

SENATE BILL NO. 412

Introduced: 02/14/83

Referred to Committee on Local Government: 02/14/83

Hearing: 2/17/83

Report: 02/18/83, Do Pass

2nd Reading: 02/21/83

3rd Reading: 02/23/83

Transmitted to House: 02/23/83

Referred to Committee on Local Government: 02/28/83

Hearing: 3/8/83

Report: 03/16/83, Be Concurred In

2nd Reading: 03/22/83, Be Concurred In

3rd Reading: 03/23/83, Be Not Concurred In
Bill Killed.

1 *Asst.* BILL NO. *412*
 2 INTRODUCED BY *Lynch Waldon & Veltchey Sherry*
 3 *J. Jackson*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE FISCAL
 5 YEAR FOR COUNTIES, CITIES, AND TOWNS IN THE STATE OF
 6 MONTANA; PROVIDING FOR TRANSITION IN BUDGETS AND MILL
 7 LEVIES; AMENDING SECTIONS 7-3-1302, 7-3-4372, 7-6-2201,
 8 7-6-2311, 7-6-2315 THROUGH 7-6-2317, 7-6-2321, 7-6-2322,
 9 7-6-2352, 7-6-2502, 7-6-4101, 7-6-4103, 7-6-4105, 7-6-4109,
 10 7-6-4113, 7-6-4221, 7-6-4226 THROUGH 7-6-4228, 7-6-4232,
 11 7-6-4233, 7-6-4407, 7-6-4410, 7-6-4412, 7-7-2264, 7-7-4264,
 12 7-12-4181, 7-14-4713, 7-14-4734, 7-16-2204, 15-16-114,
 13 15-23-607, 20-9-152, AND 53-2-308, MCA; AND PROVIDING A
 14 DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 17 Section 1. Section 7-3-1302, MCA, is amended to read:
 18 "7-3-1302. Fiscal year. The fiscal year of the
 19 municipality shall begin with ~~July~~ October 1 and shall end
 20 with the succeeding ~~June~~ September 30."
 21 Section 2. Section 7-6-2201, MCA, is amended to read:
 22 "7-6-2201. Fiscal year for counties. The fiscal year
 23 for county purposes commences on ~~July~~ October 1 of each year
 24 and ends on ~~June~~ September 30 of the following year."
 25 Section 3. Section 7-6-4101, MCA, is amended to read:

1 "7-6-4101. Fiscal year for municipalities. The fiscal
 2 year of cities and towns commences on ~~July~~ October 1 of each
 3 year and ends on ~~June~~ September 30 of the following year."

4 Section 4. Section 7-3-4372, MCA, is amended to read:
 5 "7-3-4372. Procedure to enact appropriation ordinance.
 6 (1) Upon receipt of such estimate, the commission shall
 7 prepare an appropriation ordinance in such form as may be
 8 prescribed by ordinance or resolution. Before finally acting
 9 upon such tentative appropriation, the commission shall fix
 10 a time and place for holding public hearing upon the
 11 tentative appropriation and shall give public notice of such
 12 hearing. Following the public hearings and before its final
 13 passage, the appropriation ordinance shall be published with
 14 a parallel comparison with the recommendation of the city
 15 manager. The commission shall not pass the appropriation
 16 ordinance until 10 days after its publication or before the
 17 second Monday in ~~August~~ September.

18 (2) If, at the beginning of the term of office of the
 19 first commission elected under the provisions of this part
 20 and part 44, the appropriations for the expenditures of the
 21 municipal government for the current fiscal year have been
 22 made, said commission shall have the power by ordinance to
 23 revise, repeal, or change said appropriations and to make
 24 additional appropriations."

25 Section 5. Section 7-6-2311, MCA, is amended to read:

1 "7-6-2311. Filing of estimate of revenues and expenses
2 with county clerk. (1) Before ~~June~~ September 1 each year the
3 county clerk and recorder shall notify in writing each
4 county official in charge of an office, department, service,
5 institution, or county-funded district court program of the
6 county to file with the county clerk and recorder, before
7 ~~June~~ September 10, detailed and itemized estimates, both of
8 the probable revenues from sources other than taxation and
9 of all expenditures required by the office, department,
10 service, or institution for the next fiscal year.

11 (2) (a) The county commissioners shall submit to the
12 county clerk and recorder the estimate of expenditures for
13 all purposes for the board and a detailed statement showing
14 all new road and bridge construction to be financed from
15 county road and bridge funds, from any special road or
16 bridge fund, from any special highway fund, and from bond
17 issues issued or authorized for the next fiscal year,
18 together with the cost of that construction as computed by
19 the county surveyor or, if for construction in charge of a
20 special engineer, then by that engineer. The county
21 commissioners shall also submit to the county clerk and
22 recorder detailed estimates of all expenditures for
23 construction or improvement purposes proposed to be made
24 from the proceeds of bond issues not yet authorized and from
25 the proceeds of tax levies which are required to be approved

1 at an election to be held.

2 (b) The county surveyor and any special engineer shall
3 prepare the estimates of cost of road and bridge
4 construction for the county commissioners. They shall also
5 submit a similar statement showing road and bridge
6 maintenance expenditures as nearly as can be estimated.

7 (c) The county treasurer shall prepare the estimates
8 for interest and debt reduction.

9 (d) The county clerk and recorder shall prepare all
10 other estimates which properly fall within the duties of his
11 office.

12 (3) The estimates required in this section shall be
13 submitted on forms provided by the county clerk and recorder
14 and prescribed by the department of administration. The
15 forms may only be varied or departed from with permission
16 and approval of that department. Each of the officials shall
17 file the estimates within the time and in the manner
18 provided in the form and notice.

19 (4) In the absence or disability of an official, the
20 duties required by this section or 7-6-2312 devolve upon the
21 official or employee in charge of the office, department,
22 service, or institution."

23 Section 6. Section 7-6-2315, MCA, is amended to read:

24 "7-6-2315. Consideration of tabulation by county
25 commissioners -- preparation of preliminary budget. (1) The

1 tabulation shall be submitted to the county commissioners by
2 the county clerk and recorder on or before the first Monday
3 of ~~July~~ August.

4 (2) Upon receipt thereof, the board of county
5 commissioners shall immediately consider the budget in
6 detail and shall, on or before the second Monday of ~~July~~
7 August, make any revisions, reductions, additions, or
8 changes that they consider advisable. The tabulation, with
9 any revisions, reductions, additions, or changes, is the
10 preliminary budget for the fiscal year which it is intended
11 to cover.

12 (3) Upon completion of the budget, the county clerk
13 shall immediately transmit one copy of it to the department
14 of administration and one copy to the department of
15 revenue."

16 Section 7. Section 7-6-2316, MCA, is amended to read:

17 "7-6-2316. Notice of hearing on preliminary budget.

18 (1) The board of county commissioners shall then have a
19 notice published stating that:

20 (a) the board has completed its preliminary county
21 budget for the current fiscal year;

22 (b) the budget is open to inspection in the office of
23 the county clerk and recorder;

24 (c) the board will meet on the Wednesday before the
25 second Monday in ~~August~~ September to fix the final budget

1 and make appropriations, stating the time and place of the
2 meeting; and

3 (d) any taxpayer or resident of the county may appear
4 and be heard for or against any part of the budget.

5 (2) The notice shall be published at least one time in
6 a newspaper of general circulation in the county."

7 Section 8. Section 7-6-2317, MCA, is amended to read:

8 "7-6-2317. Hearing on preliminary budget. (1) On the
9 Wednesday before the second Monday in ~~August~~ September, the
10 county commissioners shall meet at the time and place
11 designated in the notice provided for in 7-6-2316, at which
12 time any taxpayer or resident of the county may appear and
13 be heard for or against any part of the budget.

14 (2) The hearing shall be continued from day to day and
15 shall be concluded and the budget approved and adopted on
16 the second Monday in ~~August~~ September, before the fixing of
17 the tax levies by the board."

18 Section 9. Section 7-6-2321, MCA, is amended to read:

19 "7-6-2321. Fixing of tax levy. (1) On the second
20 Monday in ~~August~~ September and after the approval and
21 adoption of the final budget, the board of county
22 commissioners shall fix the tax levy for each fund at a rate
23 which will raise the amount set out in the budget as the
24 amount necessary to be raised by tax levy for the fund
25 during the current fiscal year. The taxable valuation of the

1 county for the current fiscal year shall be the basis for
 2 determining the amount of the tax levy for each fund. Each
 3 tax levy shall be at a rate no higher than is required on
 4 that basis, without including any amount for anticipated tax
 5 delinquency, to produce the amount set out in the budget,
 6 without including any amount for anticipated tax
 7 delinquency, as being the amount to be raised by tax levy.

8 (2) The tax levy shall be made in the manner provided
 9 by 15-10-201."

10 Section 10. Section 7-6-2322, MCA, is amended to read:

11 "7-6-2322. Budget and tax levies to be supplied to
 12 department of administration. (1) The county clerk and
 13 recorder shall, not later than ~~September~~ October 15, forward
 14 a full and detailed copy of the final budget, together with
 15 the tax levies, to the department of administration.

16 (2) If a county clerk and recorder fails to forward a
 17 copy of the budget to the department within that time, that
 18 department shall, before ~~October~~ November 1, notify the
 19 board of county commissioners of the county that a copy of
 20 the budget has not been forwarded by the county clerk and
 21 recorder. The board must then withhold the county clerk and
 22 recorder's salary for ~~September~~ October until the county
 23 clerk and recorder files with the board a receipt from the
 24 department showing the receipt of a copy."

25 Section 11. Section 7-6-2352, MCA, is amended to read:

1 "7-6-2352. State grants to district courts. (1) The
 2 department of administration shall make grants to the
 3 governing body of a county for the district courts for
 4 assistance, as provided in this section. The grants are to
 5 be made from funds appropriated to the department for that
 6 purpose. If the department of administration approves
 7 grants in excess of the amount appropriated, each grant
 8 shall be reduced an equal percentage so the appropriation
 9 will not be exceeded.

10 (2) The governing body of a county may apply to the
 11 department of administration for a grant by filing a written
 12 report by ~~due~~ October 31, for the previous fiscal year
 13 stating that the following conditions have occurred or will
 14 occur:

15 (a) that the court will not be able to meet its
 16 statutory obligations with the funds authorized under the
 17 county budget, because of expenses exceeding the sum derived
 18 from the mill levy provided for in 7-6-2511 arising from
 19 litigation in either civil or criminal matters, not
 20 including building, capital, and library maintenance,
 21 replacement, and acquisition, but including the costs
 22 associated with:

- 23 (i) the impaneling and maintenance of juries;
- 24 (ii) the appearance of witnesses;
- 25 (iii) the fees and litigation-related expenses of

1 attorneys appointed by a district court;
 2 (iv) transcript prepared at the direction of a district
 3 court at county expense;
 4 (v) salaries and fees of court reporters;
 5 (vi) psychological and medical treatment or evaluations
 6 ordered by a district court at county expense;
 7 (vii) the actual and necessary expenses of travel as
 8 limited by law for:
 9 (A) jurors;
 10 (B) witnesses;
 11 (C) court reporters;
 12 (D) defendants in criminal cases who are in custody;
 13 (E) juveniles under the supervision of a district
 14 court; or
 15 (F) law enforcement or probation officers acting in
 16 furtherance of a district court order; and
 17 (viii) other, similar expenses created by and required
 18 for the conduct of and preparation for a trial in district
 19 court;
 20 (b) that all expenditures from the district court fund
 21 have been lawfully made;
 22 (c) that no transfers from the district court fund
 23 have been or will be made to any other fund;
 24 (d) that no expenditures have been made from the
 25 district court fund that are not specifically authorized by

1 7-6-2511 and 7-6-2351; and
 2 (e) any other information required by the department
 3 of administration.
 4 (3) The department of administration shall give notice
 5 to the district court and the county governing body of its
 6 intention to allow grants ~~by August 31 for~~ within 2 months
 7 ~~following the end of~~ the previous fiscal year.
 8 (4) Within 10 days of receiving notice from the
 9 department of administration that a grant will be made, the
 10 district court shall adopt a budget and transmit it to the
 11 county governing body.
 12 (5) After receiving notice of the county governing
 13 body's approval of the budget, the department of
 14 administration shall cause a warrant to be issued to the
 15 treasurer of the county in which the district court is
 16 located for the total amount stated in the approved budget.
 17 (6) The grant received by the county shall be placed
 18 in a fund account to be kept separate from the district
 19 court fund.
 20 (7) After depleting the district court fund, the
 21 county treasurer may make disbursements from the fund
 22 account. At the close of its fiscal year, the county
 23 treasurer shall return to the department of administration
 24 any amounts remaining in the fund account."
 25 Section 12. Section 7-6-2502, MCA, is amended to read:

"7-6-2502. Responsibility of county commissioners to fix tax rate and levy tax. The board of county commissioners of each county must, on the second Monday in August ~~September~~, fix the rate of county taxes and designate the number of mills on each dollar of valuation of property for each fund and must levy taxes upon the taxable property of the county."

Section 13. Section 7-6-4103, MCA, is amended to read:

"7-6-4103. Annual appropriation. The council must, during the month of ~~July~~ October in each fiscal year, pass an ordinance to be known as the "Annual appropriation for the of for the fiscal year beginning ~~July~~ October 1, 19..", in which ordinance there must be appropriated enough money to defray the expenses or liabilities of the city or town for such fiscal year. There must be specified therein the amount appropriated for each separate object or fund and the salary or compensation to be paid to each officer of the city or town."

Section 14. Section 7-6-4105, MCA, is amended to read:

"7-6-4105. Financial reports and records to be maintained by city treasurer. It shall be the duty of the city treasurer:

(1) to present, on the first Monday of each month to the council a full and detailed statement of the amounts of money belonging to the city received by him and disbursed by

him during the preceding month and the state of each particular fund, which statement must be verified by his oath;

(2) to keep the books and accounts of the city in such manner as to correctly present the condition of the finances thereof, which must always be open to the inspection of the mayor or the council or any member thereof;

(3) to render at any time an account to the council, showing the money on hand and the condition of the treasury;

(4) to annually make out and submit to the city council at its last meeting prior to May ~~August~~ 1 a detailed account of all receipts and expenditures during the past fiscal year and to file the same with the clerk;

(5) to keep a separate account of each fund or appropriation and the debits and credits thereof;

(6) to keep a register of all warrants paid, called "The Registry Book", which must show the date, amount, and number and the person to whom and the fund from which the same was paid; and

(7) to deliver and file with the city clerk all vouchers, warrants, or orders paid by him."

Section 15. Section 7-6-4109, MCA, is amended to read:

"7-6-4109. Financial reports and records to be maintained by town clerk. It shall be the duty of the town clerk:

1 (1) to present, on the first Monday of each month, to
 2 the council a full and detailed statement of the amounts of
 3 money belonging to the town received by him and disbursed by
 4 him during the preceding month and the state of each
 5 particular fund, which statement must be verified by his
 6 oath;

7 (2) to keep the books and accounts of the city or town
 8 in such manner as to correctly present the condition of the
 9 finances thereof, which must always be open to the
 10 inspection of the mayor or the council or any member
 11 thereof;

12 (3) to render at any time an account to the council,
 13 showing the money on hand and the condition of the treasury;

14 (4) to annually make out and submit to the town
 15 council, at its last meeting prior to May ~~AUGUST~~ 1, a
 16 detailed account of all receipts and expenditures during the
 17 past fiscal year;

18 (5) to keep a separate account of each fund or
 19 appropriation and the debits and credits thereof;

20 (6) to keep a register of all warrants paid, which
 21 must show the date, amount, and number and the person to
 22 whom and the fund from which the same was paid and to enter
 23 in a book kept for that purpose the date, amount, and person
 24 in whose favor and for what purpose warrants are drawn upon
 25 the town treasury."

1 Section 16. Section 7-6-4113, MCA, is amended to read:

2 "7-6-4113. Filing of annual financial statement. (1)
 3 The city or town clerk must, not later than August-31
 4 ~~November-30~~ following the close of each fiscal year,
 5 transmit one copy of the statement to the department of
 6 administration and must present the other copy to the city
 7 or town council or commission at its first regular meeting
 8 in September ~~DECEMBER~~.

9 (2) If a city or town clerk fails to file a copy of
 10 the statement with the department within the time specified,
 11 the department, without delay, shall examine the books,
 12 records, and accounts of the city or town. The department
 13 shall make from its examination a statement of the financial
 14 condition of the city or town for the preceding fiscal year
 15 in the manner it should have been made by the city or town
 16 clerk. The examination shall be considered a special audit
 17 under the provisions of subsections (4) and (5) of 2-7-503,
 18 and all of the provisions of subsections (4) and (5) of
 19 2-7-503 apply to it."

20 Section 17. Section 7-6-4221, MCA, is amended to read:

21 "7-6-4221. Filing of estimate of revenues and expenses
 22 with clerk. (1) Before ~~July~~ August 1 of each year the clerk
 23 of each city shall notify in writing each official in charge
 24 of an office, department, service, or institution of the
 25 municipality to file with the clerk, before ~~July~~ August 10,

1 detailed and itemized estimates, both of the probable
2 revenues from sources other than taxation and of all
3 expenditures required by the office, department, service, or
4 institution for the current fiscal year.

5 (2) (a) The council shall submit to the clerk the
6 estimate of expenditures for all purposes for the council.
7 The council shall also submit to the clerk detailed
8 estimates of all expenditures for construction or
9 improvement purposes proposed to be made from the proceeds
10 of bond issues not yet authorized and from the proceeds of
11 tax levies which are required to be submitted to and
12 approved at an election to be held.

13 (b) The mayor of the municipality shall submit to the
14 clerk a detailed estimate showing the amount to be
15 appropriated from funds belonging to the municipality to
16 defray the municipality's portion of the cost of making
17 improvements in special improvement districts and
18 maintaining them and of installing lighting systems in
19 special lighting districts and maintaining them.

20 (c) The city treasurer shall prepare the estimates for
21 interest and debt reduction.

22 (d) The clerk shall prepare all other estimates which
23 properly fall within the duties of his office.

24 (3) The estimates required in this section shall be
25 submitted on forms provided by the clerk and prescribed by

1 the department of administration. The form may be varied or
2 departed from only with permission and approval of the
3 department. Each of the officials shall file the estimates
4 within the time and in the manner provided in the form and
5 notice.

6 (4) In the absence or disability of an official, the
7 duties required in this section or 7-6-4223 devolve upon the
8 official or employee in charge of the office, department,
9 service, or institution for the time being."

10 Section 18. Section 7-6-4226, MCA, is amended to read:

11 "7-6-4226. Consideration of tabulation by council --
12 preparation of preliminary budget. (1) The tabulation shall
13 be submitted to the council by the clerk on or before ~~duty~~
14 August 20.

15 (2) Upon receipt thereof, the council shall
16 immediately consider the same in detail and shall, on or
17 before ~~duty~~ August 25, make any revisions, reductions,
18 additions, or changes therein that they deem advisable. Such
19 tabulation, with such revisions, reductions, additions, or
20 changes as have been made therein as herein provided, shall
21 constitute the preliminary budget of the municipality for
22 the fiscal year which it is intended to cover."

23 Section 19. Section 7-6-4227, MCA, is amended to read:

24 "7-6-4227. Notice of hearing on preliminary budget.
25 (1) The council shall then cause a notice to be published

1 stating that:

2 (a) the council has completed its preliminary
3 municipal budget for the current fiscal year;

4 (b) the budget has been placed on file and is open to
5 inspection in the office of the clerk of the municipality;

6 (c) the council will meet on the Wednesday immediately
7 preceding the second Monday in ~~August~~ September for the
8 purpose of fixing the final budget and making
9 appropriations, designating the time and place when and
10 where such meeting will be held; and

11 (d) any taxpayer or resident may appear at the meeting
12 and be heard for or against any part of the budget.

13 (2) The notice shall be published at least one time in
14 the official newspaper of the municipality or, if there is
15 none, then in a newspaper of general circulation in the
16 county in which the municipality is situated."

17 Section 20. Section 7-6-4228, MCA, is amended to read:

18 "7-6-4228. Hearing on preliminary budget. (1) On the
19 Wednesday preceding the second Monday in ~~August~~ September,
20 the council shall meet at the time and place designated in
21 the notice provided in 7-6-4227, at which time any taxpayer
22 or resident may appear and be heard for or against any part
23 of the budget. The council may call in the official in
24 charge of an office, department, service, or institution, at
25 the time the estimates for their respective offices are

1 under consideration, for examination concerning the
2 estimates. The official shall be called in by the council,
3 upon the request of a taxpayer or resident, for questioning
4 upon the estimates either by the council, taxpayer, or
5 resident.

6 (2) The hearing shall be continued from day to day and
7 shall be concluded and the budget finally approved and
8 adopted on the second Monday in ~~August~~ September, prior to
9 the fixing of the tax levies by the council."

10 Section 21. Section 7-6-4232, MCA, is amended to read:

11 "7-6-4232. Fixing of tax levy. (1) On the second
12 Monday in ~~August~~ September and after the approval and
13 adoption of the final budget, the council shall fix the tax
14 levy for each fund at a rate, not exceeding limits
15 prescribed by law, which will raise the amount set out in
16 the budget as the amount necessary to be raised by tax levy
17 for that fund during the current fiscal year. The taxable
18 valuation of the city for the current fiscal year shall be
19 the basis for determining the amount of the tax levy for
20 each fund, and each tax levy shall be at a rate no higher
21 than is required on that basis, without including any amount
22 for anticipated tax delinquency, to raise the amount set out
23 in the budget.

24 (2) If the council considers that a levy made for a
25 bond sinking or interest fund will not provide a sufficient

amount to pay all bond principal and interest becoming due during the current fiscal year or within 6 months after the current fiscal year because of anticipated tax delinquency, the council may fix the levy at a rate it considers necessary to raise the amount for making the payments of principal and interest over and above the anticipated tax delinquency.

(3) Each levy shall be made in the manner provided by 15-10-201."

Section 22. Section 7-6-4233, MCA, is amended to read:

"7-6-4233. Budget and tax levies to be supplied to department of administration. (1) The city clerk shall, not later than ~~September~~ October 15, forward a complete copy of the final budget, together with the tax levies, to the department of administration.

(2) If a city clerk fails to forward the copy of the budget to the department within the time required, the department shall, before ~~October~~ November 1, notify the mayor and council of the city that a copy of the budget has not been forwarded by the city clerk. The council must then withhold from the city clerk his salary or compensation for the month of ~~September~~ October until the city clerk presents the council with a notice from the department that the copy of the budget has been received."

Section 23. Section 7-6-4407, MCA, is amended to read:

"7-6-4407. Resolution to fix annual tax levy. (1) The council must, on or before the second Monday of ~~August~~ September of each year, by resolution determine the amount of the city or town taxes for all purposes to be levied and assessed on the taxable property in the city or town for the current fiscal year.

(2) (a) Except as provided in subsection (2)(b), the city or town clerk must at once certify to the county clerk a copy of such resolution, and the county treasurer must collect said taxes as provided in this part.

(b) In cities where the council has provided by ordinance for the collection of such taxes by the city treasurer, the city clerk must certify a copy of such resolution to said city treasurer."

Section 24. Section 7-6-4410, MCA, is amended to read:

"7-6-4410. Assessment book to be furnished to certain municipalities. (1) On or before the second Monday in ~~July~~ August of each year, the department or its agent must furnish to all cities of the third class and towns within each county which shall make written request for the same on or before the first Monday in ~~April~~ June of each year a complete certified copy of the assessment book, so far as such assessment book pertains to property within the limits of said cities and towns.

(2) The department may charge such cities and towns 5

cents per folio of 100 words for each copy of the assessment book furnished such cities and towns as provided in subsection (1)."

Section 25. Section 7-6-4412, MCA, is amended to read:

"7-6-4412. Preparation of municipal assessment book.

(1) It is the duty of the county clerk, on or before the first last Monday in ~~October~~ ~~December~~ in each year, to make a duplicate of the corrected assessment book for each city in the county, the treasurer of which is required by ordinance of such city to collect its taxes. Such book shall be styled "The Duplicate Assessment Book for the City of" and must contain a copy of the corrected assessment book of the county, as far as the same refers to city property.

(2) Such duplicate must be made in a book furnished by the city clerk of each city in the county and ruled in columns specifying the different funds, so that the city treasurer may extend the same and collect the taxes.

(3) The county clerk must deliver such duplicate assessment book to each city treasurer and take his receipt therefor, having attached thereto the affidavit similar to the one set out in 15-10-306."

Section 26. Section 7-7-2264, MCA, is amended to read:

"7-7-2264. Statement as to amount of principal and interest due and payable on bonds. (1) Whenever any county

has any issue or series of bonds outstanding and there are not sufficient funds on hand available for the payment of the full amount of the interest and principal thereof, the county treasurer of such county shall, between the first and fifth days of ~~August~~ ~~September~~ in each year while such bonds or any thereof remain outstanding and unpaid, make out and deliver to the board of county commissioners of such county a statement.

(2) The statement required by subsection (1) shall show the amount required to be raised by tax levy during the ~~then-current~~ ~~next~~ fiscal year for payment of interest and principal becoming due and payable during such fiscal year or within 90 days thereafter on each issue or series of bonds outstanding. If no part of the principal of any such issue or series of bonds will become due and payable within such time, then such statement shall show the amount required to be raised by tax levy during such year for payment of interest becoming due during such time and to place the proper amount in the sinking fund for the payment of the principal of such bonds when they become due, as provided in 7-7-2265."

Section 27. Section 7-7-4264, MCA, is amended to read:

"7-7-4264. Statement as to amount of principal and interest due and payable on bonds. (1) Whenever any city or town has any issue or series of bonds outstanding and there

1 are not sufficient funds on hand available for the payment
2 of the full amount of the interest and principal thereof,
3 the city treasurer or town clerk shall, between July 1 and
4 July 15 in each year while such bonds or any of them remain
5 outstanding and unpaid, make out and deliver to the city or
6 town clerk a statement.

7 (2) The statement required by subsection (1) shall
8 show the amount required to be raised by tax levy during the
9 then-current ~~next~~ fiscal year for payment of interest and
10 principal becoming due and payable during such fiscal year
11 or within 90 days thereafter on each issue or series of
12 bonds outstanding. If no part of the principal of any such
13 issue or series of bonds outstanding or if no part of the
14 principal of any such issue or series of bonds will become
15 due and payable within such time, then such statement shall
16 show the amount required to be raised by tax levy during
17 such year for payment of interest becoming due during such
18 time and to place the proper amount in the sinking fund for
19 the payment of the principal of such bonds when they become
20 due, as provided in 7-7-4204.

21 (3) The statement prepared by the city treasurer or
22 town clerk shall be presented by the city or town clerk to
23 the city or town council at its next meeting."

24 Section 28. Section 7-12-4181, MCA, is amended to
25 read:

1 "7-12-4181. Collection of district assessments by
2 county clerk -- certification. (1) Except as provided in
3 7-12-4183, in every city or town where taxes for general,
4 municipal, and administrative purposes are certified to and
5 collected by the county treasurer in accordance with the
6 provisions of 7-6-4407 immediately after the second Monday
7 of ~~August~~ September of each year, it shall be the duty of
8 the city treasurer or town clerk to certify, at the same
9 time the copy of the resolution determining the annual levy
10 for general taxes is certified by the city or town clerk to
11 the county clerk as required by 7-6-4407, to the county
12 assessor of the county in which such city or town is
13 situated all special assessments and taxes levied and
14 assessed in accordance with any of the provisions of this
15 part and part 42.

16 (2) The county assessor shall thereupon enter same
17 upon the assessment roll of the county. The county treasurer
18 must collect all such taxes and assessments in the same
19 manner and at the same time as said taxes for general,
20 municipal, and administrative purposes are collected by
21 him."

22 Section 29. Section 7-14-4713, MCA, is amended to
23 read:

24 "7-14-4713. Estimates of expenses -- tax levy. (1) The
25 governing body shall:

1 (a) make annual statements and estimates of the
2 expenses of the district which shall be provided for by the
3 levy and collection of ad valorem taxes upon the taxable
4 value of all the real and personal property in the district;

5 (b) publish notice thereof; and

6 (c) have hearings on the statements and estimates and
7 adopt them as provided for incorporated cities and towns by
8 7-12-4104, 7-12-4106, 7-12-4110, 7-12-4112, 7-12-4113, and
9 7-12-4117.

10 (2) The governing body, on or before the second Monday
11 in August ~~September~~ of each year, shall fix, levy, and
12 assess the amount to be raised by ad valorem taxes upon all
13 of the property of the district. All statutes providing for
14 the levy and collection of state and county taxes, including
15 the collection of delinquent taxes and sale of property for
16 nonpayment of taxes, shall be applicable to the district
17 taxes provided for under this section."

18 Section 30. Section 7-14-4734, MCA, is amended to
19 read:

20 "7-14-4734. Expense estimate -- assessments and tax
21 levy. (1) The governing body shall:

22 (a) make annual statements and estimates of the
23 expenses of the district which shall be provided for by the
24 levy and collection of ad valorem taxes upon the assessed
25 value of all the real and personal property in the district;

1 (b) publish notice thereof; and

2 (c) have hearings thereon and adopt an ordinance
3 thereon at the times and in the manner provided for
4 incorporated cities and towns by the applicable portions of
5 7-12-4175.

6 (2) The governing body, on or before the second Monday
7 in August ~~September~~ of each year, shall fix, levy, and
8 assess the amount to be raised by ad valorem taxes upon all
9 of the property of the district. All statutes providing for
10 the levy and collection of state and county taxes, including
11 the collection of delinquent taxes and sale of property for
12 nonpayment of taxes, are applicable to the district taxes
13 provided for under this section.

14 (3) No assessment for district purposes against the
15 property within such district may exceed 12 mills upon each
16 dollar of taxable valuation in any tax year."

17 Section 31. Section 7-16-2204, MCA, is amended to
18 read:

19 "7-16-2204. Role of museum board of trustees. It shall
20 be the duty of such board:

21 (1) to have the immediate custody, charge, and control
22 of such museum or collection;

23 (2) to make such rules as may be necessary and
24 reasonable for the preservation, upkeep, care, maintenance,
25 operation, support, and display thereof; and

(3) to make to the board of county commissioners, not later than ~~July~~ September 15 of each year:

(a) a report in writing, detailing all gifts and donations made to such museum or collection and the receipts and expenditures during the ~~immediately--~~preceding ~~then-current~~ fiscal year; and

(b) an estimate of the amount to be budgeted for such museum or collection in the budget of the county for the ~~then-current~~ next fiscal year."

Section 32. Section 15-16-114, MCA, is amended to read:

"15-16-114. Rate of taxation -- personal property. (1) All rates of tax levy set by the board of county commissioners on the second Monday in ~~August~~ September of each year shall apply permanently to this class of personal property during the ensuing year, and the treasurer shall, upon collection of any such taxes, immediately distribute the money so collected to the various and proper funds in his charge.

(2) If the rate of taxation fixed for the year in which the collection is made is an increase over the preceding year's levy, then the said board of county commissioners may direct the county treasurer to collect the amount of such increased levy but shall not be obliged to do so in cases where, in the opinion of the board, the cost of

collection would exceed the amount of such increase. If the rate fixed for the year in which the collection is made shall be less than the levy for the preceding year, then the person from whom such excess tax was collected may file with the board of county commissioners a duly verified claim for a refund of such excess tax at any time before November 1 of the year in which such an excess was collected, and such claim shall be allowed and ordered paid by the board of county commissioners to the amount of such excess."

Section 33. Section 15-23-607, MCA, is amended to read:

"15-23-607. County assessors to compute taxes. (1) Immediately after the board of county commissioners has fixed tax levies on the second Monday in ~~August~~ September, the county assessor shall compute the taxes on such net proceeds, except as provided in 15-36-121, and royalty assessments and shall deliver the book to the county treasurer on or before ~~September-15~~ October 1. The county treasurer shall proceed to give full notice thereof to such operator and to collect the same in manner provided by law.

(2) The operator or producer shall be liable for the payment of said taxes and same shall be payable by and shall be collected from such operators in the same manner and under the same penalties as provided for the collection of taxes upon net proceeds of mines; provided, however, that

1 the operator may at his option withhold from the proceeds of
2 royalty interest, either in kind or in money, an estimated
3 amount of the tax to be paid by him upon such royalty or
4 royalty interest. After such withholding any deviation
5 between the estimated tax and the actual tax may be
6 accounted for by adjusting subsequent withholdings from the
7 proceeds of royalty interests."

8 Section 34. Section 20-9-152, MCA, is amended to read:

9 "20-9-152. Fixing and levying taxes for joint
10 districts. (1) At the time of fixing levies for county and
11 school purposes on the second Monday in ~~August~~ September,
12 the board of county commissioners of each county in which a
13 part of a joint district is located shall fix and levy taxes
14 on that portion of the joint district located in such
15 board's county at the number of mills for each such levy
16 recommended by the joint statement of the county
17 superintendents.

18 (2) The board of county commissioners shall include in
19 the amounts to be raised by the county levies for schools
20 all the amounts required for the final budget of each part
21 of a joint district located in the county, in accordance
22 with the recommendations of the county superintendent."

23 Section 35. Section 53-2-308, MCA, is amended to read:

24 "53-2-308. When one-year contracts must be made.
25 Whenever under existing laws the board of county

1 commissioners is authorized to make contracts for 1 year and
2 no time is specified when the contracts shall be made, it
3 shall be the duty of the county commissioners whenever
4 possible to make such contracts in the month of ~~June~~ August
5 of each year so that they will be better enabled to prepare
6 their budget which, under existing laws, must be prepared
7 during the month of ~~July~~ September."

8 ~~NEW SECTION.~~ Section 36. Transition. Budgets adopted
9 for fiscal year 1985 must allow for the following
10 transitional provisions:

11 (1) For purposes of transition, fiscal year 1985 shall
12 consist of the 15 months from July 1, 1984, to September 30,
13 1985.

14 (2) The mill levies adopted for fiscal year 1985 may
15 exceed the statutory annual mill levy limits by 25% to fund
16 the additional 3 months contained in the transitional fiscal
17 year.

18 ~~NEW SECTION.~~ Section 37. Effective date. This act is
19 effective January 1, 1984, and applies to fiscal years
20 beginning on or after July 1, 1984.

-End-

Approved by Comm.
on Local Government

Amended BILL NO. *412*

INTRODUCED BY *Lynch, Walchon & Valtchik*
J. Jackson

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE FISCAL YEAR FOR COUNTIES, CITIES, AND TOWNS IN THE STATE OF MONTANA; PROVIDING FOR TRANSITION IN BUDGETS AND MILL LEVIES; AMENDING SECTIONS 7-3-1302, 7-3-4372, 7-6-2201, 7-6-2311, 7-6-2315 THROUGH 7-6-2317, 7-6-2321, 7-6-2322, 7-6-2352, 7-6-2502, 7-6-4101, 7-6-4103, 7-6-4105, 7-6-4109, 7-6-4113, 7-6-4221, 7-6-4226 THROUGH 7-6-4228, 7-6-4232, 7-6-4233, 7-6-4407, 7-6-4410, 7-6-4412, 7-7-2264, 7-7-4264, 7-12-4181, 7-14-4713, 7-14-4734, 7-16-2204, 15-16-114, 15-23-607, 20-9-152, AND 53-2-308, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 7-3-1302, MCA, is amended to read:

"7-3-1302. Fiscal year. The fiscal year of the municipality shall begin with ~~July~~ October 1 and shall end with the succeeding ~~June~~ September 30."

Section 2. Section 7-6-2201, MCA, is amended to read:

"7-6-2201. Fiscal year for counties. The fiscal year for county purposes commences on ~~July~~ October 1 of each year and ends on ~~June~~ September 30 of the following year."

Section 3. Section 7-6-4101, MCA, is amended to read:

"7-6-4101. Fiscal year for municipalities. The fiscal year of cities and towns commences on ~~July~~ October 1 of each year and ends on ~~June~~ September 30 of the following year."

Section 4. Section 7-3-4372, MCA, is amended to read:

"7-3-4372. Procedure to enact appropriation ordinance.

(1) Upon receipt of such estimate, the commission shall prepare an appropriation ordinance in such form as may be prescribed by ordinance or resolution. Before finally acting upon such tentative appropriation, the commission shall fix a time and place for holding public hearing upon the tentative appropriation and shall give public notice of such hearing. Following the public hearings and before its final passage, the appropriation ordinance shall be published with a parallel comparison with the recommendation of the city manager. The commission shall not pass the appropriation ordinance until 10 days after its publication or before the second Monday in ~~August~~ September.

(2) If, at the beginning of the term of office of the first commission elected under the provisions of this part and part 44, the appropriations for the expenditures of the municipal government for the current fiscal year have been made, said commission shall have the power by ordinance to revise, repeal, or change said appropriations and to make additional appropriations."

Section 5. Section 7-6-2311, MCA, is amended to read:

1 "7-6-2311. Filing of estimate of revenues and expenses
2 with county clerk. (1) Before ~~June~~ September 1 each year the
3 county clerk and recorder shall notify in writing each
4 county official in charge of an office, department, service,
5 institution, or county-funded district court program of the
6 county to file with the county clerk and recorder, before
7 ~~June~~ September 10, detailed and itemized estimates, both of
8 the probable revenues from sources other than taxation and
9 of all expenditures required by the office, department,
10 service, or institution for the next fiscal year.

11 (2) (a) The county commissioners shall submit to the
12 county clerk and recorder the estimate of expenditures for
13 all purposes for the board and a detailed statement showing
14 all new road and bridge construction to be financed from
15 county road and bridge funds, from any special road or
16 bridge fund, from any special highway fund, and from bond
17 issues issued or authorized for the next fiscal year,
18 together with the cost of that construction as computed by
19 the county surveyor or, if for construction in charge of a
20 special engineer, then by that engineer. The county
21 commissioners shall also submit to the county clerk and
22 recorder detailed estimates of all expenditures for
23 construction or improvement purposes proposed to be made
24 from the proceeds of bond issues not yet authorized and from
25 the proceeds of tax levies which are required to be approved

1 at an election to be held.

2 (b) The county surveyor and any special engineer shall
3 prepare the estimates of cost of road and bridge
4 construction for the county commissioners. They shall also
5 submit a similar statement showing road and bridge
6 maintenance expenditures as nearly as can be estimated.

7 (c) The county treasurer shall prepare the estimates
8 for interest and debt reduction.

9 (d) The county clerk and recorder shall prepare all
10 other estimates which properly fall within the duties of his
11 office.

12 (3) The estimates required in this section shall be
13 submitted on forms provided by the county clerk and recorder
14 and prescribed by the department of administration. The
15 forms may only be varied or departed from with permission
16 and approval of that department. Each of the officials shall
17 file the estimates within the time and in the manner
18 provided in the form and notice.

19 (4) In the absence or disability of an official, the
20 duties required by this section or 7-6-2312 devolve upon the
21 official or employee in charge of the office, department,
22 service, or institution."

23 Section 6. Section 7-6-2315, MCA, is amended to read:

24 "7-6-2315. Consideration of tabulation by county
25 commissioners -- preparation of preliminary budget. (1) The

1 tabulation shall be submitted to the county commissioners by
2 the county clerk and recorder on or before the first Monday
3 of ~~July~~ August.

4 (2) Upon receipt thereof, the board of county
5 commissioners shall immediately consider the budget in
6 detail and shall, on or before the second Monday of ~~July~~
7 August, make any revisions, reductions, additions, or
8 changes that they consider advisable. The tabulation, with
9 any revisions, reductions, additions, or changes, is the
10 preliminary budget for the fiscal year which it is intended
11 to cover.

12 (3) Upon completion of the budget, the county clerk
13 shall immediately transmit one copy of it to the department
14 of administration and one copy to the department of
15 revenue."

16 Section 7. Section 7-6-2316, MCA, is amended to read:

17 "7-6-2316. Notice of hearing on preliminary budget.

18 (1) The board of county commissioners shall then have a
19 notice published stating that:

20 (a) the board has completed its preliminary county
21 budget for the current fiscal year;

22 (b) the budget is open to inspection in the office of
23 the county clerk and recorder;

24 (c) the board will meet on the Wednesday before the
25 second Monday in August ~~September~~ to fix the final budget

1 and make appropriations, stating the time and place of the
2 meeting; and

3 (d) any taxpayer or resident of the county may appear
4 and be heard for or against any part of the budget.

5 (2) The notice shall be published at least one time in
6 a newspaper of general circulation in the county."

7 Section 8. Section 7-6-2317, MCA, is amended to read:

8 "7-6-2317. Hearing on preliminary budget. (1) On the
9 Wednesday before the second Monday in August ~~September~~, the
10 county commissioners shall meet at the time and place
11 designated in the notice provided for in 7-6-2316, at which
12 time any taxpayer or resident of the county may appear and
13 be heard for or against any part of the budget.

14 (2) The hearing shall be continued from day to day and
15 shall be concluded and the budget approved and adopted on
16 the second Monday in August ~~September~~, before the fixing of
17 the tax levies by the board."

18 Section 9. Section 7-6-2321, MCA, is amended to read:

19 "7-6-2321. Fixing of tax levy. (1) On the second
20 Monday in August ~~September~~ and after the approval and
21 adoption of the final budget, the board of county
22 commissioners shall fix the tax levy for each fund at a rate
23 which will raise the amount set out in the budget as the
24 amount necessary to be raised by tax levy for the fund
25 during the current fiscal year. The taxable valuation of the

1 county for the current fiscal year shall be the basis for
 2 determining the amount of the tax levy for each fund. Each
 3 tax levy shall be at a rate no higher than is required on
 4 that basis, without including any amount for anticipated tax
 5 delinquency, to produce the amount set out in the budget,
 6 without including any amount for anticipated tax
 7 delinquency, as being the amount to be raised by tax levy.

8 (2) The tax levy shall be made in the manner provided
 9 by 15-10-201."

10 Section 10. Section 7-6-2322, MCA, is amended to read:

11 "7-6-2322. Budget and tax levies to be supplied to
 12 department of administration. (1) The county clerk and
 13 recorder shall, not later than ~~September~~ October 15, forward
 14 a full and detailed copy of the final budget, together with
 15 the tax levies, to the department of administration.

16 (2) If a county clerk and recorder fails to forward a
 17 copy of the budget to the department within that time, that
 18 department shall, before ~~October~~ November 1, notify the
 19 board of county commissioners of the county that a copy of
 20 the budget has not been forwarded by the county clerk and
 21 recorder. The board must then withhold the county clerk and
 22 recorder's salary for ~~September~~ October until the county
 23 clerk and recorder files with the board a receipt from the
 24 department showing the receipt of a copy."

25 Section 11. Section 7-6-2352, MCA, is amended to read:

1 "7-6-2352. State grants to district courts. (1) The
 2 department of administration shall make grants to the
 3 governing body of a county for the district courts for
 4 assistance, as provided in this section. The grants are to
 5 be made from funds appropriated to the department for that
 6 purpose. If the department of administration approves
 7 grants in excess of the amount appropriated, each grant
 8 shall be reduced an equal percentage so the appropriation
 9 will not be exceeded.

10 (2) The governing body of a county may apply to the
 11 department of administration for a grant by filing a written
 12 report by ~~July~~ October 31, for the previous fiscal year
 13 stating that the following conditions have occurred or will
 14 occur:

15 (a) that the court will not be able to meet its
 16 statutory obligations with the funds authorized under the
 17 county budget, because of expenses exceeding the sum derived
 18 from the mill levy provided for in 7-6-2511 arising from
 19 litigation in either civil or criminal matters, not
 20 including building, capital, and library maintenance,
 21 replacement, and acquisition, but including the costs
 22 associated with:

- 23 (i) the impaneling and maintenance of juries;
- 24 (ii) the appearance of witnesses;
- 25 (iii) the fees and litigation-related expenses of

attorneys appointed by a district court;

(iv) transcript prepared at the direction of a district court at county expense;

(v) salaries and fees of court reporters;

(vi) psychological and medical treatment or evaluations ordered by a district court at county expense;

(vii) the actual and necessary expenses of travel as limited by law for:

(A) jurors;

(B) witnesses;

(C) court reporters;

(D) defendants in criminal cases who are in custody;

(E) juveniles under the supervision of a district court; or

(F) law enforcement or probation officers acting in furtherance of a district court order; and

(viii) other, similar expenses created by and required for the conduct of and preparation for a trial in district court;

(b) that all expenditures from the district court fund have been lawfully made;

(c) that no transfers from the district court fund have been or will be made to any other fund;

(d) that no expenditures have been made from the district court fund that are not specifically authorized by

7-6-2511 and 7-6-2351; and

(e) any other information required by the department of administration.

(3) The department of administration shall give notice to the district court and the county governing body of its intention to allow grants ~~by August 31 for~~ within 2 months following the end of the previous fiscal year.

(4) Within 10 days of receiving notice from the department of administration that a grant will be made, the district court shall adopt a budget and transmit it to the county governing body.

(5) After receiving notice of the county governing body's approval of the budget, the department of administration shall cause a warrant to be issued to the treasurer of the county in which the district court is located for the total amount stated in the approved budget.

(6) The grant received by the county shall be placed in a fund account to be kept separate from the district court fund.

(7) After depleting the district court fund, the county treasurer may make disbursements from the fund account. At the close of its fiscal year, the county treasurer shall return to the department of administration any amounts remaining in the fund account."

Section 12. Section 7-6-2502, MCA, is amended to read:

"7-6-2502. Responsibility of county commissioners to fix tax rate and levy tax. The board of county commissioners of each county must, on the second Monday in August ~~September~~, fix the rate of county taxes and designate the number of mills on each dollar of valuation of property for each fund and must levy taxes upon the taxable property of the county."

Section 13. Section 7-6-4103, MCA, is amended to read:

"7-6-4103. Annual appropriation. The council must, during the month of ~~July October~~ in each fiscal year, pass an ordinance to be known as the "Annual appropriation for the of for the fiscal year beginning ~~July October~~ 1, 19..", in which ordinance there must be appropriated enough money to defray the expenses or liabilities of the city or town for such fiscal year. There must be specified therein the amount appropriated for each separate object or fund and the salary or compensation to be paid to each officer of the city or town."

Section 14. Section 7-6-4105, MCA, is amended to read:

"7-6-4105. Financial reports and records to be maintained by city treasurer. It shall be the duty of the city treasurer:

(1) to present, on the first Monday of each month to the council a full and detailed statement of the amounts of money belonging to the city received by him and disbursed by

him during the preceding month and the state of each particular fund, which statement must be verified by his oath;

(2) to keep the books and accounts of the city in such manner as to correctly present the condition of the finances thereof, which must always be open to the inspection of the mayor or the council or any member thereof;

(3) to render at any time an account to the council, showing the money on hand and the condition of the treasury;

(4) to annually make out and submit to the city council at its last meeting prior to ~~May August~~ 1 a detailed account of all receipts and expenditures during the past fiscal year and to file the same with the clerk;

(5) to keep a separate account of each fund or appropriation and the debits and credits thereof;

(6) to keep a register of all warrants paid, called "The Registry Book", which must show the date, amount, and number and the person to whom and the fund from which the same was paid; and

(7) to deliver and file with the city clerk all vouchers, warrants, or orders paid by him."

Section 15. Section 7-6-4109, MCA, is amended to read:

"7-6-4109. Financial reports and records to be maintained by town clerk. It shall be the duty of the town clerk:

(1) to present, on the first Monday of each month, to the council a full and detailed statement of the amounts of money belonging to the town received by him and disbursed by him during the preceding month and the state of each particular fund, which statement must be verified by his oath;

(2) to keep the books and accounts of the city or town in such manner as to correctly present the condition of the finances thereof, which must always be open to the inspection of the mayor or the council or any member thereof;

(3) to render at any time an account to the council, showing the money on hand and the condition of the treasury;

(4) to annually make out and submit to the town council, at its last meeting prior to ~~May~~ AUGUST 1, a detailed account of all receipts and expenditures during the past fiscal year;

(5) to keep a separate account of each fund or appropriation and the debits and credits thereof;

(6) to keep a register of all warrants paid, which must show the date, amount, and number and the person to whom and the fund from which the same was paid and to enter in a book kept for that purpose the date, amount, and person in whose favor and for what purpose warrants are drawn upon the town treasury."

Section 16. Section 7-6-4113, MCA, is amended to read:

"7-6-4113. Filing of annual financial statement. (1) The city or town clerk must, not later than ~~August-31~~ November 30 following the close of each fiscal year, transmit one copy of the statement to the department of administration and must present the other copy to the city or town council or commission at its first regular meeting in ~~September~~ December."

(2) If a city or town clerk fails to file a copy of the statement with the department within the time specified, the department, without delay, shall examine the books, records, and accounts of the city or town. The department shall make from its examination a statement of the financial condition of the city or town for the preceding fiscal year in the manner it should have been made by the city or town clerk. The examination shall be considered a special audit under the provisions of subsections (4) and (5) of 2-7-503, and all of the provisions of subsections (4) and (5) of 2-7-503 apply to it."

Section 17. Section 7-6-4221, MCA, is amended to read:

"7-6-4221. Filing of estimate of revenues and expenses with clerk. (1) Before ~~July~~ AUGUST 1 of each year the clerk of each city shall notify in writing each official in charge of an office, department, service, or institution of the municipality to file with the clerk, before ~~July~~ AUGUST 10,

1 detailed and itemized estimates, both of the probable
2 revenues from sources other than taxation and of all
3 expenditures required by the office, department, service, or
4 institution for the current fiscal year.

5 (2) (a) The council shall submit to the clerk the
6 estimate of expenditures for all purposes for the council.
7 The council shall also submit to the clerk detailed
8 estimates of all expenditures for construction or
9 improvement purposes proposed to be made from the proceeds
10 of bond issues not yet authorized and from the proceeds of
11 tax levies which are required to be submitted to and
12 approved at an election to be held.

13 (b) The mayor of the municipality shall submit to the
14 clerk a detailed estimate showing the amount to be
15 appropriated from funds belonging to the municipality to
16 defray the municipality's portion of the cost of making
17 improvements in special improvement districts and
18 maintaining them and of installing lighting systems in
19 special lighting districts and maintaining them.

20 (c) The city treasurer shall prepare the estimates for
21 interest and debt reduction.

22 (d) The clerk shall prepare all other estimates which
23 properly fall within the duties of his office.

24 (3) The estimates required in this section shall be
25 submitted on forms provided by the clerk and prescribed by

1 the department of administration. The form may be varied or
2 departed from only with permission and approval of the
3 department. Each of the officials shall file the estimates
4 within the time and in the manner provided in the form and
5 notice.

6 (4) In the absence or disability of an official, the
7 duties required in this section or 7-6-4223 devolve upon the
8 official or employee in charge of the office, department,
9 service, or institution for the time being."

10 Section 18. Section 7-6-4226, MCA, is amended to read:

11 "7-6-4226. Consideration of tabulation by council --
12 preparation of preliminary budget. (1) The tabulation shall
13 be submitted to the council by the clerk on or before ~~July~~
14 ~~August~~ 20.

15 (2) Upon receipt thereof, the council shall
16 immediately consider the same in detail and shall, on or
17 before ~~July~~ ~~August~~ 25, make any revisions, reductions,
18 additions, or changes therein that they deem advisable. Such
19 tabulation, with such revisions, reductions, additions, or
20 changes as have been made therein as herein provided, shall
21 constitute the preliminary budget of the municipality for
22 the fiscal year which it is intended to cover."

23 Section 19. Section 7-6-4227, MCA, is amended to read:

24 "7-6-4227. Notice of hearing on preliminary budget.
25 (1) The council shall then cause a notice to be published

1 stating that:

2 (a) the council has completed its preliminary
3 municipal budget for the current fiscal year;

4 (b) the budget has been placed on file and is open to
5 inspection in the office of the clerk of the municipality;

6 (c) the council will meet on the Wednesday immediately
7 preceding the second Monday in ~~August~~ September for the
8 purpose of fixing the final budget and making
9 appropriations, designating the time and place when and
10 where such meeting will be held; and

11 (d) any taxpayer or resident may appear at the meeting
12 and be heard for or against any part of the budget.

13 (2) The notice shall be published at least one time in
14 the official newspaper of the municipality or, if there is
15 none, then in a newspaper of general circulation in the
16 county in which the municipality is situated."

17 Section 20. Section 7-6-4228, MCA, is amended to read:

18 "7-6-4228. Hearing on preliminary budget. (1) On the
19 Wednesday preceding the second Monday in ~~August~~ September,
20 the council shall meet at the time and place designated in
21 the notice provided in 7-6-4227, at which time any taxpayer
22 or resident may appear and be heard for or against any part
23 of the budget. The council may call in the official in
24 charge of an office, department, service, or institution, at
25 the time the estimates for their respective offices are

1 under consideration, for examination concerning the
2 estimates. The official shall be called in by the council,
3 upon the request of a taxpayer or resident, for questioning
4 upon the estimates either by the council, taxpayer, or
5 resident.

6 (2) The hearing shall be continued from day to day and
7 shall be concluded and the budget finally approved and
8 adopted on the second Monday in ~~August~~ September, prior to
9 the fixing of the tax levies by the council."

10 Section 21. Section 7-6-4232, MCA, is amended to read:

11 "7-6-4232. Fixing of tax levy. (1) On the second
12 Monday in ~~August~~ September and after the approval and
13 adoption of the final budget, the council shall fix the tax
14 levy for each fund at a rate, not exceeding limits
15 prescribed by law, which will raise the amount set out in
16 the budget as the amount necessary to be raised by tax levy
17 for that fund during the current fiscal year. The taxable
18 valuation of the city for the current fiscal year shall be
19 the basis for determining the amount of the tax levy for
20 each fund, and each tax levy shall be at a rate no higher
21 than is required on that basis, without including any amount
22 for anticipated tax delinquency, to raise the amount set out
23 in the budget.

24 (2) If the council considers that a levy made for a
25 bond sinking or interest fund will not provide a sufficient

1 amount to pay all bond principal and interest becoming due
 2 during the current fiscal year or within 6 months after the
 3 current fiscal year because of anticipated tax delinquency.
 4 the council may fix the levy at a rate it considers
 5 necessary to raise the amount for making the payments of
 6 principal and interest over and above the anticipated tax
 7 delinquency.

8 (3) Each levy shall be made in the manner provided by
 9 15-10-201."

10 Section 22. Section 7-6-4233, MCA, is amended to read:

11 "7-6-4233. Budget and tax levies to be supplied to
 12 department of administration. (1) The city clerk shall, not
 13 later than September ~~October~~ 15, forward a complete copy of
 14 the final budget, together with the tax levies, to the
 15 department of administration.

16 (2) If a city clerk fails to forward the copy of the
 17 budget to the department within the time required, the
 18 department shall, before ~~October~~ ~~November~~ 1, notify the
 19 mayor and council of the city that a copy of the budget has
 20 not been forwarded by the city clerk. The council must then
 21 withhold from the city clerk his salary or compensation for
 22 the month of September ~~October~~ until the city clerk presents
 23 the council with a notice from the department that the copy
 24 of the budget has been received."

25 Section 23. Section 7-6-4407, MCA, is amended to read:

1 "7-6-4407. Resolution to fix annual tax levy. (1) The
 2 council must, on or before the second Monday of August
 3 September of each year, by resolution determine the amount
 4 of the city or town taxes for all purposes to be levied and
 5 assessed on the taxable property in the city or town for the
 6 current fiscal year.

7 (2) (a) Except as provided in subsection (2)(b), the
 8 city or town clerk must at once certify to the county clerk
 9 a copy of such resolution, and the county treasurer must
 10 collect said taxes as provided in this part.

11 (b) In cities where the council has provided by
 12 ordinance for the collection of such taxes by the city
 13 treasurer, the city clerk must certify a copy of such
 14 resolution to said city treasurer."

15 Section 24. Section 7-6-4410, MCA, is amended to read:

16 "7-6-4410. Assessment book to be furnished to certain
 17 municipalities. (1) On or before the second Monday in July
 18 August of each year, the department or its agent must
 19 furnish to all cities of the third class and towns within
 20 each county which shall make written request for the same on
 21 or before the first Monday in April ~~June~~ of each year a
 22 complete certified copy of the assessment book, so far as
 23 such assessment book pertains to property within the limits
 24 of said cities and towns.

25 (2) The department may charge such cities and towns 5

1 cents per folio of 100 words for each copy of the assessment
2 book furnished such cities and towns as provided in
3 subsection (1)."

4 Section 25. Section 7-6-4412, MCA, is amended to read:

5 "7-6-4412. Preparation of municipal assessment book.
6 (1) It is the duty of the county clerk, on or before the
7 ~~first last~~ Monday in ~~October December~~ in each year, to make
8 a duplicate of the corrected assessment book for each city
9 in the county, the treasurer of which is required by
10 ordinance of such city to collect its taxes. Such book shall
11 be styled "The Duplicate Assessment Book for the City of
12" and must contain a copy of the corrected assessment
13 book of the county, as far as the same refers to city
14 property.

15 (2) Such duplicate must be made in a book furnished by
16 the city clerk of each city in the county and ruled in
17 columns specifying the different funds, so that the city
18 treasurer may extend the same and collect the taxes.

19 (3) The county clerk must deliver such duplicate
20 assessment book to each city treasurer and take his receipt
21 therefor, having attached thereto the affidavit similar to
22 the one set out in 15-10-306."

23 Section 26. Section 7-7-2264, MCA, is amended to read:

24 "7-7-2264. Statement as to amount of principal and
25 interest due and payable on bonds. (1) Whenever any county

1 has any issue or series of bonds outstanding and there are
2 not sufficient funds on hand available for the payment of
3 the full amount of the interest and principal thereof, the
4 county treasurer of such county shall, between the first and
5 fifth days of ~~August September~~ in each year while such bonds
6 or any thereof remain outstanding and unpaid, make out and
7 deliver to the board of county commissioners of such county
8 a statement.

9 (2) The statement required by subsection (1) shall
10 show the amount required to be raised by tax levy during the
11 ~~then-current next~~ fiscal year for payment of interest and
12 principal becoming due and payable during such fiscal year
13 or within 90 days thereafter on each issue or series of
14 bonds outstanding. If no part of the principal of any such
15 issue or series of bonds will become due and payable within
16 such time, then such statement shall show the amount
17 required to be raised by tax levy during such year for
18 payment of interest becoming due during such time and to
19 place the proper amount in the sinking fund for the payment
20 of the principal of such bonds when they become due, as
21 provided in 7-7-2265."

22 Section 27. Section 7-7-4264, MCA, is amended to read:

23 "7-7-4264. Statement as to amount of principal and
24 interest due and payable on bonds. (1) Whenever any city or
25 town has any issue or series of bonds outstanding and there

1 are not sufficient funds on hand available for the payment
2 of the full amount of the interest and principal thereof,
3 the city treasurer or town clerk shall, between July 1 and
4 July 15 in each year while such bonds or any of them remain
5 outstanding and unpaid, make out and deliver to the city or
6 town clerk a statement.

7 (2) The statement required by subsection (1) shall
8 show the amount required to be raised by tax levy during the
9 then-current next fiscal year for payment of interest and
10 principal becoming due and payable during such fiscal year
11 or within 90 days thereafter on each issue or series of
12 bonds outstanding. If no part of the principal of any such
13 issue or series of bonds outstanding or if no part of the
14 principal of any such issue or series of bonds will become
15 due and payable within such time, then such statement shall
16 show the amount required to be raised by tax levy during
17 such year for payment of interest becoming due during such
18 time and to place the proper amount in the sinking fund for
19 the payment of the principal of such bonds when they become
20 due, as provided in 7-7-4204.

21 (3) The statement prepared by the city treasurer or
22 town clerk shall be presented by the city or town clerk to
23 the city or town council at its next meeting."

24 Section 28. Section 7-12-4181, MCA, is amended to
25 read:

1 "7-12-4181. Collection of district assessments by
2 county clerk -- certification. (1) Except as provided in
3 7-12-4183, in every city or town where taxes for general,
4 municipal, and administrative purposes are certified to and
5 collected by the county treasurer in accordance with the
6 provisions of 7-6-4407 immediately after the second Monday
7 of ~~August~~ September of each year, it shall be the duty of
8 the city treasurer or town clerk to certify, at the same
9 time the copy of the resolution determining the annual levy
10 for general taxes is certified by the city or town clerk to
11 the county clerk as required by 7-6-4407, to the county
12 assessor of the county in which such city or town is
13 situated all special assessments and taxes levied and
14 assessed in accordance with any of the provisions of this
15 part and part 42.

16 (2) The county assessor shall thereupon enter same
17 upon the assessment roll of the county. The county treasurer
18 must collect all such taxes and assessments in the same
19 manner and at the same time as said taxes for general,
20 municipal, and administrative purposes are collected by
21 him."

22 Section 29. Section 7-14-4713, MCA, is amended to
23 read:

24 "7-14-4713. Estimates of expenses -- tax levy. (1) The
25 governing body shall:

(a) make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the taxable value of all the real and personal property in the district;

(b) publish notice thereof; and

(c) have hearings on the statements and estimates and adopt them as provided for incorporated cities and towns by 7-12-4104, 7-12-4106, 7-12-4110, 7-12-4112, 7-12-4113, and 7-12-4117.

(2) The governing body, on or before the second Monday in August ~~September~~ of each year, shall fix, levy, and assess the amount to be raised by ad valorem taxes upon all of the property of the district. All statutes providing for the levy and collection of state and county taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to the district taxes provided for under this section."

Section 30. Section 7-14-4734, MCA, is amended to read:

"7-14-4734. Expense estimate -- assessments and tax levy. (1) The governing body shall:

(a) make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district;

(b) publish notice thereof; and

(c) have hearings thereon and adopt an ordinance thereon at the times and in the manner provided for incorporated cities and towns by the applicable portions of 7-12-4175.

(2) The governing body, on or before the second Monday in August ~~September~~ of each year, shall fix, levy, and assess the amount to be raised by ad valorem taxes upon all of the property of the district. All statutes providing for the levy and collection of state and county taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes provided for under this section.

(3) No assessment for district purposes against the property within such district may exceed 12 mills upon each dollar of taxable valuation in any tax year."

Section 31. Section 7-16-2204, MCA, is amended to read:

"7-16-2204. Role of museum board of trustees. It shall be the duty of such board:

(1) to have the immediate custody, charge, and control of such museum or collection;

(2) to make such rules as may be necessary and reasonable for the preservation, upkeep, care, maintenance, operation, support, and display thereof; and

(3) to make to the board of county commissioners, not later than ~~July~~ September 15 of each year:

(a) a report in writing, detailing all gifts and donations made to such museum or collection and the receipts and expenditures during the ~~immediately---preceding~~ ~~then-current~~ fiscal year; and

(b) an estimate of the amount to be budgeted for such museum or collection in the budget of the county for the ~~then-current next~~ fiscal year."

Section 32. Section 15-16-114, MCA, is amended to read:

"15-16-114. Rate of taxation -- personal property. (1) All rates of tax levy set by the board of county commissioners on the second Monday in ~~August~~ September of each year shall apply permanently to this class of personal property during the ensuing year, and the treasurer shall, upon collection of any such taxes, immediately distribute the money so collected to the various and proper funds in his charge.

(2) If the rate of taxation fixed for the year in which the collection is made is an increase over the preceding year's levy, then the said board of county commissioners may direct the county treasurer to collect the amount of such increased levy but shall not be obliged to do so in cases where, in the opinion of the board, the cost of

collection would exceed the amount of such increase. If the rate fixed for the year in which the collection is made shall be less than the levy for the preceding year, then the person from whom such excess tax was collected may file with the board of county commissioners a duly verified claim for a refund of such excess tax at any time before November 1 of the year in which such an excess was collected, and such claim shall be allowed and ordered paid by the board of county commissioners to the amount of such excess."

Section 33. Section 15-23-607, MCA, is amended to read:

"15-23-607. County assessors to compute taxes. (1) Immediately after the board of county commissioners has fixed tax levies on the second Monday in ~~August~~ September, the county assessor shall compute the taxes on such net proceeds, except as provided in 15-36-121, and royalty assessments and shall deliver the book to the county treasurer on or before ~~September-15 October~~ 1. The county treasurer shall proceed to give full notice thereof to such operator and to collect the same in manner provided by law.

(2) The operator or producer shall be liable for the payment of said taxes and same shall be payable by and shall be collected from such operators in the same manner and under the same penalties as provided for the collection of taxes upon net proceeds of mines; provided, however, that

1 the operator may at his option withhold from the proceeds of
2 royalty interest, either in kind or in money, an estimated
3 amount of the tax to be paid by him upon such royalty or
4 royalty interest. After such withholding any deviation
5 between the estimated tax and the actual tax may be
6 accounted for by adjusting subsequent withholdings from the
7 proceeds of royalty interests."

8 Section 34. Section 20-9-152, MCA, is amended to read:

9 "20-9-152. Fixing and levying taxes for joint
10 districts. (1) At the time of fixing levies for county and
11 school purposes on the second Monday in ~~August~~ September,
12 the board of county commissioners of each county in which a
13 part of a joint district is located shall fix and levy taxes
14 on that portion of the joint district located in such
15 board's county at the number of mills for each such levy
16 recommended by the joint statement of the county
17 superintendents.

18 (2) The board of county commissioners shall include in
19 the amounts to be raised by the county levies for schools
20 all the amounts required for the final budget of each part
21 of a joint district located in the county, in accordance
22 with the recommendations of the county superintendent."

23 Section 35. Section 53-2-308, MCA, is amended to read:

24 "53-2-308. When one-year contracts must be made.
25 Whenever under existing laws the board of county

1 commissioners is authorized to make contracts for 1 year and
2 no time is specified when the contracts shall be made, it
3 shall be the duty of the county commissioners whenever
4 possible to make such contracts in the month of ~~June~~ August
5 of each year so that they will be better enabled to prepare
6 their budget which, under existing laws, must be prepared
7 during the month of ~~July~~ September."

8 ~~NEW SECTION.~~ Section 36. Transition. Budgets adopted
9 for fiscal year 1985 must allow for the following
10 transitional provisions:

11 (1) For purposes of transition, fiscal year 1985 shall
12 consist of the 15 months from July 1, 1984, to September 30,
13 1985.

14 (2) The mill levies adopted for fiscal year 1985 may
15 exceed the statutory annual mill levy limits by 25% to fund
16 the additional 3 months contained in the transitional fiscal
17 year.

18 ~~NEW SECTION.~~ Section 37. Effective date. This act is
19 effective January 1, 1984, and applies to fiscal years
20 beginning on or after July 1, 1984.

-End-

1 *Senate* BILL NO. *412*
2 INTRODUCED BY *Lynne Walchon & Valkyrie Shively*
3 *J. Jackson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE FISCAL
5 YEAR FOR COUNTIES, CITIES, AND TOWNS IN THE STATE OF
6 MONTANA; PROVIDING FOR TRANSITION IN BUDGETS AND MILL
7 LEVIES; AMENDING SECTIONS 7-3-1302, 7-3-4372, 7-6-2201,
8 7-6-2311, 7-6-2315 THROUGH 7-6-2317, 7-6-2321, 7-6-2322,
9 7-6-2352, 7-6-2502, 7-6-4101, 7-6-4103, 7-6-4105, 7-6-4109,
10 7-6-4113, 7-6-4221, 7-6-4226 THROUGH 7-6-4228, 7-6-4232,
11 7-6-4233, 7-6-4407, 7-6-4410, 7-6-4412, 7-7-2264, 7-7-4264,
12 7-12-4181, 7-14-4713, 7-14-4734, 7-16-2204, 15-16-114,
13 15-23-607, 20-9-152, AND 53-2-308, MCA; AND PROVIDING A
14 DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 7-3-1302, MCA, is amended to read:
18 "7-3-1302. Fiscal year. The fiscal year of the
19 municipality shall begin with ~~July~~ October 1 and shall end
20 with the succeeding ~~June~~ September 30."

21 Section 2. Section 7-6-2201, MCA, is amended to read:
22 "7-6-2201. Fiscal year for counties. The fiscal year
23 for county purposes commences on ~~July~~ October 1 of each year
24 and ends on ~~June~~ September 30 of the following year."

25 Section 3. Section 7-6-4101, MCA, is amended to read:

THIRD READING
There are no changes on SB 412 second
reading (yellow) or introduced (white).
Please refer to either of these for
complete text.

SB 412

AMENDMENTS TO SENATE BILL 412

March 15, 1983

Third Reading Copy (blue)

BE AMENDED AS FOLLOWS:

1. Title, line 8.

Following: "7-6-2311,"

Insert: "7-6-2313,"

Following: "7-6-2317,"

Insert: "7-6-2320,"

2. Title, line 10.

Following: "7-6-4221,"

Insert: "7-6-4224,"

Following: "7-6-4228,"

Insert: "7-6-4231,"

3. Page 3, line 2.

Following: "~~June~~"Strike: "September"

Insert: "July"

4. Page 3, line 7.

Following: "~~June~~"Strike: "September"

Insert: "July"

5. Page 4.

Following: line 22

Insert: "Section 6. Section 7-6-2313, MCA, is amended to read:

"7-6-2313. Preparation of expenditure program and information on sources of revenue. (1) From those estimates the county clerk and recorder shall prepare a tabulation showing the ~~complete~~ estimated expenditure program of the county for the ~~current~~ next fiscal year and the sources of revenue by which it is to be financed.

(2) The tabulation shall set forth:

(a) the estimated receipts from all sources other than taxation for each office, department, service, institution, or district court program funded by the county for the ~~current~~ next fiscal year;

(b) the ~~actual~~ estimated receipts for the ~~last~~ completed current fiscal year;

(c) the estimated surplus or unencumbered treasury balances at the close of ~~that-last~~ the current fiscal year;

(d) the amount necessary to be raised by taxation;

(e) the estimated expenditure for each office, department, service, institution, or district court program funded by the county for the current next fiscal year;

(f) the ~~actual~~ estimated expenditures for the ~~last completed current~~ fiscal year;

(g) all contracts or other obligations which will affect the current next year revenues;

(h) the total amount of emergency warrants issued during the preceding current fiscal year, with the amount issued for each emergency and the amount issued against each fund.""

Renumber: subsequent sections

6. Page 5, line 21.

Strike: "current"

Insert: "next"

7. Page 6.

Following: line 17

Insert: "Section 10. Section 7-6-2320, MCA, is amended to read:

"7-6-2320. Final budget -- approval and adoption. (1) The budget as finally determined, in addition to setting out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid, shall set out:

(a) the total amount appropriated and authorized to be spent from each fund;

(b) the estimated cash balance in the fund at the close of the preceding current fiscal year;

(c) the amount estimated to accrue to the fund from sources other than taxation;

(d) the reserve for the next fiscal year; and

(e) the amount necessary to be raised for each fund by tax levy during the current next fiscal year.

(2) The board shall then by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the board.""

Renumber: Subsequent sections

8. Page 6, line 25.

Strike: "current"

Insert: "next"

9. Page 7, line 1.

Strike: "current"

Insert: "next"

10. Page 15, line 4.

Strike: "current"

Insert: "next"

11. Page 16.

Following: line 9

Insert: "Section 20. Section 7-6-4224, MCA, is amended to read:

"7-6-4224. Preparation of expenditure program and information on sources of revenue. (1) From estimates of revenue and disbursements, the clerk shall prepare a tabulation showing the complete estimated expenditure program of the municipality for the current next fiscal year and the sources of revenue by which it is to be financed.

(2) The tabulation shall set forth:

(a) the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current next fiscal year;

(b) the ~~actual~~ estimated receipts for the ~~last-completed~~ current fiscal year;

(c) the estimated surplus or unencumbered treasury balances at the close of ~~that-last~~ the current fiscal year;

(d) the amount necessary to be raised by taxation;

(e) the estimated expenditure for each office, department, service, or institution for the current next fiscal year;

(f) the ~~actual~~ estimated expenditures for the ~~last completed~~ current fiscal year;

(g) all contracts or other obligations which will affect the current next year revenues;

(h) the total amount of emergency warrants issued during the preceeding current fiscal year, with the amount issued for each emergency and the amount issued against each fund.""

Renumber: Subsequent sections

12. Page 17, line 3.

Strike: "current"

Insert: "next"

13. Page 18.

Following: line 9

Insert: "Section 24. Section 7-6-4231, MCA, is amended to read:

"7-6-4231. Final budget -- approval and adoption. (1) The budget as finally determined, in addition to setting out separately each item for which an appropriation is made or expenditure authorized and the fund out of which it is to be paid, shall set out:

(a) the total amount appropriated and authorized to be spent from each fund;

(b) the estimated cash balance in excess of outstanding unpaid warrants at the close of the ~~preceeding~~ current fiscal year;

(c) the amount estimated to accrue to the fund from sources other than taxation;

(d) the reserve for the next fiscal year; and

(e) the amount necessary to be raised for each fund by tax levy during the current next fiscal year.

(2) The council shall then by resolution approve and adopt the budget as finally determined, and the clerk shall enter it at length in the official minutes of the council.""

Renumber: subsequent sections

14. Page 18, line 17.

Strike: "current"

Insert: "next"

15. Page 18, line 18.

Strike: "current"

Insert: "next"

16. Page 19, line 2.

Strike: "current"

Insert: "next"

17. Page 19, line 3.

Strike: "current"

Insert: "next"

18. Page 20, line 6.

Strike: "current"

Insert: "next"

AMENDMENTS TO SENATE BILL 412

March 15, 1983

Third Reading Copy (blue)

BE AMENDED AS FOLLOWS:

1. Title, line 8.

Following: "7-6-2311,"

Insert: "7-6-2313,"

Following: "7-6-2317,"

Insert: "7-6-2320,"

2. Title, line 10.

Following: "7-6-4221,"

Insert: "7-6-4224,"

Following: "7-6-4228,"

Insert: "7-6-4231,"

3. Page 3, line 2.

Following: "~~June~~"Strike: "September"

Insert: "July"

4. Page 3, line 7.

Following: "~~June~~"Strike: "September"

Insert: "July"

5. Page 4.

Following: line 22

Insert: "Section 6. Section 7-6-2313, MCA, is amended to read:

"7-6-2313. Preparation of expenditure program and information on sources of revenue. (1) From those estimates the county clerk and recorder shall prepare a tabulation showing the complete estimated expenditure program of the county for the current next fiscal year and the sources of revenue by which it is to be financed.

(2) The tabulation shall set forth:

(a) the estimated receipts from all sources other than taxation for each office, department, service, institution, or district court program funded by the county for the current next fiscal year;

(b) the actual estimated receipts for the ~~last~~ completed current fiscal year;

(c) the estimated surplus or unencumbered treasury balances at the close of ~~that-last~~ the current fiscal year;

(d) the amount necessary to be raised by taxation;

(e) the estimated expenditure for each office, department, service, institution, or district court program funded by the county for the current next fiscal year;

(f) the ~~actual~~ estimated expenditures for the ~~last completed current~~ fiscal year;

(g) all contracts or other obligations which will affect the current next year revenues;

(h) the total amount of emergency warrants issued during the preceding current fiscal year, with the amount issued for each emergency and the amount issued against each fund.""

Renumber: subsequent sections

6. Page 5, line 21.

Strike: "current"

Insert: "next"

7. Page 6.

Following: line 17

Insert: "Section 10. Section 7-6-2320, MCA, is amended to read:

"7-6-2320. Final budget -- approval and adoption. (1)

The budget as finally determined, in addition to setting out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid, shall set out:

(a) the total amount appropriated and authorized to be spent from each fund;

(b) the estimated cash balance in the fund at the close of the preceding current fiscal year;

(c) the amount estimated to accrue to the fund from sources other than taxation;

(d) the reserve for the next fiscal year; and

(e) the amount necessary to be raised for each fund by tax levy during the current next fiscal year.

(2) The board shall then by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the board.""

Renumber: Subsequent sections

8. Page 6, line 25.

Strike: "current"

Insert: "next"

9. Page 7, line 1.

Strike: "current"

Insert: "next"

10. Page 15, line 4.

Strike: "current"

Insert: "next"

11. Page 16.

Following: line 9

Insert: "Section 20. Section 7-6-4224, MCA, is amended to read:

"7-6-4224. Preparation of expenditure program and information on sources of revenue. (1) From estimates of revenue and disbursements, the clerk shall prepare a tabulation showing the complete estimated expenditure program of the municipality for the current next fiscal year and the sources of revenue by which it is to be financed.

(2) The tabulation shall set forth:

(a) the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current next fiscal year;

(b) the actual estimated receipts for the last-completed current fiscal year;

(c) the estimated surplus or unencumbered treasury balances at the close of ~~that-last~~ the current fiscal year;

(d) the amount necessary to be raised by taxation;

(e) the estimated expenditure for each office, department, service, or institution for the current next fiscal year;

(f) the actual estimated expenditures for the last completed current fiscal year;

(g) all contracts or other obligations which will affect the current next year revenues;

(h) the total amount of emergency warrants issued during the preceding current fiscal year, with the amount issued for each emergency and the amount issued against each fund.""

Renumber: Subsequent sections

12. Page 17, line 3.

Strike: "current"

Insert: "next"

13. Page 18.

Following: line 9

Insert: "Section 24. Section 7-6-4231, MCA, is amended to read:

"7-6-4231. Final budget -- approval and adoption. (1) The budget as finally determined, in addition to setting out separately each item for which an appropriation is made or expenditure authorized and the fund out of which it is to be paid, shall set out:

(a) the total amount appropriated and authorized to be spent from each fund;

(b) the estimated cash balance in excess of outstanding unpaid warrants at the close of the preceding current fiscal year;

(c) the amount estimated to accrue to the fund from sources other than taxation;

(d) the reserve for the next fiscal year; and

(e) the amount necessary to be raised for each fund by tax levy during the current next fiscal year.

(2) The council shall then by resolution approve and adopt the budget as finally determined, and the clerk shall enter it at length in the official minutes of the council.""

Renumber: subsequent sections

14. Page 18, line 17.

Strike: "current"

Insert: "next"

15. Page 18, line 18.

Strike: "current"

Insert: "next"

16. Page 19, line 2.

Strike: "current"

Insert: "next"

17. Page 19, line 3.

Strike: "current"

Insert: "next"

18. Page 20, line 6.

Strike: "current"

Insert: "next"

SENATE BILL NO. 412

INTRODUCED BY LYNCH, WALDRON,
VAN VALKENBURG, STIMATZ, J. JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE FISCAL
YEAR FOR COUNTIES, CITIES, AND TOWNS IN THE STATE OF
MONTANA; PROVIDING FOR TRANSITION IN BUDGETS AND MILL
LEVIES; AMENDING SECTIONS 7-3-1302, 7-3-4372, 7-6-2201,
7-6-2311, ~~7-6-2313~~, 7-6-2315 THROUGH 7-6-2317, ~~7-6-2321~~,
~~7-6-2320~~ THROUGH 7-6-2322, 7-6-2352, 7-6-2502, 7-6-4101,
7-6-4103, 7-6-4105, 7-6-4109, 7-6-4113, 7-6-4221, ~~7-6-4224~~,
7-6-4226 THROUGH 7-6-4228, ~~7-6-4232~~, ~~7-6-4231~~ THROUGH
7-6-4233, 7-6-4407, 7-6-4410, 7-6-4412, 7-7-2264, 7-7-4264,
7-12-4181, 7-14-4713, 7-14-4734, 7-16-2204, 15-16-114,
15-23-607, 20-9-152, AND 53-2-308, MCA; AND PROVIDING A
DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 7-3-1302, MCA, is amended to read:
"7-3-1302. Fiscal year. The fiscal year of the
municipality shall begin with ~~July~~ October 1 and shall end
with the succeeding ~~June~~ September 30."

Section 2. Section 7-6-2201, MCA, is amended to read:
"7-6-2201. Fiscal year for counties. The fiscal year
for county purposes commences on ~~July~~ October 1 of each year

1 and ends on ~~June September~~ 30 of the following year."

2 Section 3. Section 7-6-4101, MCA, is amended to read:

3 "7-6-4101. Fiscal year for municipalities. The fiscal

4 year of cities and towns commences on ~~July~~ October 1 of each

5 year and ends on ~~June~~ September 30 of the following year."

6 Section 4. Section 7-3-4372, MCA, is amended to read:

7 "7-3-4372. Procedure to enact appropriation ordinance.

8 (1) Upon receipt of such estimate, the commission shall

9 prepare an appropriation ordinance in such form as may be

10 prescribed by ordinance or resolution. Before finally acting

11 upon such tentative appropriation, the commission shall fix

12 a time and place for holding public hearing upon the

13 tentative appropriation and shall give public notice of such

14 hearing. Following the public hearings and before its final

15 passage, the appropriation ordinance shall be published with

16 a parallel comparison with the recommendation of the city

17 manager. The commission shall not pass the appropriation

18 ordinance until 10 days after its publication or before the

19 second Monday in ~~August~~ September.

20 (2) If, at the beginning of the term of office of the

21 first commission elected under the provisions of this part

22 and part 44, the appropriations for the expenditures of the

23 municipal government for the current fiscal year have been

24 made, said commission shall have the power by ordinance to

25 revise, repeal, or change said appropriations and to make

1 additional appropriations."

2 Section 5. Section 7-6-2311, MCA, is amended to read:

3 "7-6-2311. Filing of estimate of revenues and expenses
4 with county clerk. (1) Before ~~June~~ September JULY 1 each
5 year the county clerk and recorder shall notify in writing
6 each county official in charge of an office, department,
7 service, institution, or county-funded district court
8 program of the county to file with the county clerk and
9 recorder, before ~~June~~ September JULY 10, detailed and
10 itemized estimates, both of the probable revenues from
11 sources other than taxation and of all expenditures required
12 by the office, department, service, or institution for the
13 next fiscal year.

14 (2) (a) The county commissioners shall submit to the
15 county clerk and recorder the estimate of expenditures for
16 all purposes for the board and a detailed statement showing
17 all new road and bridge construction to be financed from
18 county road and bridge funds, from any special road or
19 bridge fund, from any special highway fund, and from bond
20 issues issued or authorized for the next fiscal year,
21 together with the cost of that construction as computed by
22 the county surveyor or, if for construction in charge of a
23 special engineer, then by that engineer. The county
24 commissioners shall also submit to the county clerk and
25 recorder detailed estimates of all expenditures for

1 construction or improvement purposes proposed to be made
2 from the proceeds of bond issues not yet authorized and from
3 the proceeds of tax levies which are required to be approved
4 at an election to be held.

5 (b) The county surveyor and any special engineer shall
6 prepare the estimates of cost of road and bridge
7 construction for the county commissioners. They shall also
8 submit a similar statement showing road and bridge
9 maintenance expenditures as nearly as can be estimated.

10 (c) The county treasurer shall prepare the estimates
11 for interest and debt reduction.

12 (d) The county clerk and recorder shall prepare all
13 other estimates which properly fall within the duties of his
14 office.

15 (3) The estimates required in this section shall be
16 submitted on forms provided by the county clerk and recorder
17 and prescribed by the department of administration. The
18 forms may only be varied or departed from with permission
19 and approval of that department. Each of the officials shall
20 file the estimates within the time and in the manner
21 provided in the form and notice.

22 (4) In the absence or disability of an official, the
23 duties required by this section or 7-6-2312 devolve upon the
24 official or employee in charge of the office, department,
25 service, or institution."

1 SECTION 6. SECTION 7-6-2313, MCA, IS AMENDED TO READ:

2 "7-6-2313. Preparation of expenditure program and
3 information on sources of revenue. (1) From those estimates
4 the county clerk and recorder shall prepare a tabulation
5 showing the complete ~~estimated~~ expenditure program of the
6 county for the current ~~next~~ fiscal year and the sources of
7 revenue by which it is to be financed.

8 (2) The tabulation shall set forth:

9 (a) the estimated receipts from all sources other than
10 taxation for each office, department, service, institution,
11 or district court program funded by the county for the
12 current ~~next~~ fiscal year;

13 (b) the ~~actual~~ ~~estimated~~ receipts for the ~~test~~
14 completed ~~current~~ fiscal year;

15 (c) the ~~estimated~~ surplus or unencumbered treasury
16 balances at the close of ~~that test the current~~ fiscal year;

17 (d) the amount necessary to be raised by taxation;

18 (e) the estimated expenditure for each office,
19 department, service, institution, or district court program
20 funded by the county for the current ~~next~~ fiscal year;

21 (f) the ~~actual~~ ~~estimated~~ expenditures for the ~~test~~
22 completed ~~current~~ fiscal year;

23 (g) all contracts or other obligations which will
24 affect the current ~~next~~ year revenues;

25 (h) the total amount of emergency warrants issued

1 during the preceding ~~current~~ fiscal year, with the amount
2 issued for each emergency and the amount issued against each
3 fund."

4 Section 7. Section 7-6-2315, MCA, is amended to read:

5 "7-6-2315. Consideration of tabulation by county
6 commissioners -- preparation of preliminary budget. (1) The
7 tabulation shall be submitted to the county commissioners by
8 the county clerk and recorder on or before the first Monday
9 of ~~July~~ August.

10 (2) Upon receipt thereof, the board of county
11 commissioners shall immediately consider the budget in
12 detail and shall, on or before the second Monday of ~~July~~
13 August, make any revisions, reductions, additions, or
14 changes that they consider advisable. The tabulation, with
15 any revisions, reductions, additions, or changes, is the
16 preliminary budget for the fiscal year which it is intended
17 to cover.

18 (3) Upon completion of the budget, the county clerk
19 shall immediately transmit one copy of it to the department
20 of administration and one copy to the department of
21 revenue."

22 Section 8. Section 7-6-2316, MCA, is amended to read:

23 "7-6-2316. Notice of hearing on preliminary budget.
24 (1) The board of county commissioners shall then have a
25 notice published stating that:

1 (a) the board has completed its preliminary county
2 budget for the current ~~NEXI~~ fiscal year;

3 (b) the budget is open to inspection in the office of
4 the county clerk and recorder;

5 (c) the board will meet on the Wednesday before the
6 second Monday in August ~~September~~ to fix the final budget
7 and make appropriations, stating the time and place of the
8 meeting; and

9 (d) any taxpayer or resident of the county may appear
10 and be heard for or against any part of the budget.

11 (2) The notice shall be published at least one time in
12 a newspaper of general circulation in the county."

13 Section 9. Section 7-6-2317, MCA, is amended to read:

14 "7-6-2317. Hearing on preliminary budget. (1) On the
15 Wednesday before the second Monday in August ~~September~~, the
16 county commissioners shall meet at the time and place
17 designated in the notice provided for in 7-6-2316, at which
18 time any taxpayer or resident of the county may appear and
19 be heard for or against any part of the budget.

20 (2) The hearing shall be continued from day to day and
21 shall be concluded and the budget approved and adopted on
22 the second Monday in August ~~September~~, before the fixing of
23 the tax levies by the board."

24 ~~SECTION 10. SECTION 7-6-2320, MCA, IS AMENDED TO READ:~~

25 "7-6-2320. Final budget -- approval and adoption. (1)

1 The budget as finally determined, in addition to setting out
2 separately each item for which an appropriation or
3 expenditure is authorized and the fund out of which it is to
4 be paid, shall set out:

5 (a) the total amount appropriated and authorized to be
6 spent from each fund;

7 (b) the ~~estimated~~ cash balance in the fund at the
8 close of the ~~preceding current~~ fiscal year;

9 (c) the amount estimated to accrue to the fund from
10 sources other than taxation;

11 (d) the reserve for the next fiscal year; and

12 (e) the amount necessary to be raised for each fund by
13 tax levy during the ~~current next~~ fiscal year.

14 (2) The board shall then by resolution approve and
15 adopt the budget as finally determined and enter the budget
16 at length in the official minutes of the board."

17 Section 11. Section 7-6-2321, MCA, is amended to read:

18 "7-6-2321. Fixing of tax levy. (1) On the second
19 Monday in August ~~September~~ and after the approval and
20 adoption of the final budget, the board of county
21 commissioners shall fix the tax levy for each fund at a rate
22 which will raise the amount set out in the budget as the
23 amount necessary to be raised by tax levy for the fund
24 during the ~~current NEXI~~ fiscal year. The taxable valuation
25 of the county for the ~~current NEXI~~ fiscal year shall be the

basis for determining the amount of the tax levy for each fund. Each tax levy shall be at a rate no higher than is required on that basis, without including any amount for anticipated tax delinquency, to produce the amount set out in the budget, without including any amount for anticipated tax delinquency, as being the amount to be raised by tax levy.

(2) The tax levy shall be made in the manner provided by 15-10-201."

Section 12. Section 7-6-2322, MCA, is amended to read:

"7-6-2322. Budget and tax levies to be supplied to department of administration. (1) The county clerk and recorder shall, not later than ~~September~~ October 15, forward a full and detailed copy of the final budget, together with the tax levies, to the department of administration.

(2) If a county clerk and recorder fails to forward a copy of the budget to the department within that time, that department shall, before ~~October~~ November 1, notify the board of county commissioners of the county that a copy of the budget has not been forwarded by the county clerk and recorder. The board must then withhold the county clerk and recorder's salary for ~~September~~ October until the county clerk and recorder files with the board a receipt from the department showing the receipt of a copy."

Section 13. Section 7-6-2352, MCA, is amended to read:

"7-6-2352. State grants to district courts. (1) The department of administration shall make grants to the governing body of a county for the district courts for assistance, as provided in this section. The grants are to be made from funds appropriated to the department for that purpose. If the department of administration approves grants in excess of the amount appropriated, each grant shall be reduced an equal percentage so the appropriation will not be exceeded.

(2) The governing body of a county may apply to the department of administration for a grant by filing a written report by ~~July~~ October 31, for the previous fiscal year stating that the following conditions have occurred or will occur:

(a) that the court will not be able to meet its statutory obligations with the funds authorized under the county budget, because of expenses exceeding the sum derived from the mill levy provided for in 7-6-2511 arising from litigation in either civil or criminal matters, not including building, capital, and library maintenance, replacement, and acquisition, but including the costs associated with:

(i) the impaneling and maintenance of juries;

(ii) the appearance of witnesses;

(iii) the fees and litigation-related expenses of

1 attorneys appointed by a district court;

2 (iv) transcript prepared at the direction of a district

3 court at county expense;

4 (v) salaries and fees of court reporters;

5 (vi) psychological and medical treatment or evaluations

6 ordered by a district court at county expense;

7 (vii) the actual and necessary expenses of travel as

8 limited by law for:

9 (A) jurors;

10 (B) witnesses;

11 (C) court reporters;

12 (D) defendants in criminal cases who are in custody;

13 (E) juveniles under the supervision of a district

14 court; or

15 (F) law enforcement or probation officers acting in

16 furtherance of a district court order; and

17 (viii) other, similar expenses created by and required

18 for the conduct of and preparation for a trial in district

19 court;

20 (b) that all expenditures from the district court fund

21 have been lawfully made;

22 (c) that no transfers from the district court fund

23 have been or will be made to any other fund;

24 (d) that no expenditures have been made from the

25 district court fund that are not specifically authorized by

1 7-6-2511 and 7-6-2351; and

2 (e) any other information required by the department

3 of administration.

4 (3) The department of administration shall give notice

5 to the district court and the county governing body of its

6 intention to allow grants ~~by August 31 for within 2 months~~

7 ~~following the end of~~ the previous fiscal year.

8 (4) Within 10 days of receiving notice from the

9 department of administration that a grant will be made, the

10 district court shall adopt a budget and transmit it to the

11 county governing body.

12 (5) After receiving notice of the county governing

13 body's approval of the budget, the department of

14 administration shall cause a warrant to be issued to the

15 treasurer of the county in which the district court is

16 located for the total amount stated in the approved budget.

17 (6) The grant received by the county shall be placed

18 in a fund account to be kept separate from the district

19 court fund.

20 (7) After depleting the district court fund, the

21 county treasurer may make disbursements from the fund

22 account. At the close of its fiscal year, the county

23 treasurer shall return to the department of administration

24 any amounts remaining in the fund account."

25 Section 14. Section 7-6-2502, MCA, is amended to read:

"7-6-2502. Responsibility of county commissioners to fix tax rate and levy tax. The board of county commissioners of each county must, on the second Monday in ~~August~~ ~~September~~, fix the rate of county taxes and designate the number of mills on each dollar of valuation of property for each fund and must levy taxes upon the taxable property of the county."

Section 15. Section 7-6-4103, MCA, is amended to read:

"7-6-4103. Annual appropriation. The council must, during the month of ~~July~~ ~~October~~ in each fiscal year, pass an ordinance to be known as the "Annual appropriation for the of for the fiscal year beginning ~~July~~ ~~October~~ 1, 1~~9~~..", in which ordinance there must be appropriated enough money to defray the expenses or liabilities of the city or town for such fiscal year. There must be specified therein the amount appropriated for each separate object or fund and the salary or compensation to be paid to each officer of the city or town."

Section 16. Section 7-6-4105, MCA, is amended to read:

"7-6-4105. Financial reports and records to be maintained by city treasurer. It shall be the duty of the city treasurer:

(1) to present, on the first Monday of each month to the council a full and detailed statement of the amounts of money belonging to the city received by him and disbursed by

him during the preceding month and the state of each particular fund, which statement must be verified by his oath;

(2) to keep the books and accounts of the city in such manner as to correctly present the condition of the finances thereof, which must always be open to the inspection of the mayor or the council or any member thereof;

(3) to render at any time an account to the council, showing the money on hand and the condition of the treasury;

(4) to annually make out and submit to the city council at its last meeting prior to ~~May~~ ~~August~~ 1 a detailed account of all receipts and expenditures during the past fiscal year and to file the same with the clerk;

(5) to keep a separate account of each fund or appropriation and the debits and credits thereof;

(6) to keep a register of all warrants paid, called "The Registry Book", which must show the date, amount, and number and the person to whom and the fund from which the same was paid; and

(7) to deliver and file with the city clerk all vouchers, warrants, or orders paid by him."

Section 17. Section 7-6-4109, MCA, is amended to read:

"7-6-4109. Financial reports and records to be maintained by town clerk. It shall be the duty of the town clerk:

(1) to present, on the first Monday of each month, to the council a full and detailed statement of the amounts of money belonging to the town received by him and disbursed by him during the preceding month and the state of each particular fund, which statement must be verified by his oath;

(2) to keep the books and accounts of the city or town in such manner as to correctly present the condition of the finances thereof, which must always be open to the inspection of the mayor or the council or any member thereof;

(3) to render at any time an account to the council, showing the money on hand and the condition of the treasury;

(4) to annually make out and submit to the town council, at its last meeting prior to May ~~August~~ 1, a detailed account of all receipts and expenditures during the past fiscal year;

(5) to keep a separate account of each fund or appropriation and the debits and credits thereof;

(6) to keep a register of all warrants paid, which must show the date, amount, and number and the person to whom and the fund from which the same was paid and to enter in a book kept for that purpose the date, amount, and person in whose favor and for what purpose warrants are drawn upon the town treasury."

Section 18. Section 7-6-4113, MCA, is amended to read:
 "7-6-4113. Filing of annual financial statement. (1) The city or town clerk must, not later than ~~August 31~~ ~~November 30~~ following the close of each fiscal year, transmit one copy of the statement to the department of administration and must present the other copy to the city or town council or commission at its first regular meeting in September ~~December~~."

(2) If a city or town clerk fails to file a copy of the statement with the department within the time specified, the department, without delay, shall examine the books, records, and accounts of the city or town. The department shall make from its examination a statement of the financial condition of the city or town for the preceding fiscal year in the manner it should have been made by the city or town clerk. The examination shall be considered a special audit under the provisions of subsections (4) and (5) of 2-7-503, and all of the provisions of subsections (4) and (5) of 2-7-503 apply to it."

Section 19. Section 7-6-4221, MCA, is amended to read:
 "7-6-4221. Filing of estimate of revenues and expenses with clerk. (1) Before ~~July~~ ~~August~~ 1 of each year the clerk of each city shall notify in writing each official in charge of an office, department, service, or institution of the municipality to file with the clerk, before ~~July~~ ~~August~~ 10,

detailed and itemized estimates, both of the probable revenues from sources other than taxation and of all expenditures required by the office, department, service, or institution for the current ~~NEXT~~ fiscal year.

(2) (a) The council shall submit to the clerk the estimate of expenditures for all purposes for the council. The council shall also submit to the clerk detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be submitted to and approved at an election to be held.

(b) The mayor of the municipality shall submit to the clerk a detailed estimate showing the amount to be appropriated from funds belonging to the municipality to defray the municipality's portion of the cost of making improvements in special improvement districts and maintaining them and of installing lighting systems in special lighting districts and maintaining them.

(c) The city treasurer shall prepare the estimates for interest and debt reduction.

(d) The clerk shall prepare all other estimates which properly fall within the duties of his office.

(3) The estimates required in this section shall be submitted on forms provided by the clerk and prescribed by

the department of administration. The form may be varied or departed from only with permission and approval of the department. Each of the officials shall file the estimates within the time and in the manner provided in the form and notice.

(4) In the absence or disability of an official, the duties required in this section or 7-6-4223 devolve upon the official or employee in charge of the office, department, service, or institution for the time being."

~~SECTION 20.~~ SECTION 7-6-4224, MCA, IS AMENDED TO READ:

"7-6-4224. Preparation of expenditure program and information on sources of revenue. (1) From estimates of revenue and disbursements, the clerk shall prepare a tabulation showing the complete ~~estimated~~ expenditure program of the municipality for the current ~~next~~ fiscal year and the sources of revenue by which it is to be financed.

(2) The tabulation shall set forth:

(a) the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current ~~next~~ fiscal year;

(b) the ~~actual~~ ~~estimated~~ receipts for the last completed ~~current~~ fiscal year;

(c) the ~~estimated~~ surplus or unencumbered treasury balances at the close of ~~that last~~ ~~the current~~ fiscal year;

(d) the amount necessary to be raised by taxation;

(e) the estimated expenditure for each office, department, service, or institution for the current ~~next~~ fiscal year;

(f) the ~~actual~~ ~~estimated~~ expenditures for the ~~last~~ completed ~~current~~ fiscal year;

(g) all contracts or other obligations which will affect the current ~~next~~ year revenues;

(h) the total amount of emergency warrants issued during the preceding ~~current~~ fiscal year, with the amount issued for each emergency and the amount issued against each fund."

Section 21. Section 7-6-4226, MCA, is amended to read:

"7-6-4226. Consideration of tabulation by council -- preparation of preliminary budget. (1) The tabulation shall be submitted to the council by the clerk on or before ~~July~~ August 20.

(2) Upon receipt thereof, the council shall immediately consider the same in detail and shall, on or before ~~July~~ August 25, make any revisions, reductions, additions, or changes therein that they deem advisable. Such tabulation, with such revisions, reductions, additions, or changes as have been made therein as herein provided, shall constitute the preliminary budget of the municipality for the fiscal year which it is intended to cover."

Section 22. Section 7-6-4227, MCA, is amended to read:

"7-6-4227. Notice of hearing on preliminary budget.

(1) The council shall then cause a notice to be published stating that:

(a) the council has completed its preliminary municipal budget for the current ~~next~~ fiscal year;

(b) the budget has been placed on file and is open to inspection in the office of the clerk of the municipality;

(c) the council will meet on the Wednesday immediately preceding the second Monday in ~~August~~ September for the purpose of fixing the final budget and making appropriations, designating the time and place when and where such meeting will be held; and

(d) any taxpayer or resident may appear at the meeting and be heard for or against any part of the budget.

(2) The notice shall be published at least one time in the official newspaper of the municipality or, if there is none, then in a newspaper of general circulation in the county in which the municipality is situated."

Section 23. Section 7-6-4228, MCA, is amended to read:

"7-6-4228. Hearing on preliminary budget. (1) On the Wednesday preceding the second Monday in ~~August~~ September, the council shall meet at the time and place designated in the notice provided in 7-6-4227, at which time any taxpayer or resident may appear and be heard for or against any part of the budget. The council may call in the official in

charge of an office, department, service, or institution, at the time the estimates for their respective offices are under consideration, for examination concerning the estimates. The official shall be called in by the council, upon the request of a taxpayer or resident, for questioning upon the estimates either by the council, taxpayer, or resident.

(2) The hearing shall be continued from day to day and shall be concluded and the budget finally approved and adopted on the second Monday in ~~August~~ September, prior to the fixing of the tax levies by the council."

SECTION 24. SECTION 7-6-4231, MCA, IS AMENDED TO READ:

"7-6-4231. Final budget -- approval and adoption. (1) The budget as finally determined, in addition to setting out separately each item for which an appropriation is made or expenditure authorized and the fund out of which it is to be paid, shall set out:

(a) the total amount appropriated and authorized to be spent from each fund;

(b) the estimated cash balance in excess of outstanding unpaid warrants at the close of the ~~preceding~~ current fiscal year;

(c) the amount estimated to accrue to the fund from sources other than taxation;

(d) the reserve for the next fiscal year; and

(a) the amount necessary to be raised for each fund by tax levy during the current ~~next~~ fiscal year.

(2) The council shall then by resolution approve and adopt the budget as finally determined, and the clerk shall enter it at length in the official minutes of the council."

Section 25. Section 7-6-4232, MCA, is amended to read:

"7-6-4232. Fixing of tax levy. (1) On the second Monday in ~~August~~ September and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at a rate, not exceeding limits prescribed by law, which will raise the amount set out in the budget as the amount necessary to be raised by tax levy for that fund during the current NEXI fiscal year. The taxable valuation of the city for the ~~current~~ NEXI fiscal year shall be the basis for determining the amount of the tax levy for each fund, and each tax levy shall be at a rate no higher than is required on that basis, without including any amount for anticipated tax delinquency, to raise the amount set out in the budget.

(2) If the council considers that a levy made for a bond sinking or interest fund will not provide a sufficient amount to pay all bond principal and interest becoming due during the ~~current~~ NEXI fiscal year or within 6 months after the ~~current~~ NEXI fiscal year because of anticipated tax delinquency, the council may fix the levy at a rate it

1 considers necessary to raise the amount for making the
2 payments of principal and interest over and above the
3 anticipated tax delinquency.

4 (3) Each levy shall be made in the manner provided by
5 15-10-201."

6 Section 26. Section 7-6-4233, MCA, is amended to read:

7 "7-6-4233. Budget and tax levies to be supplied to
8 department of administration. (1) The city clerk shall, not
9 later than ~~September~~ October 15, forward a complete copy of
10 the final budget, together with the tax levies, to the
11 department of administration.

12 (2) If a city clerk fails to forward the copy of the
13 budget to the department within the time required, the
14 department shall, before ~~October~~ November 1, notify the
15 mayor and council of the city that a copy of the budget has
16 not been forwarded by the city clerk. The council must then
17 withhold from the city clerk his salary or compensation for
18 the month of ~~September~~ October until the city clerk presents
19 the council with a notice from the department that the copy
20 of the budget has been received."

21 Section 27. Section 7-6-4407, MCA, is amended to read:

22 "7-6-4407. Resolution to fix annual tax levy. (1) The
23 council must, on or before the second Monday of ~~August~~
24 September of each year, by resolution determine the amount
25 of the city or town taxes for all purposes to be levied and

1 assessed on the taxable property in the city or town for the
2 current ~~HEAT~~ fiscal year.

3 (2) (a) Except as provided in subsection (2)(b), the
4 city or town clerk must at once certify to the county clerk
5 a copy of such resolution, and the county treasurer must
6 collect said taxes as provided in this part.

7 (b) In cities where the council has provided by
8 ordinance for the collection of such taxes by the city
9 treasurer, the city clerk must certify a copy of such
10 resolution to said city treasurer."

11 Section 28. Section 7-6-4410, MCA, is amended to read:

12 "7-6-4410. Assessment book to be furnished to certain
13 municipalities. (1) On or before the second Monday in ~~July~~
14 August of each year, the department or its agent must
15 furnish to all cities of the third class and towns within
16 each county which shall make written request for the same on
17 or before the first Monday in ~~April~~ June of each year a
18 complete certified copy of the assessment book, so far as
19 such assessment book pertains to property within the limits
20 of said cities and towns.

21 (2) The department may charge such cities and towns 5
22 cents per folio of 100 words for each copy of the assessment
23 book furnished such cities and towns as provided in
24 subsection (1)."

25 Section 29. Section 7-6-4412, MCA, is amended to read:

1 "7-6-4412. Preparation of municipal assessment book.
 2 (1) It is the duty of the county clerk, on or before the
 3 first last Monday in October ~~December~~ in each year, to make
 4 a duplicate of the corrected assessment book for each city
 5 in the county, the treasurer of which is required by
 6 ordinance of such city to collect its taxes. Such book shall
 7 be styled "The Duplicate Assessment Book for the City of
 8 " and must contain a copy of the corrected assessment
 9 book of the county, as far as the same refers to city
 10 property.

11 (2) Such duplicate must be made in a book furnished by
 12 the city clerk of each city in the county and ruled in
 13 columns specifying the different funds, so that the city
 14 treasurer may extend the same and collect the taxes.

15 (3) The county clerk must deliver such duplicate
 16 assessment book to each city treasurer and take his receipt
 17 therefor, having attached thereto the affidavit similar to
 18 the one set out in 15-10-306."

19 Section 30. Section 7-7-2264, MCA, is amended to read:

20 "7-7-2264. Statement as to amount of principal and
 21 interest due and payable on bonds. (1) Whenever any county
 22 has any issue or series of bonds outstanding and there are
 23 not sufficient funds on hand available for the payment of
 24 the full amount of the interest and principal thereof, the
 25 county treasurer of such county shall, between the first and

1 fifth days of August ~~September~~ in each year while such bonds
 2 or any thereof remain outstanding and unpaid, make out and
 3 deliver to the board of county commissioners of such county
 4 a statement.

5 (2) The statement required by subsection (1) shall
 6 show the amount required to be raised by tax levy during the
 7 then-current ~~next~~ fiscal year for payment of interest and
 8 principal becoming due and payable during such fiscal year
 9 or within 90 days thereafter on each issue or series of
 10 bonds outstanding. If no part of the principal of any such
 11 issue or series of bonds will become due and payable within
 12 such time, then such statement shall show the amount
 13 required to be raised by tax levy during such year for
 14 payment of interest becoming due during such time and to
 15 place the proper amount in the sinking fund for the payment
 16 of the principal of such bonds when they become due, as
 17 provided in 7-7-2265."

18 Section 31. Section 7-7-4264, MCA, is amended to read:

19 "7-7-4264. Statement as to amount of principal and
 20 interest due and payable on bonds. (1) Whenever any city or
 21 town has any issue or series of bonds outstanding and there
 22 are not sufficient funds on hand available for the payment
 23 of the full amount of the interest and principal thereof,
 24 the city treasurer or town clerk shall, between July 1 and
 25 July 15 in each year while such bonds or any of them remain

outstanding and unpaid, make out and deliver to the city or town clerk a statement.

(2) The statement required by subsection (1) shall show the amount required to be raised by tax levy during the ~~then-current~~ ~~next~~ fiscal year for payment of interest and principal becoming due and payable during such fiscal year or within 90 days thereafter on each issue or series of bonds outstanding. If no part of the principal of any such issue or series of bonds outstanding or if no part of the principal of any such issue or series of bonds will become due and payable within such time, then such statement shall show the amount required to be raised by tax levy during such year for payment of interest becoming due during such time and to place the proper amount in the sinking fund for the payment of the principal of such bonds when they become due, as provided in 7-7-4204.

(3) The statement prepared by the city treasurer or town clerk shall be presented by the city or town clerk to the city or town council at its next meeting."

Section 32. Section 7-12-4181, MCA, is amended to read:

"7-12-4181. Collection of district assessments by county clerk -- certification. (1) Except as provided in 7-12-4183, in every city or town where taxes for general, municipal, and administrative purposes are certified to and

collected by the county treasurer in accordance with the provisions of 7-6-4407 immediately after the second Monday of ~~August~~ ~~September~~ of each year, it shall be the duty of the city treasurer or town clerk to certify, at the same time the copy of the resolution determining the annual levy for general taxes is certified by the city or town clerk to the county clerk as required by 7-6-4407, to the county assessor of the county in which such city or town is situated all special assessments and taxes levied and assessed in accordance with any of the provisions of this part and part 42.

(2) The county assessor shall thereupon enter same upon the assessment roll of the county. The county treasurer must collect all such taxes and assessments in the same manner and at the same time as said taxes for general, municipal, and administrative purposes are collected by him."

Section 33. Section 7-14-4713, MCA, is amended to read:

"7-14-4713. Estimates of expenses -- tax levy. (1) The governing body shall:

(a) make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the taxable value of all the real and personal property in the district;

1 (b) publish notice thereof; and
 2 (c) have hearings on the statements and estimates and
 3 adopt them as provided for incorporated cities and towns by
 4 7-12-4104, 7-12-4106, 7-12-4110, 7-12-4112, 7-12-4113, and
 5 7-12-4117.

6 (2) The governing body, on or before the second Monday
 7 in ~~August~~ ~~September~~ of each year, shall fix, levy, and
 8 assess the amount to be raised by ad valorem taxes upon all
 9 of the property of the district. All statutes providing for
 10 the levy and collection of state and county taxes, including
 11 the collection of delinquent taxes and sale of property for
 12 nonpayment of taxes, shall be applicable to the district
 13 taxes provided for under this section."

14 Section 34. Section 7-14-4734, MCA, is amended to
 15 read:

16 "7-14-4734. Expense estimate -- assessments and tax
 17 levy. (1) The governing body shall:

18 (a) make annual statements and estimates of the
 19 expenses of the district which shall be provided for by the
 20 levy and collection of ad valorem taxes upon the assessed
 21 value of all the real and personal property in the district;

22 (b) publish notice thereof; and

23 (c) have hearings thereon and adopt an ordinance
 24 thereon at the times and in the manner provided for
 25 incorporated cities and towns by the applicable portions of

1 7-12-4175.

2 (2) The governing body, on or before the second Monday
 3 in ~~August~~ ~~September~~ of each year, shall fix, levy, and
 4 assess the amount to be raised by ad valorem taxes upon all
 5 of the property of the district. All statutes providing for
 6 the levy and collection of state and county taxes, including
 7 the collection of delinquent taxes and sale of property for
 8 nonpayment of taxes, are applicable to the district taxes
 9 provided for under this section.

10 (3) No assessment for district purposes against the
 11 property within such district may exceed 12 mills upon each
 12 dollar of taxable valuation in any tax year."

13 Section 35. Section 7-16-2204, MCA, is amended to
 14 read:

15 "7-16-2204. Role of museum board of trustees. It shall
 16 be the duty of such board:

17 (1) to have the immediate custody, charge, and control
 18 of such museum or collection;

19 (2) to make such rules as may be necessary and
 20 reasonable for the preservation, upkeep, care, maintenance,
 21 operation, support, and display thereof; and

22 (3) to make to the board of county commissioners, not
 23 later than ~~July~~ ~~September~~ 15 of each year:

24 (a) a report in writing, detailing all gifts and
 25 donations made to such museum or collection and the receipts

1 and expenditures during the ~~immediately~~ preceding
2 ~~then-current~~ fiscal year; and

3 (b) an estimate of the amount to be budgeted for such
4 museum or collection in the budget of the county for the
5 ~~then-current~~ next fiscal year."

6 Section 36. Section 15-16-114, MCA, is amended to
7 read:

8 "15-16-114. Rate of taxation -- personal property. (1)
9 All rates of tax levy set by the board of county
10 commissioners on the second Monday in ~~August~~ September of
11 each year shall apply permanently to this class of personal
12 property during the ensuing year, and the treasurer shall,
13 upon collection of any such taxes, immediately distribute
14 the money so collected to the various and proper funds in
15 his charge.

16 (2) If the rate of taxation fixed for the year in
17 which the collection is made is an increase over the
18 preceding year's levy, then the said board of county
19 commissioners may direct the county treasurer to collect the
20 amount of such increased levy but shall not be obliged to do
21 so in cases where, in the opinion of the board, the cost of
22 collection would exceed the amount of such increase. If the
23 rate fixed for the year in which the collection is made
24 shall be less than the levy for the preceding year, then the
25 person from whom such excess tax was collected may file with

1 the board of county commissioners a duly verified claim for
2 a refund of such excess tax at any time before November 1 of
3 the year in which such an excess was collected, and such
4 claim shall be allowed and ordered paid by the board of
5 county commissioners to the amount of such excess."

6 Section 37. Section 15-23-607, MCA, is amended to
7 read:

8 "15-23-607. County assessors to compute taxes. (1)
9 Immediately after the board of county commissioners has
10 fixed tax levies on the second Monday in ~~August~~ September,
11 the county assessor shall compute the taxes on such net
12 proceeds, except as provided in 15-36-121, and royalty
13 assessments and shall deliver the book to the county
14 treasurer on or before ~~September 15~~ October 1. The county
15 treasurer shall proceed to give full notice thereof to such
16 operator and to collect the same in manner provided by law.

17 (2) The operator or producer shall be liable for the
18 payment of said taxes and same shall be payable by and shall
19 be collected from such operators in the same manner and
20 under the same penalties as provided for the collection of
21 taxes upon net proceeds of mines; provided, however, that
22 the operator may at his option withhold from the proceeds of
23 royalty interest, either in kind or in money, an estimated
24 amount of the tax to be paid by him upon such royalty or
25 royalty interest. After such withholding any deviation

1 between the estimated tax and the actual tax may be
2 accounted for by adjusting subsequent withholdings from the
3 proceeds of royalty interests."

4 Section 38. Section 20-9-152, MCA, is amended to read:

5 "20-9-152. Fixing and levying taxes for joint
6 districts. (1) At the time of fixing levies for county and
7 school purposes on the second Monday in ~~August~~ September,
8 the board of county commissioners of each county in which a
9 part of a joint district is located shall fix and levy taxes
10 on that portion of the joint district located in such
11 board's county at the number of mills for each such levy
12 recommended by the joint statement of the county
13 superintendents.

14 (2) The board of county commissioners shall include in
15 the amounts to be raised by the county levies for schools
16 all the amounts required for the final budget of each part
17 of a joint district located in the county, in accordance
18 with the recommendations of the county superintendent."

19 Section 39. Section 53-2-308, MCA, is amended to read:

20 "53-2-308. When one-year contracts must be made.
21 Whenever under existing laws the board of county
22 commissioners is authorized to make contracts for 1 year and
23 no time is specified when the contracts shall be made, it
24 shall be the duty of the county commissioners whenever
25 possible to make such contracts in the month of ~~June~~ August

1 of each year so that they will be better enabled to prepare
2 their budget which, under existing laws, must be prepared
3 during the month of ~~July~~ September."

4 ~~NEW SECTION.~~ Section 40. Transition. Budgets adopted
5 for fiscal year 1985 must allow for the following
6 transitional provisions:

7 (1) For purposes of transition, fiscal year 1985 shall
8 consist of the 15 months from July 1, 1984, to September 30,
9 1985.

10 (2) The mill levies adopted for fiscal year 1985 may
11 exceed the statutory annual mill levy limits by 25% to fund
12 the additional 3 months contained in the transitional fiscal
13 year.

14 ~~NEW SECTION.~~ Section 41. Effective date. This act is
15 effective January 1, 1984, and applies to fiscal years
16 beginning on or after July 1, 1984.

-End-