

HOUSE BILL NO. 212

INTRODUCED BY FABREGA, MAZUREK, CHRISTIAENS, LANE,
MOHAR, BERGENE, MILLER, HEMSTAD, THOMAS, FARRIS,
O'CONNELL, VINCENT, BACHINI, REAM, J. HAMMOND

IN THE HOUSE

January 13, 1983	Introduced and referred to Committee on Local Government.
January 25, 1983	Committee recommend bill do pass. Report adopted.
January 26, 1983	Bill printed and placed on members' desks.
January 27, 1983	Second reading, do pass as amended.
January 28, 1983	Correctly engrossed.
January 29, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 31, 1983	Introduced and referred to Committee on Local Government.
March 11, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 14, 1983	Second reading, concurred in.
March 16, 1983	Third reading, concurred in. Ayes, 43; Noes, 5.

IN THE HOUSE

March 16, 1983	Returned to House with amendments.
March 30, 1983	Second reading, amendments concurrent in.

March 31, 1983

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

House BILL NO. 212

INTRODUCED BY

George Nesmyk Christopher
Leo Loney Nolan Bryne Miller Sanatai
John Russell Jim Vincent

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MILL ^{1 bonus}
LEVY LIMIT FOR LIBRARIES IN COUNTIES FROM 3 MILLS TO 5 MILLS ^{Janis}
AND IN MUNICIPALITIES FROM 4 1/2 MILLS TO 7 MILLS; AMENDING ^{Bachin}
SECTION 22-1-304, MCA; AND PROVIDING AN EFFECTIVE DATE." ^{Ream}
Howard

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

Section 1. Section 22-1-304, MCA, is amended to read:

"22-1-304. Tax levy -- special library fund -- bonds.

(1) The governing body of any city or county which has established a public library may levy in the same manner and at the same time as other taxes are levied a special tax in the amount necessary to maintain adequate public library service, not to exceed 3 1/2 mills on the dollar, upon all property in such county which may be levied by the governing body of such county and not to exceed 4-1/2 mills on the dollar upon all property in such city which may be levied by the governing body of such city.

(2) The proceeds of such tax shall constitute a separate fund called the public library fund and shall not be used for any purpose except those of the public library.

(3) No money shall be paid out of the public library fund by the treasurer of the city or county except by order

or warrant of the board of library trustees.

(4) Bonds may be issued by the governing body in the manner prescribed by law for the erection and equipment of public library buildings and the purchase of land therefor."

NEW SECTION. Section 2. Effective date. This act is effective July 1, 1983.

-End-

INTRODUCED BILL

Approved by Comm.
on Local Government

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House BILL NO. 212

INTRODUCED BY *James, Moran, Boyne, Miller, Hamilton, 1 bonus, Jamis, Bachin, Ream, Hammond*
A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MILL
LEVY LIMIT FOR LIBRARIES IN COUNTIES FROM 3 MILLS TO 5 MILLS
AND IN MUNICIPALITIES FROM 4 1/2 MILLS TO 7 MILLS; AMENDING
SECTION 22-1-304, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 22-1-304, MCA, is amended to read:

"22-1-304. Tax levy -- special library fund -- bonds.

(1) The governing body of any city or county which has established a public library may levy in the same manner and at the same time as other taxes are levied a special tax in the amount necessary to maintain adequate public library service, not to exceed 3 1/2 mills on the dollar, upon all property in such county which may be levied by the governing body of such county and not to exceed 4 1/2 1 mills on the dollar upon all property in such city which may be levied by the governing body of such city.

(2) The proceeds of such tax shall constitute a separate fund called the public library fund and shall not be used for any purpose except those of the public library.

(3) No money shall be paid out of the public library fund by the treasurer of the city or county except by order

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or warrant of the board of library trustees.
(4) Bonds may be issued by the governing body in the manner prescribed by law for the erection and equipment of public library buildings and the purchase of land therefor."
NEW SECTION. Section 2. Effective date. This act is effective July 1, 1983.

-End-

1 HOUSE BILL NO. 212

2 INTRODUCED BY FABREGA, MAZUREK, CHRISTIAENS, LANE,
3 MOHAR, BERGENE, MILLER, HEMSTAD, THOMAS, FARRIS,
4 O'CONNELL, VINCENT, BACHINI, REAM, J. HAMMOND
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MILL
7 LEVY LIMIT FOR LIBRARIES IN COUNTIES FROM 3 MILLS TO 5 MILLS
8 AND IN MUNICIPALITIES FROM 4 1/2 MILLS TO 7 MILLS; AMENDING
9 SECTION 22-1-304, MCA; AND PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 22-1-304, MCA, is amended to read:

13 "22-1-304. Tax levy -- special library fund -- bonds.

14 (1) The governing body of any city or county which has
15 established a public library may levy in the same manner and
16 at the same time as other taxes are levied a special tax in
17 the amount necessary to maintain adequate public library
18 service, not to exceed 3 1/2 mills on the dollar, upon all
19 property in such county which may be levied by the governing
20 body of such county and not to exceed 4 1/2 mills on the
21 dollar upon all property in such city which may be levied by
22 the governing body of such city.

23 ~~(2) THE MUNICIPAL TAX AUTHORIZED IN THIS SECTION IS IN~~
24 ~~ADDITION TO ALL OTHER TAXES AUTHORIZED BY LAW, AND IS NOT~~
25 ~~WITHIN THE ALL-PURPOSE MILL LEVY ESTABLISHED BY 7-6-4451~~

1 ~~THROUGH 7-6-4453.~~

2 ~~(2)(3) The proceeds of such tax shall constitute a~~
3 ~~separate fund called the public library fund and shall not~~
4 ~~be used for any purpose except those of the public library.~~

5 ~~(3)(4) No money shall be paid out of the public~~
6 ~~library fund by the treasurer of the city or county except~~
7 ~~by order or warrant of the board of library trustees.~~

8 ~~(4)(5) Bonds may be issued by the governing body in~~
9 ~~the manner prescribed by law for the erection and equipment~~
10 ~~of public library buildings and the purchase of land~~
11 ~~therefor."~~

12 ~~NEW SECTION. Section 2. Effective date. This act is~~
13 ~~effective July 1, 1983.~~

-End-

March 11, 1983

SENATE STANDING COMMITTEE REPORT
(Highways & Transportation)

That House Bill No. 212 be amended as follows:

1. Title, line 8.
Following: "MILLS;"
Insert: "AND AUTHORIZING A GOVERNING BODY TO EXCEED THE MAXIMUM
MILL LEVY FOR LIBRARY SERVICES UPON APPROVAL BY THE VOTERS;"

2. Page 1, line 23.
Following: line 22
Insert: "(2)(a) The governing body of any city or county
may by resolution submit the question of exceeding the maximum
tax levy provided in subsection (1) to a vote of the qualified
electors thereof at the next general election. Such resolution
must be adopted at least 60 days prior to the general election
at which the question will be voted on.
(b) Upon petition being filed with the governing body and
signed by not less than 5% of the resident taxpayers of any
city or county requesting an election for the purpose of exceed-
ing the maximum mill levy, the governing body shall submit to a
vote of the qualified electors thereof at the next general
election the question of exceeding the maximum mill levy. Such
petition must be delivered to the governing body at least 90
days prior to the general election at which the question will be
voted on.
(c) The question shall be submitted by ballots upon which
the words "FOR exceeding themill maximum levy and authorizing
an additionalmill(s) for the library" and "AGAINST exceeding
themill maximum library levy" shall appear, with a square
before each proposition and a direction to insert an "X" mark in
the square before one or the other of the propositions.
(d) The votes cast for the adoption or rejection of the
question must be canvassed, and:
(i) if a majority of the voters voting on the question vote
to exceed the maximum mill levy, the governing body shall levy
the additional tax for the year in which the vote was taken; or
(ii) if a majority of the voters voting on the question vote
to not exceed the maximum mill levy, the maximum mill levy may
not be exceeded."

Renumber: subsequent subsections

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4 O'CONNELL, VINCENT, BACHINI, REAM, J. HAMMOND
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6 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MILL
7 LEVY LIMIT FOR LIBRARIES IN COUNTIES FROM 3 MILLS TO 5 MILLS
8 AND IN MUNICIPALITIES FROM 4 1/2 MILLS TO 7 MILLS; AND
9 AUTHORIZING A GOVERNING BODY TO EXCEED THE MAXIMUM MILL LEVY
10 FOR LIBRARY SERVICES UPON APPROVAL BY THE VOTERS; AMENDING
11 SECTION 22-1-304, MCA; AND PROVIDING AN EFFECTIVE DATE."
12

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

14 Section 1. Section 22-1-304, MCA, is amended to read:
15 "22-1-304. Tax levy -- special library fund -- bonds.

16 (1) The governing body of any city or county which has
17 established a public library may levy in the same manner and
18 at the same time as other taxes are levied a special tax in
19 the amount necessary to maintain adequate public library
20 service, not to exceed 3 1/2 mills on the dollar, upon all
21 property in such county which may be levied by the governing
22 body of such county and not to exceed 4 1/2 [] mills on the
23 dollar upon all property in such city which may be levied by
24 the governing body of such city.

25 (2) (A) THE GOVERNING BODY OF ANY CITY OR COUNTY MAY

1 BY RESOLUTION SUBMIT THE QUESTION OF EXCEEDING THE MAXIMUM
2 TAX LEVY PROVIDED IN SUBSECTION (1) TO A VOTE OF THE
3 QUALIFIED ELECTORS THEREOF AT THE NEXT GENERAL ELECTION,
4 SUCH RESOLUTION MUST BE ADOPTED AT LEAST 60 DAYS PRIOR TO
5 THE GENERAL ELECTION AT WHICH THE QUESTION WILL BE VOTED ON,

6 (B) UPON PETITION BEING FILED WITH THE GOVERNING BODY
7 AND SIGNED BY NOT LESS THAN 5% OF THE RESIDENT TAXPAYERS OF
8 ANY CITY OR COUNTY REQUESTING AN ELECTION FOR THE PURPOSE OF
9 EXCEEDING THE MAXIMUM MILL LEVY, THE GOVERNING BODY SHALL
10 SUBMIT TO A VOTE OF THE QUALIFIED ELECTORS THEREOF AT THE
11 NEXT GENERAL ELECTION THE QUESTION OF EXCEEDING THE MAXIMUM
12 MILL LEVY. SUCH PETITION MUST BE DELIVERED TO THE GOVERNING
13 BODY AT LEAST 90 DAYS PRIOR TO THE GENERAL ELECTION AT WHICH
14 THE QUESTION WILL BE VOTED ON.

15 (C) THE QUESTION SHALL BE SUBMITTED BY BALLOTS UPON
16 WHICH THE WORDS "FOR EXCEEDING THE ... MILL MAXIMUM LEVY AND
17 AUTHORIZING AN ADDITIONAL ... MILL(S) FOR THE LIBRARY" AND
18 "AGAINST EXCEEDING THE ... MILL MAXIMUM LIBRARY LEVY" SHALL
19 APPEAR WITH A SQUARE BEFORE EACH PROPOSITION AND A
20 DIRECTION TO INSERT AN "X" MARK IN THE SQUARE BEFORE ONE OR
21 THE OTHER OF THE PROPOSITIONS.

22 (D) THE VOTES CAST FOR THE ADOPTION OR REJECTION OF
23 THE QUESTION MUST BE CANVASSED, AND:

24 (1) IF A MAJORITY OF THE VOTERS VOTING ON THE QUESTION
25 VOTE TO EXCEED THE MAXIMUM MILL LEVY, THE GOVERNING BODY

1 SHALL LEVY THE ADDITIONAL TAX FOR THE YEAR IN WHICH THE VOIE
2 WAS TAKEN; OR

3 (II) IF A MAJORITY OF THE VOTERS VOTING ON THE QUESTION
4 VOIE TO NOT EXCEED THE MAXIMUM MILL LEVY, THE MAXIMUM MILL
5 LEVY MAY NOT BE EXCEEDED.

6 †2†(3) THE MUNICIPAL TAX AUTHORIZED IN THIS SECTION IS
7 IN ADDITION TO ALL OTHER TAXES AUTHORIZED BY LAW, AND IS NOT
8 WITHIN THE ALL-PURPOSE MILL LEVY ESTABLISHED BY 7-6-4451
9 THROUGH 7-6-4453.

10 †2†(4) The proceeds of such tax shall constitute a
11 separate fund called the public library fund and shall not
12 be used for any purpose except those of the public library.

13 †3†(5) No money shall be paid out of the public
14 library fund by the treasurer of the city or county except
15 by order or warrant of the board of library trustees.

16 †4†(6) Bonds may be issued by the governing body in
17 the manner prescribed by law for the erection and equipment
18 of public library buildings and the purchase of land
19 therefor.*

20 NEW SECTION. Section 2. Effective date. This act is
21 effective July 1, 1983.

-End-