of such additional levy to the legal voters of such city or town who are taxpaying freeholders therein either at the regular annual election held in said city or town or at a special election called for that purpose by the council of such city or town if the majority voting on the question are in favor of such additional levy or levies, the city or town council shall so certify and such additional levy or levies of taxes shall be made by the city or town council~~

~~for that year. The governing body of a municipality may raise money by taxation for the support of municipal government services, facilities, or other capital projects in excess of the levy or levies allowed by law under the following conditions:~~

~~(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 must include:~~

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

~~(b) the specific dollar amount to be raised; and~~

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

~~(D) THE SPECIFIC MILL LEVY LIMITATION TO BE EXCEEDED.~~

~~(2) Such additional levy shall not exceed 5 mills. The governing body must submit the question of the additional mill levy to the qualified electors of the municipality at a THE NEXT regular PRIMARY OR GENERAL election or a special election called for that purpose by the governing body ON EITHER ODD NUMBERED OR EVEN NUMBERED YEARS. THE QUESTION MAY NOT BE SUBMITTED MORE THAN ONCE IN ANY CALENDAR YEAR. If the majority voting on the question are in favor of the additional levy or levies, the governing body is authorized to exceed the statutory mill levy limit in the amount~~

1 ~~specified in the resolution FOR A PERIOD NOT TO EXCEED 2~~  
2 ~~YEARS."~~

3 Section 2. Section 7-6-4432, MCA, is amended to read:  
4 "7-6-4432. Purpose of additional mill levy to be  
5 stated. The submission of ~~said the~~ question shall expressly  
6 ~~provide for what state the~~ purpose ~~such for which the~~  
7 additional levy is to be made."

8 Section 3. Section 7-6-4434, MCA, is amended to read:  
9 "7-6-4434. Notice of election on question of  
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11 additional levy is so submitted ~~to the qualified electors,~~  
12 ~~notice thereof shall be given by publication for at least 30~~  
13 ~~days prior to such the election in every newspaper published~~  
14 ~~in said city or town the municipality and by posting a like~~  
15 ~~notice for the same period of time in a public place in each~~  
16 ~~ward of said city or town precinct within the municipality~~  
17 IN THE MANNER PRESCRIBED BY LAW FOR NOTICING OF ELECTIONS."

18 Section 4. Section 7-6-4435, MCA, is amended to read:  
19 "7-6-4435. Form of ballot. (1) If at any time it is  
20 desired to submit the question of additional levies for more  
21 than one purpose, such propositions shall be submitted on  
22 separate ballots.

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

25 Shall the city (or town) ~~council~~ governing body be

1 authorized to make a levy of (here insert the number) mills  
2 taxes in addition to the regular levy now authorized by law  
3 for the purpose of (here insert the purpose for which the  
4 additional levy is to be made AND THE PERIOD FOR WHICH IT  
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25 SECTION 7. THERE IS A NEW MCA SECTION THAT READS:

1       Emergency provisions not affected. Nothing in [this  
2 act] shall affect the emergency expenditures provided by  
3 law.

4       Section 8. Repealer. Section 7-6-4433, MCA, is  
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SB 0235/03

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