

SENATE BILL NO. 466

3/12 Introduced
3/13 Referred to Taxation
3/15 Fiscal Note Requested
3/17 Fiscal Note Received
3/18 Hearing
3/18 Tabled in Committee

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Senate BILL NO. 466
Law

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT LEVYING A STATE MILL LEVY ON CENTRALLY ASSESSED PROPERTY; PROVIDING THAT SUCH PROPERTY IS NOT SUBJECT TO ANY OTHER MILL LEVY; PROVIDING FOR THE REMITTANCE TO A TAXING AUTHORITY OF A PORTION OF THE REVENUE DERIVED FROM THE STATE MILL LEVY; AMENDING SECTIONS 2-9-212, 7-1-112, 7-1-114, 7-2-2246, 7-2-2730, 7-2-2746, 7-2-2748, 7-2-2749, 7-2-4918, 7-3-1310, 7-3-1311, 7-3-1313, 7-3-4312, 7-6-2321, 7-6-2501, 7-6-2511, 7-6-2512, 7-6-2531, 7-6-4122, 7-6-4401, 7-6-4421, 7-6-4431, 7-6-4438, 7-6-4452, 7-7-2202, 7-7-2206, 7-7-2265, 7-7-2303, 7-7-4265, 7-7-4266, 7-14-111, 7-14-232, 7-14-2501 THROUGH 7-14-2504, 7-14-2523, 7-14-2807, 7-14-4404, 7-15-4283, 7-15-4286, 7-16-101, 7-16-2102, 7-16-2108, 7-16-2205, 7-16-4105, 7-16-4113, 7-16-4114, 7-21-3410, 7-21-3433, 7-22-2142, 7-22-2222, 7-22-2306, 7-22-2432, 7-22-2512, 7-31-116, 7-32-4117, 7-33-2109, 7-33-2209, 7-33-4111, 7-33-4130, 7-34-102, 7-34-2133, 7-34-2134, 7-34-2417, 7-34-2418, 7-35-2122, 10-3-405, 15-10-103, 15-10-105, 19-3-204, 19-7-404, 19-10-301, 19-11-503, 19-11-504, 20-7-324, 20-7-705, 20-9-142, 20-9-152, 20-9-167, 20-9-303, 20-9-331, 20-9-333, 20-9-352, 20-9-353, 20-9-439, 20-15-305, 20-15-311, 20-15-313, 20-15-314, 20-25-423, 22-1-304, 50-2-111,

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50-2-114, 53-2-321, 53-2-322, 53-2-813, 53-20-208, 53-21-204, 67-10-402, 67-11-301, 67-11-302, 76-1-111, 76-1-403 THROUGH 76-1-407, 76-2-102, 76-5-1113, 76-15-515, 76-15-516, 76-15-623, 81-8-504, 85-3-412, 85-3-422, 85-3-423, 85-7-2119, 85-9-601, AND 90-5-112, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Purpose and intent. It is the purpose of [sections 1 through 3] to subject centrally assessed property to a uniform statewide mill levy so that all centrally assessed property is subject to the same nominal tax rate regardless of the taxing authority within whose jurisdiction such property is located.

NEW SECTION. Section 2. Definitions -- state mill levy on centrally assessed property -- exemption from local assessments. (1) For the purposes of [sections 1 through 3], the following definitions apply:

(a) "Centrally assessed property" means all property described in 15-23-101, except the net proceeds of mines and of oil and gas wells and the gross proceeds of coal mines.

(b) "Taxing authority" means any city, town, county, school district, or other political subdivision or governmental unit of the state, not including the state,

1 that is permitted under state law to impose a mill levy on
2 the taxable value of property within its jurisdiction.

3 (2) There is levied upon the taxable value of all
4 centrally assessed property in the state of Montana, subject
5 to taxation, 201 mills, and the funds raised therefrom must
6 be deposited in the state general fund. The department of
7 revenue is responsible for the collection and administration
8 of this tax.

9 (3) Property taxed under subsection (2) is not subject
10 to any other mill levy of any taxing authority, except as
11 specifically provided by law.

12 NEW SECTION. Section 3. State aid to local
13 governments. (1) The taxable value of all centrally assessed
14 property within the jurisdiction of the taxing authority
15 must be included in the total taxable value of the taxing
16 authority in whose jurisdiction the centrally assessed
17 property is located, for all purposes except the levying by
18 the taxing authority of tax on such property.

19 (2) Notwithstanding [section 2] and subsection (1) of
20 this section, a taxing authority shall calculate the amount
21 of its tax levy in mills for each year as if the taxable
22 value of all centrally assessed property within the taxing
23 authority's jurisdiction was taxable value for the purposes
24 of property tax levies and assessments.

25 (3) At the same time that a county treasurer notifies

1 taxpayers, pursuant to 15-16-101, of taxes due, he shall
2 also notify the department of revenue of the number of mills
3 levied and assessed on all taxable property other than
4 centrally assessed property within each taxing authority
5 within the county.

6 (4) Within 60 days after receipt of the notice
7 provided for in subsection (3), the department shall, based
8 upon the taxing authorities' mill levies and the amount of
9 taxable value attributable to centrally assessed property:

10 (a) determine the dollar amount remittable by the
11 state to the county treasurer as reimbursement for the
12 amount of property tax revenue foregone because of the
13 reduction in taxable valuation resulting from the exemption
14 provided in [section 2(3)]; and

15 (b) pay to the county treasurer the dollar amount
16 determined under subsection (4)(a).

17 (5) The county treasurer must, from the amount
18 remitted by the state, allocate to each taxing authority the
19 appropriate amount due the taxing authority as reimbursement
20 for property tax revenue foregone because of the exemption
21 provided in [section 2(3)].

22 Section 4. Section 2-9-212, MCA, is amended to read:

23 "2-9-212. Political subdivision tax levy to pay
24 premiums. Notwithstanding any provisions of law to the
25 contrary, except as provided in [section 2], all political

1 subdivisions may levy an annual property tax in the amount
 2 necessary to fund the premium for insurance, deductible
 3 reserve fund, and self-insurance reserve fund as herein
 4 authorized, even though as a result of such levy the maximum
 5 levy as otherwise restricted by law is exceeded thereby,
 6 provided that the revenues derived therefrom may not be used
 7 for any other purpose."

8 Section 5. Section 7-1-112, MCA, is amended to read:
 9 "7-1-112. Powers requiring delegation. A local
 10 government with self-government powers is prohibited the
 11 exercise of the following powers unless the power is
 12 specifically delegated by law:

13 (1) the power to levy a property tax on centrally
 14 assessed property as defined in [section 2];

15 ~~(1)~~(2) the power to authorize a tax on income or the
 16 sale of goods or services, except that this section shall
 17 not be construed to limit the authority of a local
 18 government to levy any other tax or establish the rate of
 19 any other tax;

20 ~~(2)~~(3) the power to regulate private activity beyond
 21 its geographic limits;

22 ~~(3)~~(4) the power to impose a duty on another unit of
 23 local government, except that nothing in this limitation
 24 shall affect the right of a self-government unit to enter
 25 into and enforce an agreement on interlocal cooperation;

1 ~~(4)~~(5) the power to exercise any judicial function,
 2 except as an incident to the exercise of an independent
 3 self-government administrative power;

4 ~~(5)~~(6) the power to regulate any form of gambling,
 5 lotteries, or gift enterprises."

6 Section 6. Section 7-1-114, MCA, is amended to read:
 7 "7-1-114. Mandatory provisions. (1) A local government
 8 with self-government powers is subject to the following
 9 provisions:

10 (a) ~~All~~ all state laws providing for the incorporation
 11 or disincorporation of cities and towns; for the annexation,
 12 disannexation, or exclusion of territory from a city or
 13 town; for the creation, abandonment, or boundary alteration
 14 of counties; and for city-county consolidation;

15 (b) ~~Sections~~ sections 7-3-104 through 7-3-106, 7-3-111
 16 through 7-3-114, and 7-3-1101 through 7-3-1105;

17 (c) ~~All~~ all laws establishing legislative procedures
 18 or requirements for units of local government;

19 (d) ~~All~~ all laws regulating the election of local
 20 officials;

21 (e) ~~All~~ all laws which require or regulate planning or
 22 zoning;

23 (f) ~~Any~~ any law directing or requiring a local
 24 government or any officer or employee of a local government
 25 to carry out any function or provide any service;

1 (g) Any any law regulating the budget, finance, or
 2 borrowing procedures and powers of local governments, except
 3 that the mill levy limits, other than as provided in
 4 [section 2], established by state law shall not apply;

5 (h) Title 70, chapters 30 and 31.

6 (2) These provisions are a prohibition on the
 7 self-government unit acting other than as provided."

8 Section 7. Section 7-2-2246, MCA, is amended to read:

9 "7-2-2246. Settlement between counties following
 10 adjustment of indebtedness. (1) The sum of said ascertained
 11 value of the property referred to in 7-2-2245 added to the
 12 ascertained proportion of the excess referred to in 7-2-2245
 13 which the new county is to pay the old county and its
 14 proportion of the expense of said election, as aforesaid,
 15 shall be an indebtedness from the new county to the old
 16 county, and the property situated, as aforesaid, in the new
 17 county shall upon settlement therefor as provided in this
 18 part, become the property of the new county, and the old
 19 county shall pay the entire indebtedness against it.

20 (2) If, upon the settlement between the old and the
 21 new counties, as herein provided for, the new county shall
 22 be found to be indebted to the old county or either of the
 23 old counties, except as provided in [section 2], the money
 24 necessary to pay said indebtedness shall be raised by a tax
 25 levied upon the property contained in said new county and

1 said new county shall pay the same. Such payment by said
 2 new county may be made in not more than three equal annual
 3 payments or by funds to be derived from the sale of bonds of
 4 said new county, as may be determined by a resolution of the
 5 board of county commissioners of said new county adopted
 6 within 1 year after the receipt of the statement from the
 7 board of commissioners, as aforesaid, of the amount or
 8 amounts due from it.

9 (3) If the value of the property belonging to the old
 10 county exceeds the indebtedness of the old county, then the
 11 old county shall pay to the new county a due proportion of
 12 such excess, which proportion shall be determined by the
 13 board of commissioners and shall be paid by the old county
 14 to the new county in the same manner and subject to the same
 15 conditions herein provided for payment by the new county to
 16 the old county when the indebtedness of the old county
 17 exceeds the value of the property in the old county."

18 Section 8. Section 7-2-2730, MCA, is amended to read:

19 "7-2-2730. Establishment of special warrant district
 20 or special funding bond district in continuing county. (1)
 21 After all warrants have been drawn and issued against the
 22 funds of such adjoining county to pay the claims and demands
 23 existing against such county on the date when the territory
 24 of such abandoned and abolished county was attached to such
 25 adjoining county, all money in the funds of such adjoining

1 county shall be used and applied in payment of the warrants
 2 drawn against its respective funds. If such money is not
 3 sufficient to pay all of such warrants, with the interest
 4 thereon, then the board of county commissioners shall make
 5 an order creating a special warrant district and shall
 6 include within such district all of the territory of such
 7 adjoining county but shall not include therein any of the
 8 territory of such abandoned and abolished county and shall,
 9 thereafter and at the time of making levies for county
 10 purposes, except as provided in [section 2], levy a special
 11 tax against all taxable property in such district to pay the
 12 warrants, with interest thereon, outstanding against the
 13 funds of said county. The board may in its discretion extend
 14 such tax levy over a period of not to exceed 3 years.

15 (2) (a) If it shall appear to the board that it will
 16 require too large a tax levy to pay such warrant
 17 indebtedness, with interest thereon, within 3 years, such
 18 board, instead of creating a special warrant district, shall
 19 create and establish a special funding bond district and
 20 shall include within the boundaries thereof all of the
 21 territory within such adjoining county but shall not include
 22 therein any of the territory of the abandoned and abolished
 23 county attached to such adjoining county. After all money in
 24 the several funds of said county applicable thereto has been
 25 applied in payment of such outstanding warrants and interest

1 thereon and without submitting the question of doing so to
 2 an election, such board may issue bonds in an amount
 3 sufficient to pay and redeem all such warrants remaining
 4 outstanding, with interest thereon.

5 (b) Such bonds shall be issued in the name of said
 6 adjoining county and shall contain recitals to the effect
 7 that the principal and interest thereof will be paid by
 8 millage tax levies against the property situated within the
 9 boundaries of said county as the same existed before the
 10 territory of such abandoned and abolished county was
 11 attached thereto and that none of the property within the
 12 territory of such abandoned and abolished county will be
 13 subjected to such levies. Except as otherwise provided
 14 herein, said bonds shall be issued and sold and tax levies
 15 shall be fixed and made to pay the principal and interest
 16 thereof as the same becomes due in the manner provided by
 17 7-7-107, 7-7-108, 7-7-123, 7-7-124, 7-7-2104 through
 18 7-7-2106, and parts 22 and 23 of chapter 7 and all the
 19 provisions thereof, so far as applicable thereto, shall
 20 apply to such bonds."

21 Section 9. Section 7-2-2746, MCA, is amended to read:
 22 "7-2-2746. Details relating to special warrant
 23 district. (1) The board of county commissioners creating a
 24 special warrant district shall, except as provided in
 25 [section 2], thereafter and at the time of making and fixing

1 tax levies for county purposes, make and fix a levy against
 2 all taxable property within such special warrant district
 3 for the payment of said warrants and the interest thereon.
 4 The proceeds of such levy, when collected, shall be
 5 deposited by the county treasurer in a separate fund which
 6 shall be used for the payment of said warrants and interest
 7 and for no other purpose.

8 (2) Said tax levy need not be made at such a rate as
 9 will pay all of said warrants, with interest, in 1 year, but
 10 if said board shall deem it for the best interests of the
 11 taxpayers owning property within such special warrant
 12 district, such levy may be spread over a term of not more
 13 than 3 years."

14 Section 10. Section 7-2-2748, MCA, is amended to read:

15 "7-2-2748. Special funding bond district bonds. (1)
 16 Bonds issued under 7-2-2747 shall not be issued for a longer
 17 period than 10 years and shall be issued without submitting
 18 the question of doing so to any election. Such bonds shall
 19 be issued in the name of such district and shall be signed
 20 by the trustees. The clerk shall attest the same and affix
 21 the seal of the district thereof, and they shall be
 22 registered in the office of the county treasurer, who shall
 23 certify such registration on such bonds. Except as otherwise
 24 provided herein and insofar as the same are not in conflict
 25 herewith, all of the provisions of 7-7-107, 7-7-108,

1 7-7-123, 7-7-124, 7-7-2104 through 7-7-2106, and parts 22
 2 and 23 of chapter 7, and [section 2] shall apply to, govern,
 3 and control the issuance, sale, and payment of such bonds,
 4 with the interest thereon, and the levying of taxes for such
 5 purposes.

6 (2) There shall be inserted and made a part of each
 7 such bond statements setting forth the purpose for which the
 8 same is issued and that said bonds do not incur, create, or
 9 constitute any indebtedness or obligation whatever on the
 10 part of the county of (naming the county whose board of
 11 county commissioners, acting as such trustees, are issuing
 12 such bonds) but that the principal and interest thereof will
 13 be paid by special millage taxes levied against all of the
 14 taxable property situated within the boundaries of such
 15 special funding bond district, except as provided in
 16 [section 2]."

17 Section 11. Section 7-2-2749, MCA, is amended to read:

18 "7-2-2749. Payment of outstanding bonds of abandoned
 19 county. (1) If any abandoned and abolished county shall have
 20 any bonds outstanding and unpaid at the time it ceases to
 21 exist, the territory within the boundaries of such county as
 22 they existed when such county so ceased to exist shall
 23 constitute a special district for the payment thereof. The
 24 board of county commissioners of the county designated in
 25 the petition for abandonment as the county to which the

1 territory of such county is to be attached and made a part
 2 shall annually levy a tax against all taxable property in
 3 such taxing district, except as provided in [section 2],
 4 sufficient to pay the interest and principal of such bonds
 5 as the same become due, and all of the provisions of
 6 7-7-107, 7-7-108, 7-7-123, 7-7-124, 7-7-2104 through
 7 7-7-2106, and parts 22 and 23 of chapter 7, and [section 2]
 8 shall apply to, govern, and control the levying and
 9 collection of such taxes and the payment of interest and
 10 principal thereof by the boards and officers of the county
 11 within which such district is situated.

12 (2) Any and all money in any bond sinking and interest
 13 funds of such abandoned and abolished county, when
 14 transmitted and paid over to the treasurer of the county to
 15 which the territory of such abandoned and abolished county
 16 has been attached, shall be credited to and deposited in a
 17 sinking and interest fund. All taxes levied for the payment
 18 of such bonds and interest and delinquent at the time such
 19 county ceased to exist, all taxes levied for such sinking
 20 and interest fund in accordance with the provisions of
 21 7-2-2742 through 7-2-2750, and all other money coming to the
 22 hands of such county treasurer for the use or benefit of
 23 such abandoned county, when not required for any other
 24 purposes under the provisions of this part, shall be
 25 deposited to the credit of such sinking and interest fund

1 and used for the payment of the principal and interest of
 2 such bonds and for no other purpose."

3 Section 12. Section 7-2-4918, MCA, is amended to read:
 4 "7-2-4918. Tax levy in the event of insolvency. (1)
 5 If, at any time after the disincorporation of a city or
 6 town, it is found that there is not sufficient money in the
 7 treasury to the credit of the special fund of 7-2-4912 with
 8 which to pay any indebtedness of the corporation, the board
 9 of county commissioners has the power and it is its duty to
 10 levy and collect, except as provided in [section 2], from
 11 the territory formerly included within the city or town a
 12 tax or taxes sufficient in amount to pay the indebtedness of
 13 the corporation as the same shall become due.

14 (2) The tax or taxes, assessments, and collections
 15 shall be made in the same manner and at the same time that
 16 other taxes of the county are levied and collected and are
 17 an additional tax upon the property included within said
 18 territory or portions thereof for the payment of said debts.

19 (3) All money paid into the county treasury under the
 20 provisions of this part shall be placed to the credit of the
 21 special fund."

22 Section 13. Section 7-3-1310, MCA, is amended to read:
 23 "7-3-1310. Limitation on tax levy. (1) No ordinance
 24 making the annual tax levy shall be passed fixing the rate
 25 to be levied upon all property within the municipality,

1 except as provided in [section 2], to defray current
 2 expenses, including salaries otherwise unprovided for, in
 3 excess of the maximum levies prescribed by law for general
 4 fund purposes in the county and the cities and towns which
 5 have been consolidated into a single government.

6 (2) The tax limit provided by subsection (1) shall
 7 apply only to taxes for the purposes therein specified.
 8 Taxes required by this part or part 12 to be levied on
 9 account of the debt of the municipality or any district
 10 thereof and special taxes authorized by this part or part 12
 11 or by the general laws of the state shall not be affected by
 12 such limits, nor shall such taxes be considered in
 13 determining the limits of taxation fixed by subsection (1)."

14 Section 14. Section 7-3-1311, MCA, is amended to read:

15 "7-3-1311. Authority for special taxes and special
 16 service districts. (1) The municipality shall have the power
 17 and authority to levy special taxes for all purposes which
 18 counties, cities, and towns are authorized to levy by
 19 general laws of the state, and all of the provisions of such
 20 laws shall be applicable to and shall govern and control the
 21 municipality in the levying and collection of such special
 22 taxes.

23 (2) The commission may by ordinance designate clearly
 24 specified districts in or for which special services are to
 25 be performed and may levy upon the property in any such

1 district, except as provided in [section 2], such tax, in
 2 addition to any taxes authorized by 7-3-1310(1), as may be
 3 necessary with other available funds and grants to pay the
 4 cost of such special service or services. The boundaries of
 5 special service districts shall be regularly reviewed by the
 6 commissioners and may be adjusted upon recommendation by an
 7 authorized planning body in response to changing population
 8 patterns. In no case shall such additional levy be more
 9 than 20 mills."

10 Section 15. Section 7-3-1313, MCA, is amended to read:

11 "7-3-1313. Special taxing districts for indebtedness
 12 existing prior to consolidation. (1) The district comprised
 13 within the boundaries of any city, town, or district
 14 existing within the county at the time of the adoption of
 15 this part and part 12 by the electors thereof shall, for the
 16 purpose of paying the interest and principal of any debt
 17 incurred by such city, town, or district prior to such
 18 adoption, be continued as a special district until such debt
 19 shall have been paid. The commission shall, except as
 20 provided in [section 2], in the annual tax levy ordinance,
 21 levy upon the property within each such district such tax,
 22 in addition to all other taxes, as the director of finance
 23 shall report to be necessary to provide for paying the
 24 interest on each such debt as it falls due and the principal
 25 thereof as it matures, and no other property within the

1 municipality shall be taxable or made liable for the payment
2 of any such debt.

3 (2) The commission shall likewise provide in the
4 annual tax levy ordinance for the levy of such tax upon all
5 property within the municipality, except as provided in
6 [section 2], as the director of finance shall report to be
7 necessary to provide for paying the interest as it falls due
8 and the principal as it matures of any debt of the
9 municipality as a whole.

10 (3) The tax levy for the debt of the municipality as a
11 whole and the tax levy for the debt of each such district
12 shall each be a separate levy and shall be distinct from and
13 in addition to all other tax levies. The proceeds of each
14 such tax levy shall be placed in a separate fund for the
15 payment of the interest and principal of the debt for which
16 the tax was levied, and no part of any such fund shall be
17 used for any other purpose whatever."

18 Section 16. Section 7-3-4312, MCA, is amended to read:
19 "7-3-4312. Effect of organization of communities into
20 single municipal district. (1) Whenever any group of
21 communities shall become a single municipal district under
22 the provisions of this law, the commissioners elected at the
23 first election shall have the same functions and authority
24 and municipal procedure in all respects shall be the same as
25 is provided in this law where single communities, cities, or

1 towns adopt the commission-manager form of government, and
2 the terms of all municipal officers in any prior city or
3 town which may be included in such new municipal district
4 shall in like manner cease and terminate as soon as the
5 commissioners shall by resolution so declare, and the
6 corporate functions and existence of any such prior
7 municipal corporation may in like manner be terminated by
8 said commissioners when the need for the further existence
9 of such prior corporation shall be at an end.

10 (2) Whenever any group of communities, including one
11 or more incorporated cities or towns, shall become a single
12 municipal district under this law, such municipal district
13 shall bear the same name as the principal incorporated city
14 or town in such district.

15 (3) Whenever any group of communities, including one
16 or more incorporated cities or towns, shall become a single
17 municipal district under this law, the corporate property of
18 each such city or town shall become the property of the new
19 municipality, but improvements paid for in whole or in part
20 by special assessments upon abutting property within special
21 improvement districts shall not be deemed municipal property
22 within the meaning of this law to the extent of payments so
23 made. If such prior city or town shall have an unpaid
24 indebtedness, the commissioners of said new municipality
25 elected at the first municipal election shall inventory and

1 appraise or cause to be inventoried and appraised all of
 2 such property, and if the amount of the indebtedness of such
 3 prior city or town shall exceed the inventory value of the
 4 property surrendered to the new municipality by such prior
 5 city or town, then the excess of such indebtedness over the
 6 inventory value of said property shall be a charge, except
 7 as provided in [section 2], only against the taxable
 8 property within the limits of such prior city or town and
 9 shall be paid by levy upon such property alone."

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

11 "7-6-2321. Fixing of tax levy. (1) On the second
 12 Monday in August and after the approval and adoption of the
 13 final budget, the board of county commissioners shall fix
 14 the tax levy for each fund at a rate which will raise the
 15 amount set out in the budget as the amount necessary to be
 16 raised by tax levy for the fund during the current fiscal
 17 year. The taxable valuation of the county for the current
 18 fiscal year shall be the basis for determining the amount of
 19 the tax levy for each fund. Each tax levy shall be at a rate
 20 no higher than is required on that basis, without including
 21 any amount for anticipated tax delinquency or revenue
 22 anticipated to be lost or gained under the provisions of
 23 [sections 2 and 3], to produce the amount set out in the
 24 budget, without including any amount for anticipated tax
 25 delinquency or revenue anticipated to be lost or gained

1 under the provisions of [sections 2 and 3], as being the
 2 amount to be raised by tax levy.

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

5 Section 18. Section 7-6-2501, MCA, is amended to read:

6 "7-6-2501. Authorization for county mill levy. ~~The~~
 7 Except as provided in [section 2], the board of county
 8 commissioners has jurisdiction and power, under such
 9 limitations and reservations as are prescribed by law, to
 10 levy such tax annually on the taxable property of the county
 11 for county purposes as may be necessary to defray the
 12 current expenses thereof, including the salaries otherwise
 13 unprovided for, not exceeding 27 mills on each dollar of the
 14 taxable valuation for any one year for counties of the
 15 fourth, fifth, sixth, and seventh classes and 25 mills on
 16 each dollar of the taxable valuation for any one year for
 17 counties of the first, second, and third classes and to levy
 18 such taxes as are required to be levied by special or local
 19 statutes."

20 Section 19. Section 7-6-2511, MCA, is amended to read:

21 "7-6-2511. County levy for district court expenses.
 22 ~~The~~ Except as provided in [section 2], the governing body of
 23 each county may each year levy and collect a tax on the
 24 taxable property of the county for all district court costs,
 25 except those listed in 3-5-211, 3-5-213, and 3-5-215. The

1 tax may not exceed 6 mills in the first- and second-class
 2 counties, 5 mills in third- and fourth-class counties, and
 3 4 mills in fifth-, sixth-, and seventh-class counties. These
 4 expenses include but are not limited to salary and benefits
 5 for court clerks, court reporters, youth probation officers,
 6 and other employees of the district court."

7 Section 20. Section 7-6-2512, MCA, is amended to read:
 8 "7-6-2512. County tax levy for nursing homes and
 9 hospital facilities. The Except as provided in [section 2],
 10 the board of county commissioners may, annually at the time
 11 of levying county taxes, fix and levy a tax, not to exceed
 12 10 mills on each dollar of taxable valuation of property,
 13 upon all property within the county for the erection,
 14 maintenance, and operation of county-owned or
 15 county-operated hospitals and nursing homes or other
 16 hospital facilities created under 7-8-2102, 7-34-2201,
 17 7-34-2301, and 7-34-2502. "Hospital facilities" as used in
 18 this section means a hospital or hospital-related facility,
 19 including out-patient facilities, public health centers,
 20 rehabilitation facilities, long-term care facilities, and
 21 infirmaries. The combined total number of mills levied under
 22 this section and for the county poor fund under 53-2-321 may
 23 not exceed 18 mills. A higher levy may be made upon
 24 compliance with 7-6-2531 through 7-6-2537. If a hospital
 25 district is created under Title 7, chapter 34, part 21, the

1 mill levy authorized by this section may not be imposed on
 2 property within that hospital district."

3 Section 21. Section 7-6-2531, MCA, is amended to read:
 4 "7-6-2531. County may exceed maximum mill levy --
 5 election required. The Except as provided in [section 2],
 6 the governing body of a county may raise money by taxation
 7 for the support of county government services, facilities,
 8 or other capital projects in excess of the levy or levies
 9 allowed by law under the following conditions:

10 (1) The governing body must pass a resolution
 11 indicating its intent to exceed the current statutory mill
 12 levy on the approval of a majority of the qualified electors
 13 voting in an election under subsection (2). The resolution
 14 must include:

- 15 (a) the specific purpose for which the additional
- 16 money will be used;
- 17 (b) the specific amount to be raised;
- 18 (c) the approximate number of mills required; and
- 19 (d) the specific mill levy limitation to be exceeded.

20 (2) The governing body must submit the question of the
 21 additional mill levy to the qualified electors of the county
 22 at the next regular primary election held in the
 23 even-numbered years. If the majority voting on the question
 24 are in favor of the additional levy or levies, the governing
 25 body is authorized to exceed the statutory mill levy limit

1 in the amount specified in the resolution for a period not
2 to exceed 2 years."

3 Section 22. Section 7-6-4122, MCA, is amended to read:

4 "7-6-4122. Manner of making payment for judgments
5 against municipalities. (1) On the certificate of a justice
6 of the peace or the clerk of the court in which any judgment
7 is rendered, showing the amount of the judgment and the date
8 of its entry, the council must by ordinance direct that the
9 amount of such judgment be paid out of the general fund and
10 that a warrant issue therefor on the general fund if there
11 is sufficient money therein, exclusive of the appropriations
12 for the current fiscal year, to pay the same.

13 (2) (a) The Except as provided in [section 2], the
14 council must at the proper times levy and cause to be
15 collected a tax on all the property of the city or town for
16 the payment of such judgment within a period of 3 years from
17 its presentation if there is not sufficient money as
18 aforesaid in the general fund to pay the same.

19 (b) If any judgment rendered against any town or city
20 exceeds the sum of \$10,000, the council may fund the same as
21 other indebtedness against the city or town is funded."

22 Section 23. Section 7-6-4401, MCA, is amended to read:

23 "7-6-4401. General taxing power of municipalities. The
24 Except as provided in [section 2], the city or town council
25 has power to levy and collect taxes for general and special

1 purposes on all property within the town or city subject to
2 taxation under the laws of the state."

3 Section 24. Section 7-6-4421, MCA, is amended to read:

4 "7-6-4421. Authorization for tax levy and collection
5 by municipality. (1) The Except as provided in [section 2],
6 the council has power to annually levy and collect taxes on
7 all the property in the city or town taxable for state and
8 county purposes and may by ordinance provide for the levy
9 and collection of the same.

10 (2) Until the passage of such ordinance, the levy and
11 collection of municipal taxes are and the proceedings for
12 such purposes must be as provided in this part."

13 Section 25. Section 7-6-4431, MCA, is amended to read:

14 "7-6-4431. Authorization to exceed maximum mill levy
15 -- election required. The Except as provided in [section 2],
16 the governing body of a municipality may raise money by
17 taxation for the support of municipal government services,
18 facilities, or other capital projects in excess of the levy
19 or levies allowed by law under the following conditions:

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

25 (a) the specific purpose for which the additional

1 money will be used;

2 (b) the specific dollar amount to be raised;

3 (c) the approximate number of mills required; and

4 (d) the specific mill levy limitation to be exceeded.

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

6 additional mill levy to the qualified electors of the

7 municipality at the next regular primary or general election

8 on either odd-numbered or even-numbered years. The question

9 may not be submitted more than once in any calendar year. If

10 the majority voting on the question are in favor of the

11 additional levy or levies, the governing body is authorized

12 to exceed the statutory mill levy limit in the amount

13 specified in the resolution for a period not to exceed 2

14 years."

15 Section 26. Section 7-6-4438, MCA, is amended to read:

16 "7-6-4438. Tax levy and expenditures for municipal and

17 administrative purposes when limits on municipal

18 indebtedness exceeded: (1) All taxes levied and collected

19 for municipal and administrative purposes by any city or

20 town in which the indebtedness equals or exceeds the limit

21 allowed by statute may be used in payment of current

22 expenses during the fiscal year for which the taxes were

23 levied, as if a special levy had been made for each of the

24 purposes. The council of any such city or town may designate

25 the amount of the general levy applicable to each of the

1 purposes. The amount so designated constitutes a special

2 fund for the special purpose of paying the expenses incurred

3 for the purpose. The expenses shall be payable out of the

4 fund and not otherwise.

5 (2) However, the aggregate of all taxes authorized for

6 general municipal and administrative purposes may not exceed

7 1.5% annually of the taxable value of all property subject

8 to taxation in the city or town.

9 (3) Any Except as provided in [section 2], any city,

10 the indebtedness of which equals or exceeds the limit

11 allowed by statute, may levy and collect special taxes for

12 municipal and administrative purposes, and the city council

13 in making special levies shall designate the amount thereof

14 for each of the purposes, and each tax, when collected,

15 constitutes a fund out of which the expenses incurred for

16 the purpose for which the tax was levied shall be paid. The

17 expenses incurred for any particular purpose shall be paid

18 out of the fund provided therefor and not otherwise."

19 Section 27. Section 7-6-4452, MCA, is amended to read:

20 "7-6-4452. Maximum all-purpose mill levy. Except as

21 provided elsewhere, the cities and towns of the state of

22 Montana may make an all-purpose annual levy upon the taxable

23 value of all the property in the cities and towns subject to

24 taxation, except centrally assessed property as defined in

25 [section 2], for municipal purposes in lieu of the multiple

1 levies now authorized by statute. The total of the
2 all-purpose levy may not exceed 65 mills on the dollar."

3 Section 28. Section 7-7-2202, MCA, is amended to read:

4 "7-7-2202. Authority to issue general obligation bonds
5 to satisfy judgments. (1) The board of county commissioners
6 of every county of the state is hereby vested with the power
7 and authority to issue, negotiate, and sell coupon bonds on
8 the credit of the county, as more specifically provided in
9 this part, for the purpose of funding, paying in full, or
10 compromising, settling, and satisfying any judgment which
11 may have been rendered against the county in a court of
12 competent jurisdiction when:

13 (a) there are not sufficient funds available to pay
14 such judgment; and

15 (b) sufficient money cannot be raised to satisfy such
16 judgment by an annual tax levy of 10 mills levied on all the
17 taxable property within the county, except centrally
18 assessed property as defined in [section 2], through a
19 period of 3 years.

20 (2) The resolution providing for the issue of such
21 bonds must recite the facts concerning the judgment to be
22 funded and the terms of any compromise agreement which may
23 have been entered into between the board and the judgment
24 creditor."

25 Section 29. Section 7-7-2206, MCA, is amended to read:

1 "7-7-2206. Term of general obligation bonds. (1) No
2 bonds issued for any of the purposes designated in
3 7-7-2201(1) through (4) shall be for a longer term than 20
4 years.

5 (2) No bonds issued for any of the purposes designated
6 in 7-7-2201(5) and (6) shall be for a longer term than 10
7 years.

8 (3) Bonds issued for any of the purposes designated in
9 7-7-2202 shall not be for a longer term than will be
10 required to repay the bonds with interest through a tax levy
11 of 10 mills on all the property within the county subject to
12 taxation, except centrally assessed property as defined in
13 [section 2], and the term shall not exceed 20 years.

14 (4) The length of the term required shall be estimated
15 and calculated by the board of county commissioners, based
16 upon the percentage of valuation of the property upon which
17 taxes are levied and paid within such county as ascertained
18 from the last completed assessment for state and county
19 taxes, taking into account probable changes in the taxable
20 valuation and losses in tax collections. Irrespective of any
21 miscalculation by the county commissioners in fixing the
22 term of the bonds, the county must from year to year make a
23 sufficient tax levy to pay the interest and installments on
24 principal on the bonds as the same fall due."

25 Section 30. Section 7-7-2265, MCA, is amended to read:

1 "7-7-2265. Tax levy for payment of bonds. (1) The
 2 board of county commissioners, at the time of making the
 3 levy of taxes for county purposes, must levy a separate and
 4 special tax upon all taxable property in the county, except
 5 centrally assessed property as defined in [section 2], for
 6 the payment of interest on and principal of each series or
 7 issue of bonds outstanding. The tax levy for any one series
 8 or issue of bonds must be entirely separate and distinct
 9 from such levy for any other series or issue of bonds.

10 (2) The levy made for the purpose of paying interest
 11 on and principal of each series or issue of bonds must be
 12 high enough to raise an amount sufficient to pay all
 13 interest on and so much of the principal, if any, of such
 14 bonds as will become due and payable during the then-current
 15 fiscal year or within 90 days thereafter, as such amount is
 16 shown by the treasurer's statement provided by 7-7-2264. If
 17 no part of the principal of such bonds will become due and
 18 payable within such time, then such tax levy must be high
 19 enough to raise an amount sufficient to pay all interest
 20 which will become due and payable during the current fiscal
 21 year or within 90 days thereafter and to also place in the
 22 sinking fund for such issue or series of bonds, for the
 23 payment of the principal thereof when the same becomes due,
 24 an amount not less than a sum produced by dividing the whole
 25 amount for which such series or issue of bonds were

1 originally issued by the number of years for which the same
 2 were originally issued to run."

3 Section 31. Section 7-7-2303, MCA, is amended to read:

4 "7-7-2303. Term of refunding general obligation bonds.

5 (1) (a) The following limitations as to term shall apply to
 6 all bonds issued under 7-7-2301(1). Except as provided in
 7 subsection (1)(b), no bonds shall be issued for a longer
 8 term than 10 years.

9 (b) (i) If the unexpired term of the bonds to be
 10 refunded shall be more than 10 years, the refunding bonds
 11 may be issued for such unexpired term.

12 (ii) If such 10-year term will require an annual tax
 13 levy for payment of such refunding bonds exceeding 10 mills
 14 on all property subject to taxation in the county, except
 15 centrally assessed property as defined in [section 2], the
 16 term may be so extended as to reduce the required annual
 17 levy to 10 mills; provided, however, that the term shall not
 18 under any circumstances exceed 20 years.

19 (2) Bonds issued for any of the purposes designated in
 20 7-7-2301(2) shall not be for a longer term than will be
 21 required to repay the bonds with interest through a tax levy
 22 of 10 mills on all the property within the county subject to
 23 taxation, except centrally assessed property as defined in
 24 [section 2], and the term shall not exceed 20 years.

25 (3) The length of the term required shall be estimated

1 and calculated by the board of county commissioners, based
 2 upon the percentage of valuation of the property upon which
 3 taxes are levied and paid within such county as ascertained
 4 from the last completed assessment for state and county
 5 taxes, taking into account probable changes in the taxable
 6 valuation and losses in tax collections. Irrespective of any
 7 miscalculation by the county commissioners in fixing the
 8 term of the bonds, the county must from year to year make a
 9 sufficient tax levy to pay the interest and installments on
 10 principal on the bonds as the same fall due."

11 Section 32. Section 7-7-4265, MCA, is amended to read:

12 "7-7-4265. Tax levy for payment of bonds. (1) The
 13 Except as provided in [section 2], the city or town council,
 14 at the time of making the levy of taxes for general city or
 15 town purposes, must levy a separate and special tax upon all
 16 taxable property in the city or town for the payment of
 17 interest and principal for each series or issue of bonds
 18 outstanding. The tax levy for any one series or issue of
 19 bonds must be entirely separate and distinct from the levy
 20 for any other issue or series of bonds.

21 (2) The levy made for the purpose of paying interest
 22 on and principal of each series or issue of bonds must be
 23 high enough to raise an amount sufficient to pay all
 24 interest on and so much of the principal, if any, of the
 25 bonds as will become due and payable during the then-current

1 fiscal year or within 90 days thereafter, as such amount is
 2 shown by the treasurer's statement provided for by 7-7-4264.
 3 If no part of the principal of such bonds will become due
 4 and payable within such time, then such tax levy must be
 5 high enough to raise an amount sufficient to pay all
 6 interest which will become due and payable during the
 7 current fiscal year or within 90 days thereafter and to also
 8 place in the sinking fund for such issue or series of bonds,
 9 for the payment of the principal when the same becomes due,
 10 an amount not less than a sum produced by dividing the whole
 11 amount for which the series or issue of bonds were
 12 originally issued by the number of years for which such
 13 series or issue of bonds were originally issued to run, as
 14 such amounts are shown by the treasurer's statement provided
 15 for by 7-7-4264."

16 Section 33. Section 7-7-4266, MCA, is amended to read:

17 "7-7-4266. Procedure in case of insufficient tax levy
 18 -- individual liability of council members. (1) If the
 19 council of any city or town shall fail, neglect, or refuse
 20 in any year to make a levy sufficient to pay the interest on
 21 and principal of any issue or series of bonds as required by
 22 the provisions of 7-7-4265, the holder of any bond of such
 23 issue or series or any taxpayer paying taxes on property
 24 situated in such city or town may apply to the district
 25 court of the county in which the city or town issuing such

1 bonds is situated for a writ of mandate to compel the city
2 or town council to make a proper and sufficient levy for
3 such purposes.

4 (2) If, upon the hearing of such application, it shall
5 appear to the satisfaction of the court that the city or
6 town council has failed, neglected, or refused to make any
7 levy whatever for such purposes or has made a levy but that
8 the same is insufficient to raise the amount required to be
9 raised for such purposes under the provisions of 7-7-4265,
10 the court shall determine the amount of the deficiency and
11 shall issue a writ of mandate directed to and requiring such
12 city or town council, at the next meeting thereof for the
13 purpose of making and fixing city or town levies, to make
14 and fix a tax levy against all taxable property in such city
15 or town, except centrally assessed property as defined in
16 [section 2], sufficient to raise the amount of such
17 deficiency. This levy shall be in addition to the levy
18 required to be made for the then-current fiscal year.

19 (3) Any costs which may be allowed or awarded the
20 petition in any such proceeding shall be paid by the members
21 of the city or town council and shall not be a charge
22 against the city or town."

23 Section 34. Section 7-14-111, MCA, is amended to read:

24 "7-14-111. Transportation for senior citizens and
25 handicapped persons. (1) Except as provided in [section

1 2], a county or municipality may, in addition to all other
2 property tax levies authorized by law, levy up to 1 mill of
3 property taxes to fund special transportation services for
4 senior citizens and handicapped persons.

5 (2) The county or municipality may use the proceeds of
6 the levy to:

7 (a) contract with public or private transportation
8 providers for services to senior citizens and handicapped
9 individuals; or

10 (b) augment or subsidize provisions for the
11 transportation of senior citizens and handicapped
12 individuals provided by public transportation providers.

13 (3) If the county or municipality determines that it
14 is not in the best interest of senior citizens and
15 handicapped individuals to use the tax levy as provided for
16 in subsection (2), the county or municipality may use the
17 proceeds of the levy to establish and operate an independent
18 transportation system for senior citizens and handicapped
19 individuals.

20 (4) Counties or municipalities are encouraged to enter
21 into interlocal agreements to provide regional
22 transportation services to senior citizens and handicapped
23 persons and may create regional advisory committees to
24 coordinate regional transportation services."

25 Section 35. Section 7-14-232, MCA, is amended to read:

1 "7-14-232. Mill levy authorized -- limitation. (1) The
2 commissioners shall annually, at the time of levying county
3 taxes, fix and levy a tax in mills upon all property within
4 said transportation district clearly sufficient to raise the
5 amount certified by the board.

6 (2) The tax so levied for all district purposes other
7 than payment of bonded indebtedness shall not in any year
8 exceed 12 mills on each dollar of taxable valuation of
9 property within said district.

10 (3) A levy under this section is subject to the
11 provisions of [sections 2 and 3]."

12 Section 36. Section 7-14-2501, MCA, is amended to
13 read:

14 "7-14-2501. General road tax authorized. (1) ~~To~~ Except
15 as provided in [section 2], to raise revenue for the
16 construction, maintenance, or improvement of public
17 highways, each board of county commissioners may levy a
18 general tax upon the taxable property in the county of not
19 more than 15 mills, except in fourth, fifth, sixth, and
20 seventh class counties, which may levy not more than 18
21 mills, payable to the county treasurer. The tax from
22 freeholders shall be collected the same as other taxes, and
23 from nonfreeholders, as the board may direct.

24 (2) This section shall not apply to incorporated
25 cities and towns which by ordinance provide for the levy of

1 a like tax for road, street, or alley purposes.

2 (3) All money collected under this section shall
3 belong to the county road fund."

4 Section 37. Section 7-14-2502, MCA, is amended to
5 read:

6 "7-14-2502. Special bridge tax authorized. (1) Each
7 Except as provided in [section 2], each board may levy a
8 special tax not to exceed 4 mills on all taxable property in
9 the county for the purpose of constructing, maintaining, and
10 repairing free public bridges, which includes those bridges
11 within the municipalities.

12 (2) An additional levy for these purposes may be made
13 under the following conditions:

14 (a) In any county where the total linear feet of
15 bridges or bridge construction is more than 4,000 and the
16 taxable value of property in that county is \$20 million or
17 less, the board may, if necessary, levy 1 mill.

18 (b) In counties where the total linear feet of bridges
19 or bridge construction is more than 6,000 and the taxable
20 value of property in that county is not less than \$20
21 million or more than \$40 million, the board may, if
22 necessary, levy 2 mills.

23 (3) For the purposes of this section, a free public
24 bridge is defined as any drainage structure located on,
25 over, or through any road or highway.

1 (4) These taxes must be levied and collected in the
 2 same manner as other taxes. The money shall be kept as a
 3 special bridge fund, subject to the order of the board for
 4 use as herein provided, and shall not be transferable to any
 5 other fund."

6 Section 38. Section 7-14-2503, MCA, is amended to
 7 read:

8 "7-14-2503. Special municipal bridge tax authorized.
 9 Each Except as provided in [section 2], each board may levy
 10 a special tax not to exceed 5 mills on the taxable property
 11 in the county to defray the costs of any bridge required to
 12 be constructed and maintained by the county in any city or
 13 town."

14 Section 39. Section 7-14-2504, MCA, is amended to
 15 read:

16 "7-14-2504. Additional road and bridge construction
 17 tax -- election required. (1) Each Except as provided in
 18 [section 2], each board may make an additional levy upon the
 19 taxable property in the county of 10 mills or less for
 20 constructing public highways and bridges.

21 (2) Before the additional levy may be made, the
 22 question shall be submitted to a vote of the people at some
 23 general or special election in the following form, inserting
 24 the number of mills to be levied and the name of the county:

25 "Shall there be an additional levy of mills upon

1 the taxable property in the county of, state of
 2 Montana, for the purpose of constructing public highways and
 3 bridges?

4 YES

5 NO".

6 (3) A majority of the votes cast shall be necessary to
 7 permit the additional levy, which shall be collected in the
 8 same manner as other road taxes."

9 Section 40. Section 7-14-2523, MCA, is amended to
 10 read:

11 "7-14-2523. Term of county road and bridge bonds. (1)
 12 Bonds issued under 7-14-2522(1) may not be issued for a
 13 longer term than 20 years.

14 (2) A bond issued under 7-14-2522(1)(b) may not be
 15 issued for a term longer than 10 years, except that:

16 (a) if the unexpired term of the bonds to be refunded
 17 is greater than 10 years, the refunding bonds may be issued
 18 for the unexpired term; or

19 (b) if the 10-year term requires an annual tax levy
 20 for payment of the refunding bonds which exceeds 10 mills on
 21 all property subject to taxation, except centrally assessed
 22 property as defined in [section 2], the term may be so
 23 extended as to reduce the annual levy to 10 mills."

24 Section 41. Section 7-14-2807, MCA, is amended to
 25 read:

1 "7-14-2807. Tax levy for public ferry. ~~The~~ Except as
 2 provided in [section 2], the board of county commissioners
 3 may levy a special tax, not to exceed 2 mills on the dollar,
 4 on the taxable property of the county for the purpose of
 5 constructing, maintaining, and repairing public ferries."

6 Section 42. Section 7-14-4404, MCA, is amended to
 7 read:

8 "7-14-4404. Tax levy for contracts to operate bus
 9 service. For Except as provided in [section 2], for the
 10 purpose of raising the necessary money to defray the cost of
 11 the transportation service authorized by 7-14-4401(2)
 12 pursuant to such contract, lease, or lease and operating
 13 agreement with such independent carrier or carriers, the
 14 city or town council may annually levy a tax on the taxable
 15 value of all taxable property within the limits of the city
 16 or town. Whenever the council of the city or town considers
 17 it necessary to raise money by taxation for such purpose in
 18 excess of the levy now allowed by law, the council of the
 19 city or town shall in the manner prescribed by law submit
 20 the question of such additional levy to the qualified
 21 electors of the city or town, either at the regular annual
 22 election held in the city or town or at a special election
 23 called for that purpose by the council of the city or town.
 24 The additional levy in excess of the levy now allowed by law
 25 may not exceed 1 1/2 mills."

1 Section 43. Section 7-15-4283, MCA, is amended to
 2 read:

3 "7-15-4283. Definitions related to tax increment
 4 financing. For purposes of 7-15-4282 through 7-15-4292, the
 5 following definitions apply unless otherwise provided or
 6 indicated by the context:

7 (1) "Actual taxable value" means the taxable value of
 8 taxable property, except centrally assessed property as
 9 defined in [section 2], at any time, as calculated from the
 10 assessment roll last equalized.

11 (2) "Base taxable value" means the actual taxable
 12 value of all taxable property, except centrally assessed
 13 property as defined in [section 2], within an urban renewal
 14 area prior to the effective date of a tax increment
 15 financing provision. This value may be adjusted as provided
 16 in 7-15-4287 or 7-15-4293.

17 (3) "Incremental taxable value" means the amount, if
 18 any, by which the actual taxable value at any time exceeds
 19 the base taxable value of all property within an urban
 20 renewal area subject to taxation.

21 (4) "Tax increment" means the collections realized
 22 from extending the tax levies, expressed in mills, of all
 23 taxing bodies in which the urban renewal area or a part
 24 thereof is located against the incremental taxable value.

25 (5) "Tax increment provision" means a provision for

1 the segregation and application of tax increments as
2 authorized by 7-15-4282 through 7-15-4292.

3 (6) "Taxes" means all taxes levied by a taxing body
4 against property on an ad valorem basis.

5 (7) "Taxing body" means any city, town, county, school
6 district, or other political subdivision or governmental
7 unit of the state, including the state, which levies taxes
8 against property within the urban renewal area."

9 Section 44. Section 7-15-4286, MCA, is amended to
10 read:

11 "7-15-4286. Procedure to determine and disburse tax
12 increment. (1) Mill rates of taxing bodies for taxes levied
13 after the effective date of the tax increment provision
14 shall be calculated on the basis of the sum of the taxable
15 value, as shown by the last equalized assessment roll, of
16 all taxable property located outside the urban renewal area
17 and the base taxable value of all taxable property located
18 within the urban renewal area. The mill rate so determined
19 shall be levied against the sum of the actual taxable value
20 of all taxable property, except centrally assessed property
21 as defined in [section 2], located within as well as outside
22 the urban renewal area.

23 (2) (a) The tax increment, if any, received in each
24 year from the levy of the combined mill rates of all the
25 affected taxing bodies against the incremental taxable value

1 within the urban renewal area shall be paid into a special
2 fund held by the treasurer of the municipality and used as
3 provided in 7-15-4282 through 7-15-4292.

4 (b) The balance of the taxes collected in each year
5 shall be paid to each of the taxing bodies as otherwise
6 provided by law."

7 Section 45. Section 7-16-101, MCA, is amended to read:

8 "7-16-101. Creation of funds for recreational and
9 other activities of elderly by local governments. (1) The
10 governing body of a city, county, town, or municipality may
11 in its discretion establish a fund to promote, establish,
12 and maintain recreational, educational, and other activities
13 of the elderly by a levy, except as provided in [section 2],
14 of up to 1 mill on each dollar of taxable property, which
15 tax levy shall be in addition to all other tax levies.

16 (2) The governing body shall have the power, by
17 resolution, to make expenditures from the fund as it may
18 from time to time determine. Expenditures shall be made for
19 the promotion and development of recreational, educational,
20 and other activities of the elderly, including motivation of
21 the use of the talents of the elderly.

22 (3) The governing body may make payment of
23 expenditures to nonprofit corporations or associations
24 engaged in aiding the activities."

25 Section 46. Section 7-16-2102, MCA, is amended to

1 read:

2 "7-16-2102. Authorization for tax levy for certain
3 cultural, social, and recreational facilities. (1) The
4 Except as provided in [section 2], the board of county
5 commissioners, after a county-owned civic center, youth
6 center, recreation center, or any combination of two or more
7 thereof has been established, may annually levy on the
8 taxable property of the county, in the same manner and at
9 the same time as other county taxes are levied, a special
10 tax, not to exceed 2 mills on each dollar of the taxable
11 valuation for any one year, for the purpose of maintaining,
12 operating, and equipping such county-owned civic center,
13 youth center, recreation center, or any combination of two
14 or more thereof.

15 (2) All laws applicable to the collection of county
16 taxes shall apply to the collection of the tax provided
17 herein."

18 Section 47. Section 7-16-2108, MCA, is amended to
19 read:

20 "7-16-2108. Authorization to levy tax and establish
21 fund for establishment and maintenance of programs and
22 employee training for day-care facilities. (1) The Except as
23 provided in [section 2], the governing body of a county,
24 city, town, or municipality may in its discretion establish
25 a fund to establish and maintain programs for the operation

1 of licensed day-care centers and homes within the geographic
2 boundaries of the governing body by a levy of up to 1 mill
3 on each dollar of taxable property of said governing body.
4 The tax levy shall be in addition to all other tax levies.

5 (2) The governing body shall have the power, by
6 resolution, to make expenditures from the fund as it may
7 from time to time determine, provided that expenditures
8 shall be made solely for the establishment, maintenance, and
9 development of programs for and training of operators and
10 employees of day-care centers and homes."

11 Section 48. Section 7-16-2205, MCA, is amended to
12 read:

13 "7-16-2205. Authorization for mill levy for support of
14 museums. (1) The Except as provided in [section 2], the
15 board of county commissioners of any county owning or
16 acquiring any such museum or collection of exhibits:

17 (a) may make an appropriation in its annual budget for
18 the upkeep, care, maintenance, operation, and support
19 thereof; and

20 (b) to meet and take care of such appropriation, may
21 annually levy a tax not to exceed 2 mills on each dollar of
22 the taxable valuation of the property subject to taxation in
23 the county.

24 (2) The levy shall be made at the same time as other
25 levies are made for county and school purposes.

1 (3) The proceeds from the collection of such levy
2 shall be kept in a special fund by the county treasurer and
3 used solely for the purpose for which such levy was made."

4 Section 49. Section 7-16-4105, MCA, is amended to
5 read:

6 "7-16-4105. Authorization to levy tax for various
7 cultural, social, and recreational facilities. For Except as
8 provided in [section 2], for the purpose of procuring,
9 equipping, and maintaining public parks, swimming pools,
10 skating rinks, playgrounds, civic centers, youth centers,
11 museums, and combinations thereof, the council or commission
12 in any city or town may levy, in addition to the levy for
13 general municipal or administrative purposes, an amount not
14 exceeding 7 mills on the dollar on the taxable value of the
15 property to be taxed of the city or town."

16 Section 50. Section 7-16-4113, MCA, is amended to
17 read:

18 "7-16-4113. Tax levy for band concerts. For the
19 purpose of providing band concerts, the council or other
20 governing body in any city of the first, second, or third
21 class or of any incorporated town may assess and levy, in
22 addition to the levy for general municipal or administrative
23 purposes, an amount not to exceed 1 mill on the dollar on
24 the taxable value of the property, except centrally assessed
25 property as defined in [section 2], of the city or town

1 subject to taxation."

2 Section 51. Section 7-16-4114, MCA, is amended to
3 read:

4 "7-16-4114. Authorization to levy tax and establish
5 fund for establishment and maintenance of programs and
6 employee training for day-care facilities. (1) The Except as
7 provided in [section 2], the governing body of a county,
8 city, town, or municipality may in its discretion establish
9 a fund to establish and maintain programs for the operation
10 of licensed day-care centers and homes within the geographic
11 boundaries of the governing body by a levy of up to 1 mill
12 on each dollar of taxable property of said governing body.
13 The tax levy shall be in addition to all other tax levies.

14 (2) The governing body shall have the power, by
15 resolution, to make expenditures from the fund as it may
16 from time to time determine, provided that expenditures
17 shall be made solely for the establishment, maintenance, and
18 development of programs for and training of operators and
19 employees of day-care centers and homes."

20 Section 52. Section 7-21-3410, MCA, is amended to
21 read:

22 "7-21-3410. Funding of county fair activities. (1) The
23 board of county commissioners of their respective counties
24 may appropriate annually, out of the general fund of the
25 county treasury and to the county fair commission, a sum not

1 to exceed \$3,500, to be expended by the county fair
2 commission for the purpose of holding a county fair and/or
3 junior fair and for advertising the products and resources
4 of their county.

5 (2) In Except as provided in [section 2], in addition
6 to the appropriation above provided for or in lieu thereof,
7 the county commissioners of any county in Montana shall have
8 the power to levy an ad valorem tax of 1 1/2 mills or less
9 on each dollar of taxable property in such county for the
10 purpose of securing, equipping, maintaining, and operating a
11 county fair and/or a junior fair, including the purchase of
12 land for such purposes and the erection of such buildings
13 and other appurtenances as may be necessary.

14 (3) The funds derived from such appropriation or tax
15 levy shall be kept in a separate fund by the county
16 treasurer and shall be paid out by the treasurer on order
17 signed by the president and secretary of the fair
18 commission."

19 Section 53. Section 7-21-3433, MCA, is amended to
20 read:

21 "7-21-3433. Authorization for mill levy. (1) For the
22 purpose of raising the revenues, the board of county
23 commissioners of each county in the district shall annually
24 make a levy to raise the required sum apportioned to the
25 respective county.

1 (2) However, the levy shall not exceed 1 mill on the
2 dollar of the taxable value of all the taxable property in
3 the county, except in the case of the county in which the
4 fair is being conducted. In this county, the levy shall not
5 exceed 1 1/2 mills on the dollar of taxable property in the
6 county.

7 (3) Any levy under this section is subject to the
8 provisions of [sections 2 and 3]."

9 Section 54. Section 7-22-2142, MCA, is amended to
10 read:

11 "7-22-2142. Sources of money for noxious weed fund.
12 (1) The Except as provided in [section 2], the board of
13 county commissioners may create the noxious weed fund by
14 either:

15 (a) appropriating money from the general fund of the
16 county; or

17 (b) at any time fixed by law for levy and assessment
18 of taxes, levying a tax not exceeding 2 mills on the dollar
19 of total taxable valuation in such county.

20 (2) The proceeds of the tax shall be used solely for
21 the purpose of promoting the control of noxious weeds or
22 extermination of weed seed in said county and shall be
23 designated to the noxious weed fund.

24 (3) Any proceeds from work or chemical sales shall
25 revert to the noxious weed fund and shall be available for

1 reuse within the fiscal year."

2 Section 55. Section 7-22-2222, MCA, is amended to
3 read:

4 "7-22-2222. Mill levy authorized. ~~To~~ Except as
5 provided in [section 2], to administer and implement a
6 rodent abatement program, the governing body may levy a tax,
7 not to exceed 2 mills, on the taxable value of the
8 horticultural, farming, grazing, forest, and railroad lands
9 within the district. The proceeds of the levy are to be
10 placed in the district fund."

11 Section 56. Section 7-22-2306, MCA, is amended to
12 read:

13 "7-22-2306. Financing of insect pest control program.

14 (1) The governing body of the county shall annually
15 determine the amount of the warrants drawn on the general
16 fund for the purposes of controlling insect pests under a
17 control program approved by the department of agriculture.

18 (2) In the succeeding year, the governing body shall
19 levy a tax for the purpose of insect pest extermination
20 sufficient to reimburse the general fund for the money paid
21 out on the warrants. The Except as provided in [section 2],
22 the tax shall be levied upon all the property in the county
23 and shall not exceed 3 mills on each dollar of taxable
24 value.

25 (3) If there is no money in the general fund with

1 which to pay such warrants, they shall be registered and
2 bear interest in the same manner as other county warrants.
3 In this case, the interest shall be computed and added to
4 the amount for which such tax is levied."

5 Section 57. Section 7-22-2432, MCA, is amended to
6 read:

7 "7-22-2432. Levy of district taxes -- limit on mill
8 levy. (1) At Except as provided in [section 2], at the time
9 fixed by law for levy and assessment of taxes, the board of
10 county commissioners of any county within which a mosquito
11 control board has been created shall levy a tax not
12 exceeding 5 mills on the dollar of the total taxable
13 valuation in such district on all property situated within
14 the said district.

15 (2) The proceeds of the tax shall be placed in a
16 separate fund with the county treasurer of such county and
17 shall be used solely for the purpose for which such mosquito
18 control district was created."

19 Section 58. Section 7-22-2512, MCA, is amended to
20 read:

21 "7-22-2512. Financing of vertebrate pest management
22 program -- tax. (1) A Except as provided in [section 2], a
23 governing body may:

24 (a) appropriate from the county general fund an amount
25 not in excess of \$10,000 annually and transfer it to the

1 county vertebrate pest management fund; and
 2 (b) levy a vertebrate pest management tax not to
 3 exceed 2 mills on the taxable valuation of all agricultural,
 4 horticultural, grazing, and timber lands and their
 5 improvements. Land within a rodent control district may not
 6 be taxed in any given year under both 7-22-2222 and this
 7 section for the control of rodents as defined in 7-22-2207.
 8 Land within a rodent control district may be taxed under
 9 this section only a dollar amount that is proportional to
 10 the part of the vertebrate pest program's projected fiscal
 11 year budget which is allocated to the management and
 12 suppression of vertebrate pests other than rodents.

13 (2) The tax provided for in subsection (1) must be
 14 collected as other county taxes and credited to the county
 15 vertebrate pest management fund."

16 Section 59. Section 7-31-116, MCA, is amended to read:

17 "7-31-116. Payment of bonds and other obligations. (1)
 18 The faith of the county or incorporated city or town issuing
 19 bonds under the provisions of this part is solemnly pledged
 20 for the payment of the principal and interest according to
 21 the tenure of said bonds and the coupons attached to the
 22 same.

23 (2) The board of county commissioners of the county or
 24 council of the incorporated city or town issuing said bonds:

25 (a) shall, except as provided in [section 2],

1 ascertain and levy and assess a tax sufficient to pay the
 2 interest upon said bonds, which shall become a lien and be
 3 collected as other taxes; and

4 (b) shall form such sinking fund for the payment of
 5 the principal thereof as may be necessary and proper, in the
 6 manner provided by law or ordinance, which shall be kept as
 7 a separate fund.

8 (3) All bonds, coupons, orders, and warrants issued
 9 and drawn under the provisions of this part shall be
 10 promptly paid, registered, and entered in books kept for
 11 that purpose, with correct and proper entries made in
 12 respect thereto, and the same, when paid, shall be canceled
 13 and preserved, with proper entries made thereof, as provided
 14 by law in cases of other bonds, warrants, and orders."

15 Section 60. Section 7-32-4117, MCA, is amended to
 16 read:

17 "7-32-4117. Group insurance for policemen -- funding.

18 (1) Cities of all classes, if they provide insurance for
 19 other city employees under Title 2, chapter 18, part 7,
 20 shall:

21 (a) provide the same insurance to their respective
 22 policemen;

23 (b) notwithstanding Title 2, chapter 18, part 7, pay
 24 no less than the premium rate in effect as of July 1, 1980,
 25 for insurance coverage for policemen and their dependents;

1 (c) provide for collective bargaining or other
2 agreement processes to negotiate additional premium payments
3 beyond the amount guaranteed by subsection (1)(b).

4 (2) In compliance with 1-2-112, the administration of
5 this section is declared a public purpose of a city, which
6 may be paid out of the general fund of the governing body
7 and financed, except as provided in [section 2], by a levy
8 not to exceed 2 mills on the taxable value of property
9 within the city or town."

10 Section 61. Section 7-33-2109, MCA, is amended to
11 read:

12 "7-33-2109. Tax levy authorized. At Except as provided
13 in [section 2], at the time of the annual levy of taxes, the
14 board of county commissioners may levy a special tax upon
15 all property within such districts for the purpose of buying
16 or maintaining fire protection facilities and apparatus for
17 such districts or for the purpose of paying to a city, town,
18 or private fire service the consideration provided for in
19 any contract with the council of such city, town, or private
20 fire service for the purpose of furnishing fire protection
21 service to property within such district. Such tax must be
22 collected as are other taxes."

23 Section 62. Section 7-33-2209, MCA, is amended to
24 read:

25 "7-33-2209. Finance of fire control activities. (1)

1 The county governing body is authorized to appropriate funds
2 for the purchase, care, and maintenance of firefighting
3 equipment or for the payment of wages in prevention,
4 detection, and suppression of fires.

5 (2) If the general fund is budgeted to the full limit,
6 the county governing body may, at any time fixed by law for
7 levy and assessment of taxes, except as provided in [section
8 2], levy a tax at such rate as in their judgment will be
9 necessary to raise such needed sum, not to exceed \$15,000."

10 Section 63. Section 7-33-4111, MCA, is amended to
11 read:

12 "7-33-4111. Tax levy for volunteer fire departments.
13 Per Except as provided in [section 2], for the purpose of
14 supporting volunteer fire departments in any city or town
15 which does not have a paid fire department and for the
16 purpose of purchasing the necessary equipment for them, the
17 council in any city or town may levy, in addition to other
18 levies permitted by law, a special tax not exceeding 4 mills
19 upon all of the property of the city or town subject to
20 taxation."

21 Section 64. Section 7-33-4130, MCA, is amended to
22 read:

23 "7-33-4130. Group insurance for firefighters --
24 funding. (1) Cities of the first and second class, if they
25 provide insurance for other city employees under Title 2,

1 chapter 18, part 7, shall:

2 (a) provide the same insurance to their respective
3 firefighters;

4 (b) pay no less than the premium rate in effect as of
5 July 1, 1980, for insurance coverage for firefighters and
6 their dependents notwithstanding the provisions of Title 2,
7 chapter 18, part 7;

8 (c) provide for collective bargaining or other
9 agreement processes to negotiate additional premium payments
10 beyond the amount guaranteed by subsection (1)(b).

11 (2) Those Except as provided in [section 2], those
12 incorporated cities and towns which require additional funds
13 to finance the provisions of this section may levy on
14 property, by the amount required to meet these provisions, a
15 tax not to exceed 2 mills on the dollar upon all property in
16 the respective city or town. This levy shall be collected
17 in the same manner and at the same time as other taxes are
18 levied."

19 Section 65. Section 7-34-102, MCA, is amended to read:

20 "7-34-102. Special mill levy permitted. ~~In~~ Except as
21 provided in [section 2], in addition to all other levies
22 authorized by law, each county, city, or town may levy an
23 annual tax up to 1 mill on the dollar of the taxable value
24 of all taxable property within the county, city, or town to
25 defray the costs incurred in providing ambulance service."

1 Section 66. Section 7-34-2133, MCA, is amended to
2 read:

3 "7-34-2133. Levy of district taxes -- limit on mill
4 levy. (1) The board of county commissioners must, annually
5 at the time of levying county taxes, fix and levy a tax (in
6 mills) upon all property within said hospital district
7 clearly sufficient to raise the amount certified by the
8 board of hospital trustees under 7-34-2132.

9 (2) The tax so levied for all hospital district
10 purposes other than payment of bonded indebtedness shall not
11 in any year exceed 3 mills on each dollar of taxable
12 valuation of property within said district.

13 (3) A levy under this section is subject to the
14 provisions of [sections 2 and 3]."

15 Section 67. Section 7-34-2134, MCA, is amended to
16 read:

17 "7-34-2134. Special additional mill levy authorized.
18 If the maximum levy of 3 mills on each dollar of taxable
19 valuation of property within the hospital district is
20 inadequate to raise the amount of money certified as
21 necessary and proper by the board of hospital trustees as
22 provided in 7-34-2132, the board of county commissioners may
23 make, except as provided in [section 2], an additional levy
24 for 2 years upon the taxable property within said hospital
25 district sufficient to raise the amount certified by the

1 board of hospital trustees."

2 Section 68. Section 7-34-2417, MCA, is amended to
3 read:

4 "7-34-2417. Special tax levy authorized. ~~In~~ Except as
5 provided in [section 2], in the event the bonds become
6 delinquent or cannot be paid from ordinary revenues of the
7 facility, a county which has issued bonds under 7-34-2411
8 may levy taxes on all taxable property within the county in
9 the manner provided for public hospital districts under
10 7-34-2133, 7-34-2134, 7-34-2135(1), and 7-34-2136, up to a
11 maximum of 3 mills not submitted to a vote of the people and
12 3 additional mills approved by a vote of the people."

13 Section 69. Section 7-34-2418, MCA, is amended to
14 read:

15 "7-34-2418. General tax to support bonds authorized.
16 (1) (a) The governing body of any county may, with respect
17 to bonds issued by the county pursuant to 7-34-2411 through
18 7-34-2418, by resolution covenant that:

19 (i) in the event that at any time all revenues,
20 including taxes, appropriated and theretofore collected for
21 such bonds are insufficient to pay principal or interest
22 then due, it will levy a general tax upon all of the taxable
23 property in the county, except centrally assessed property
24 as defined in [section 2], for the payment of such
25 deficiency; and

1 (ii) at any time a deficiency is likely to occur within
2 1 year for the payment of principal and interest due on such
3 bonds, it will levy a general tax upon all the taxable
4 property in the county, except centrally assessed property
5 as defined in [section 2], for the payment of such
6 deficiency.

7 (b) The resolution shall state the principal amount
8 and purpose of the bonds and the substance of the covenant
9 respecting deficiencies.

10 (2) Such Except as provided in [section 2], such taxes
11 shall not be subject to any limitation of rate or amount
12 applicable to other county taxes but shall be limited to a
13 rate estimated to be sufficient to produce the amount of the
14 deficiency.

15 (3) In the event more than one county is included in
16 an authority issuing bonds pursuant to 7-34-2411 through
17 7-34-2418, the counties may apportion the obligation to levy
18 taxes for the payment of or in anticipation of a deficiency
19 in the revenues appropriated for such bonds in such manner
20 as the counties shall determine."

21 Section 70. Section 7-35-2122, MCA, is amended to
22 read:

23 "7-35-2122. County tax levy. ~~The~~ Except as provided in
24 [section 2], the board of county commissioners must,
25 annually at the time of levying county taxes, fix and levy

1 upon all property within the cemetery district an amount
2 sufficient to raise the amount certified by the board of
3 cemetery trustees to be raised by a tax on the property of
4 the district. The tax may not exceed 4 mills on each dollar
5 of taxable valuation on the property of the district."

6 Section 71. Section 10-3-405, MCA, is amended to read:

7 "10-3-405. Levying emergency tax -- disposition of
8 surplus. (1) The governing body of the city or town or the
9 governing body of the county, or both, shall estimate
10 expenditures and levy an emergency millage to cover the
11 expenditures. The millage levied by the governing body of
12 the city or town shall not exceed 2 mills on the
13 municipality's taxable valuation. The millage levied by the
14 governing body of the county shall not exceed 2 mills on the
15 taxable valuation of the county outside the municipalities.

16 (2) No expenditure of revenue received from the
17 millage shall be made without approval of the appropriate
18 levying body.

19 (3) An additional levy or levies may be made by the
20 appropriate levying body, providing that the sum of the
21 levies for emergencies as set forth in this section shall
22 not exceed 2 mills in any one year.

23 (4) All levies under this section may be passed only
24 by a unanimous vote of the appropriate body.

25 (5) Funds levied for an emergency and remaining when

1 no further expenditures are necessary shall remain in a
2 separate emergency fund and shall be used only for
3 expenditures arising from future emergencies.

4 (6) Any levy under this section is subject to the
5 provisions of [sections 2 and 3]."

6 Section 72. Section 15-10-103, MCA, is amended to
7 read:

8 "15-10-103. Statewide levy for school purposes. There
9 Except as provided in [section 2], there must be levied by
10 the legislature at the time other state taxes are levied a
11 tax of such number of cents of each \$100 value of taxable
12 property in the state as will produce a net sum equal to the
13 amount reported to them by the state auditor or as may be
14 otherwise ascertained as being necessary to be raised by an
15 ad valorem tax for school purposes, and the assessment and
16 collection of said tax must be performed in the same manner
17 and at the same time as the other state taxes are assessed
18 and collected."

19 Section 73. Section 15-10-105, MCA, is amended to
20 read:

21 "15-10-105. Tax levy for the university system. There
22 Except as provided in [section 2], there is levied upon the
23 taxable value of all real and personal property in the state
24 of Montana, subject to taxation, 6 mills or so much thereof
25 as is necessary to raise the amount appropriated by the

1 legislature from the state special revenue fund for the
 2 support, maintenance, and improvement of the Montana
 3 university system and other public educational institutions
 4 subject to board of regents' supervision, as provided in
 5 referendum measure No. 75 passed by vote of the people at
 6 the general election held November 7, 1978; and the funds
 7 raised therefrom shall be deposited in the state special
 8 revenue fund."

9 Section 74. Section 19-3-204, MCA, is amended to read:

10 "19-3-204. Tax levy to meet employer's obligations.

11 (1) If Except as provided in [section 2], if the required
 12 contributions to the retirement system exceed the funds
 13 available to a contracting employer from general revenue
 14 sources, the contracting employer may budget, levy, and
 15 collect annually a special tax upon the assessable property
 16 of the contracting employer in the number of cents per \$100
 17 of assessable property as is sufficient to raise the amount
 18 estimated by the legislative body to be required to provide
 19 sufficient revenue to meet the obligation of the contracting
 20 employer to the retirement system. The rate of taxation may
 21 be in addition to the annual rate of taxation allowed by law
 22 to be levied by the contracting employer.

23 (2) A person who is a member or beneficiary of the
 24 retirement system on account of the participation of the
 25 contracting employer has the right to maintain the

1 appropriate action or proceeding to require the contracting
 2 employer to budget, levy, and collect the special tax
 3 authorized in subsection (1)."

4 Section 75. Section 19-7-404, MCA, is amended to read:

5 "19-7-404. Counties' contributions. (1) The various
 6 counties of Montana shall pay monthly 7.62% of each
 7 sheriff's gross salary into the retirement account created
 8 by this chapter.

9 (2) If Except as provided in [section 2], if the
 10 required contribution to the retirement system exceeds the
 11 funds available to a county from general revenue sources, a
 12 county may budget, levy, and collect annually a special tax
 13 on the assessable property within the county that is
 14 sufficient to raise the amount of revenue needed to meet the
 15 county's obligation. This tax may be in addition to the
 16 annual rate of taxation allowed by law to be levied by the
 17 county."

18 Section 76. Section 19-10-301, MCA, is amended to
 19 read:

20 "19-10-301. City's contribution to fund. Each city,
 21 other than one of the first or second class, which has a
 22 police retirement fund and which did not elect to join the
 23 statewide police reserve fund provided for in Chapter 335,
 24 Laws of 1974, and has not elected to participate in the plan
 25 under 19-9-107 shall deposit in its fund monthly an amount

1 equal to 11% of the total salaries for the preceding month
 2 paid to active police officers of such city, exclusive of
 3 overtime and payments in lieu of sick leave and annual
 4 leave. If Except as provided in [section 2], if the demand
 5 against a city for deposits in its fund is such that it
 6 cannot be met within the general taxing authority of the
 7 city, an additional levy not to exceed 3 mills may be made
 8 until the general taxing authority is sufficient to meet the
 9 demand."

10 Section 77. Section 19-11-503, MCA, is amended to
 11 read:

12 "19-11-503. Special tax levy for fund required. (1)
 13 The purpose of this section is to provide a means by which
 14 each disability and pension fund may be maintained at a
 15 level equal to 3% of the taxable valuation of all taxable
 16 property within the limits of the city or town.

17 (2) Whenever the fund contains less than 3% of the
 18 taxable valuation of all taxable property within the limits
 19 of the city or town, the governing body of the city or town
 20 shall, at the time of the levy of the annual tax, except as
 21 provided in [section 2], levy a special tax as provided in
 22 19-11-504. The special tax shall be collected as other taxes
 23 are collected and, when so collected, shall be paid into the
 24 disability and pension fund.

25 (3) If a special tax for the disability and pension

1 fund is levied by a third-class city or town using the
 2 all-purpose mill levy, the special tax levy must be made in
 3 addition to the all-purpose levy."

4 Section 78. Section 19-11-504, MCA, is amended to
 5 read:

6 "19-11-504. Amount of special tax levy. Whenever the
 7 fund contains an amount which is less than 3% of the taxable
 8 valuation of all taxable property in the city or town, the
 9 city council shall levy an annual special tax, except as
 10 provided in [section 2], of not less than 1 mill and not
 11 more than 4 mills on each dollar of taxable valuation of all
 12 taxable property within the city or town."

13 Section 79. Section 20-7-324, MCA, is amended to read:

14 "20-7-324. Sources of financing for postsecondary
 15 vocational-technical center budgets -- superintendent of
 16 public instruction administration. (1) The total of the
 17 budgets approved by the superintendent of public
 18 instruction, together with the budget for the cost of state
 19 administration of the postsecondary vocational-technical
 20 centers, shall constitute the total maximum approved
 21 statewide budget which shall be financed as follows:

22 (a) The primary source of financing is to be those
 23 funds specifically designated by legislative enactment or
 24 referendum by the people for financing postsecondary
 25 vocational-technical education in Montana.

1 (b) The Except as provided in [section 2], the board
 2 of county commissioners of each county in which a designated
 3 postsecondary vocational-technical center is located is
 4 hereby authorized to levy a tax of not to exceed 1 1/4 mills
 5 for calendar year 1979 and 1 1/2 mills thereafter on the
 6 dollar of all taxable property, real and personal, within
 7 the county for the support and maintenance of the
 8 postsecondary vocational-technical center located within the
 9 county.

10 (c) Designated postsecondary vocational-technical
 11 centers shall be eligible to receive such funds from the
 12 federal government as the superintendent of public
 13 instruction may provide pursuant to applicable acts of
 14 congress.

15 (d) The board of trustees of any designated high
 16 school district or county high school district where a
 17 postsecondary vocational-technical center is located may be
 18 required, as a condition for the construction in that
 19 district of a postsecondary vocational-technical center, or
 20 any part thereof, to furnish up to 50% of the amount of
 21 funds required for any such construction. The percentage of
 22 construction funds to be furnished by the designated
 23 district shall be derived, in whole or in part, from any of
 24 the following sources:

25 (i) the sale of bonds issued by that district (such

1 bonds shall be issued in conformity with the requirements of
 2 chapter 9, part 4, of this title in the case of high school
 3 and county high school district);

4 (ii) any other funds available to that district which
 5 may be legally and properly applied toward such
 6 construction;

7 (iii) the reasonable value of land, buildings,
 8 fixtures, or equipment furnished by that district, subject
 9 to the approval of the superintendent of public instruction.

10 (2) The superintendent of public instruction shall
 11 direct the distribution of the funds specified in
 12 subsections (1)(a) and (1)(c) on the basis of the budgets
 13 approved by the superintendent of public instruction. The
 14 funds earned by the mill levy specified in subsection (1)(b)
 15 shall be credited by the county treasurer to the
 16 postsecondary vocational-technical center fund.

17 (3) The superintendent of public instruction shall
 18 determine the amount of financing available from these four
 19 sources of revenue and may approve budgets for maintenance
 20 and operation, construction, and ancillary services. The
 21 aggregate amount of the budgets so approved by the
 22 superintendent of public instruction for postsecondary
 23 vocational-technical centers shall not exceed the moneys
 24 determined to be available."

25 Section 80. Section 20-7-705, MCA, is amended to read:

1 "20-7-705. Adult education fund. (1) A separate adult
2 education fund shall be established when an adult education
3 program is operated by a district or community college
4 district. The financial administration of such fund shall
5 comply with the budgeting, financing, and expenditure
6 provisions of the laws governing the schools.

7 (2) Whenever the trustees of any district establish an
8 adult education program under the provisions of 20-7-702,
9 they shall establish an adult education fund under the
10 provisions of this section. The adult education fund shall
11 be the depository for all federal, state, and district
12 moneys received by the district in support of the adult
13 education program.

14 (3) ~~The~~ Except as provided in [section 2], the
15 trustees of any district may authorize the levy of a tax of
16 not more than 1 mill on the district, except that trustees
17 of a county high school district that is not unified with an
18 elementary district may authorize a levy of not more than 2
19 mills on the district, for the operation of an adult
20 education program when the superintendent of public
21 instruction has approved the educational program to be
22 supported by such levy. The approval of the superintendent
23 of public instruction shall have been acquired by the
24 trustees before the fourth Monday of June in order to
25 include the expenditures to be financed by the levy in the

1 preliminary budget. The superintendent of public instruction
2 shall promulgate rules and forms for such approval.

3 (4) Whenever the trustees of any district decide to
4 offer an adult education program during the ensuing school
5 fiscal year, they shall budget for the cost of such program
6 in the adult education fund of the preliminary budget. Any
7 expenditures in support of the adult education program under
8 the final adult education budget shall be made in accordance
9 with the financial administration provisions of this title
10 for a budgeted fund.

11 (5) When a tax levy for an adult education program
12 which has been approved by the superintendent of public
13 instruction is included as a revenue item on the final adult
14 education budget, the county superintendent shall report
15 such levy requirement to the county commissioners on the
16 second Monday of August and a levy on the district shall be
17 made by the county commissioners in accordance with
18 20-9-142."

19 Section 81. Section 20-9-142, MCA, is amended to read:

20 "20-9-142. Fixing and levying taxes by board of county
21 commissioners. (1) On the second Monday in August, the
22 county superintendent shall place before the board of county
23 commissioners the final adopted budget of the district and
24 any emergency budget adopted by the district during the
25 previous school fiscal year. It shall be the duty of the

1 board of county commissioners to fix and levy on all the
2 taxable value of all the real and personal property within
3 the district all district and county taxation required to
4 finance, within the limitations provided by law, the final
5 budget and any emergency budget of the district.

6 (2) A levy under this section is subject to the
7 provisions of [sections 2 and 3]."

8 Section 82. Section 20-9-152, MCA, is amended to read:

9 "20-9-152. Fixing and levying taxes for joint
10 districts. (1) At Except as provided in [section 2], at the
11 time of fixing levies for county and school purposes on the
12 second Monday in August, the board of county commissioners
13 of each county in which a part of a joint district is
14 located shall fix and levy taxes on that portion of the
15 joint district located in such board's county at the number
16 of mills for each such levy recommended by the joint
17 statement of the county 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 83. Section 20-9-167, MCA, is amended to read:

24 "20-9-167. Determination of available financing --
25 fixing and levying property taxation for an emergency

1 budget. (1) After the last day of the school fiscal year for
2 which an emergency budget has been adopted, the county
3 treasurer shall determine the amount of the cash balance
4 that is available to finance the emergency budget's
5 outstanding warrants or registered warrants for each fund
6 included on the emergency budget. The available amount of
7 the cash balance of each fund shall be determined by
8 deducting from the county treasurer's year-end cash balance
9 for such fund the outstanding or registered warrants issued
10 under the regularly adopted final budget for such fund and
11 the cash reserve for such fund which the trustees have
12 established, within the limitations of law, for the
13 following school fiscal year.

14 (2) The county treasurer shall prepare and deliver a
15 statement on the financial status of each fund included on
16 an emergency budget for a district having such a budget
17 during the preceding year to the board of county
18 commissioners by the first Monday in August. Such statement
19 for each district emergency budget shall include:

20 (a) the total amount of the issued emergency warrants
21 that are outstanding or registered against each fund of the
22 district;

23 (b) the amount of the cash balance in each fund
24 included on the emergency budget which is available to
25 finance such outstanding or registered warrants; and

1 (c) after consideration of the available money in
 2 subsection (2)(b), the additional amount of money which is
 3 required to finance the outstanding warrants or registered
 4 warrants and interest on such warrants and which must be
 5 raised by a tax levy.

6 (3) Per Except as provided in [section 2], for each
 7 fund of the emergency budget of each district requiring a
 8 tax levy as established by subsection (2)(c) of the county
 9 treasurer's statement, the board of county commissioners
 10 shall, at the time all other district and county taxes are
 11 fixed and levied, levy a tax on the taxable property of each
 12 applicable district that will raise sufficient financing to
 13 pay the amount established by the county treasurer."

14 Section 84. Section 20-9-303, MCA, is amended to read:

15 "20-9-303. Definition of foundation program and its
 16 proportion of the maximum-general-fund-without-a-voted-levy
 17 schedule amount -- nonisolated school foundation program
 18 financing -- special education funds. (1) As used in this
 19 title, the term "foundation program" shall mean the minimum
 20 operating expenditures, as established herein, that are
 21 sufficient to provide for the educational program of a
 22 school. The foundation program relates only to those
 23 expenditures authorized by a district's general fund budget
 24 and shall not include expenditures from any other fund. It
 25 shall be financed by:

1 (a) county equalization moneys; and

2 (b) state equalization aid.

3 (2) The dollar amount of the foundation program shall
 4 be 80% of the the
 5 maximum-general-fund-budget-without-a-voted-levy limitation
 6 as set forth in the schedules in 20-9-316 through 20-9-321.
 7 The foundation program of an elementary school having an ANB
 8 of nine or fewer pupils for 2 consecutive years which is not
 9 approved as an isolated school under the provisions of
 10 20-9-302 shall be 80% of the schedule amount, but the county
 11 and state shall participate in financing one-half of the
 12 foundation program, and the district shall finance the
 13 remaining one-half by a tax levied on the property of the
 14 district, except centrally assessed property as defined in
 15 [section 2]. When a school of nine or fewer pupils is
 16 approved as isolated under the provisions of 20-9-302, the
 17 county and state shall participate in the financing of the
 18 total amount of the foundation program.

19 (3) Funds provided to support the special education
 20 accounting budget may be expended only for special education
 21 purposes as approved by the superintendent of public
 22 instruction in accordance with the special education
 23 budgeting provisions of this title. Expenditures for special
 24 education shall be accounted for separately from the balance
 25 of the school district general fund. Transfers between items

1 within the special education budget for accounting purposes
 2 may be made at the discretion of the board of trustees in
 3 accordance with the financial administration part of this
 4 title. The unexpended balance of the special education
 5 accounting budget shall carry over to the next year to
 6 reduce the amount of funding required to finance the
 7 district's ensuing year's maximum-budget-without-a-vote for
 8 special education."

9 Section 85. Section 20-9-331, MCA, is amended to read:

10 "20-9-331. Basic county tax and other revenues for
 11 county equalization of the elementary district foundation
 12 program. (1) It Except as provided in [section 2], it shall
 13 be the duty of the county commissioners of each county to
 14 levy an annual basic tax of 28 mills on the dollars of the
 15 taxable value of all taxable property within the county for
 16 the purposes of local and state foundation program support.
 17 The revenue to be collected from this levy shall be
 18 apportioned to the support of the foundation programs of the
 19 elementary school districts in the county and to the state
 20 special revenue fund, state equalization aid account, in the
 21 following manner:

22 (a) In order to determine the amount of revenue raised
 23 by this levy which is retained by the county, the sum of the
 24 estimated revenues identified in subsections (2)(a) through
 25 (2)(f) below shall be subtracted from the sum of the county

1 elementary transportation obligation and the total of the
 2 foundation programs of all elementary districts of the
 3 county.

4 (b) If the basic levy prescribed by this section
 5 produces more revenue than is required to finance the
 6 difference determined above, the county commissioners shall
 7 order the county treasurer to remit the surplus funds to the
 8 state treasurer for deposit to the state special revenue
 9 fund, state equalization aid account, not later than June 1
 10 of the fiscal year for which the levy has been set.

11 (2) The proceeds realized from the county's portion of
 12 the levy prescribed by this section and the revenues from
 13 the following sources shall be used for the equalization of
 14 the elementary district foundation programs of the county as
 15 prescribed in 20-9-334, and a separate accounting shall be
 16 kept of such proceeds and revenues by the county treasurer
 17 in accordance with 20-9-212(1):

18 (a) the portion of the federal Taylor Grazing Act
 19 funds distributed to a county and designated for the common
 20 school fund under the provisions of 17-3-222;

21 (b) the portion of the federal flood control act funds
 22 distributed to a county and designated for expenditure for
 23 the benefit of the county common schools under the
 24 provisions of 17-3-232;

25 (c) all money paid into the county treasury as a

1 result of fines for violations of law and the use of which
2 is not otherwise specified by law;

3 (d) any money remaining at the end of the immediately
4 preceding school fiscal year in the county treasurer's
5 account for the various sources of revenue established or
6 referred to in this section; and

7 (e) any federal or state money, including anticipated
8 motor vehicle fees and reimbursement under the provisions of
9 61-3-532 and 61-3-536, distributed to the county as payment
10 in lieu of the property taxation established by the county
11 levy required by this section; and

12 (f) all money anticipated to be received by the county
13 pursuant to [section 3]."

14 Section 86. Section 20-9-333, MCA, is amended to read:

15 "20-9-333. Basic special levy and other revenues for
16 county equalization of high school district foundation
17 program. (1) It Except as provided in [section 2], it shall
18 be the duty of the county commissioners of each county to
19 levy an annual basic special tax for high schools of 17
20 mills on the dollar of the taxable value of all taxable
21 property within the county for the purposes of local and
22 state foundation program support. The revenue to be
23 collected from this levy shall be apportioned to the support
24 of the foundation programs of high school districts in the
25 county and to the state special revenue fund, state

1 equalization aid account, in the following manner:

2 (a) In order to determine the amount of revenue raised
3 by this levy which is retained by the county, the estimated
4 revenues identified in subsections (2)(a) and (2)(b) below
5 shall be subtracted from the sum of the county's high school
6 tuition obligation and the total of the foundation programs
7 of all high school districts of the county.

8 (b) If the basic levy prescribed by this section
9 produces more revenue than is required to finance the
10 difference determined above, the county commissioners shall
11 order the county treasurer to remit the surplus to the state
12 treasurer for deposit to the state special revenue fund,
13 state equalization aid account, not later than June 1 of the
14 fiscal year for which the levy has been set.

15 (2) The proceeds realized from the county's portion of
16 the levy prescribed in this section and the revenues from
17 the following sources shall be used for the equalization of
18 the high school district foundation programs of the county
19 as prescribed in 20-9-334, and a separate accounting shall
20 be kept of these proceeds by the county treasurer in
21 accordance with 20-9-212(1):

22 (a) any money remaining at the end of the immediately
23 preceding school fiscal year in the county treasurer's
24 account for deposit of the proceeds from the levy
25 established in this section; and

1 (b) any federal or state moneys, including anticipated
2 motor vehicle fees and reimbursement under the provisions of
3 61-3-532 and 61-3-536, distributed to the county as a
4 payment in lieu of the property taxation established by the
5 county levy required by this section."

6 Section 87. Section 20-9-352, MCA, is amended to read:

7 "20-9-352. Permissive amount and permissive levy. (1)
8 Whenever the trustees of any district shall deem it
9 necessary to adopt a general fund budget in excess of the
10 foundation program amount but not in excess of the maximum
11 general fund budget amount for such district as established
12 by the schedules in 20-9-316 through 20-9-321, the trustees
13 shall adopt a resolution stating the reasons and purposes
14 for exceeding the foundation program amount. Such excess
15 above the foundation program amount shall be known as the
16 "permissive amount", and it shall be financed by a levy as
17 prescribed in 20-9-141 on the taxable value of all taxable
18 property within the district, except centrally assessed
19 property as defined in [section 2], as--prescribed--in
20 ~~20-9-141~~, supplemented with any biennial appropriation by
21 the legislature for this purpose.

22 (2) The district levies to be set for the purpose of
23 funding the permissive amount are determined as follows:

24 (a) For each elementary school district, the county
25 commissioners shall annually set a levy not exceeding 6

1 mills on all the taxable property in the district, except
2 centrally assessed property as defined in [section 2], for
3 the purpose of funding the permissive amount of the
4 district. The permissive levy in mills shall be obtained by
5 multiplying the ratio of the permissive amount to the
6 maximum permissive amount by 6 or by using the number of
7 mills which would fund the permissive amount, whichever is
8 less. If the amount of revenue raised by this levy, plus
9 anticipated motor vehicle fees and reimbursement under the
10 provisions of 61-3-532 and 61-3-536, is not sufficient to
11 fund the permissive amount in full, the amount of the
12 deficiency shall be paid to the district from the state
13 special revenue fund according to the provisions of 20-9-351
14 and subsection (3) of this section.

15 (b) For each high school district, the county
16 commissioners shall annually set a levy not exceeding 4
17 mills on all taxable property in the district, except
18 centrally assessed property as defined in [section 2], for
19 the purpose of funding the permissive amount of the
20 district. The permissive levy in mills shall be obtained by
21 multiplying the ratio of the permissive levy to the maximum
22 permissive amount by 4 or by using the number of mills which
23 would fund the permissive amount, whichever is less. If the
24 amount of revenue raised by this levy, plus anticipated
25 motor vehicle fees and reimbursement under the provisions of

1 61-3-532 and 61-3-536, is not sufficient to fund the
 2 permissive amount in full, the amount of the deficiency
 3 shall be paid to the district from the state special revenue
 4 fund according to the provisions of 20-9-351 and subsection
 5 (3) of this section. The superintendent of public
 6 instruction shall, if the appropriation by the legislature
 7 for the permissive account [program] for the biennium is
 8 insufficient, request the budget director to submit a
 9 request for a supplemental appropriation in the second year
 10 of the biennium.

11 (3) Such distribution shall be made in two payments.
 12 The first payment shall be made at the same time as the
 13 first distribution of state equalization aid is made after
 14 January 1 of the fiscal year. The second payment shall be
 15 made at the same time as the last payment of state
 16 equalization aid is made for the fiscal year. If the
 17 appropriation is not sufficient to finance the deficiencies
 18 of the districts as determined according to subsection (2),
 19 each district will receive the same percentage of its
 20 deficiency. Surplus revenue in the second year of the
 21 biennium may be used to reduce the appropriation required
 22 for the next succeeding biennium or may be transferred to
 23 the state equalization aid state special revenue fund if
 24 revenues in that fund are insufficient to meet foundation
 25 program requirements."

1 Section 88. Section 20-9-353, MCA, is amended to read:
 2 "20-9-353. Additional levy for general fund --
 3 election for authorization to impose. (1) The trustees of
 4 any district may propose to adopt a general fund budget in
 5 excess of the general fund budget amount for such district
 6 as established by the schedules in 20-9-316 through 20-9-321
 7 for any of the following purposes:

8 (a) building, altering, repairing, or enlarging any
 9 schoolhouse of the district;

10 (b) furnishing additional school facilities for the
 11 district;

12 (c) acquisition of land for the district;

13 (d) proper maintenance and operation of the school
 14 programs of the district.

15 (2) When the trustees of any district determine that
 16 an additional amount of financing is required for the
 17 general fund budget that is in excess of the statutory
 18 schedule amount, the trustees shall submit the proposition
 19 of an additional levy to raise such excess amount of general
 20 fund financing to the electors who are qualified under
 21 20-20-301 to vote upon such proposition except that no
 22 election shall be required to permit the school trustees to
 23 use federal funds received under Title I of Public Law
 24 81-874 to increase the school district's general fund budget
 25 as established in 20-9-316 through 20-9-321 by the amount of

1 these funds. Such special election shall be called and
 2 conducted in the manner prescribed by this title for school
 3 elections. The ballot for such election shall state the
 4 amount of money to be raised by additional property
 5 taxation, the approximate number of mills required to raise
 6 such money, and the purpose for which such money will be
 7 expended, and it shall be in the following format:

8 PROPOSITION

9 Shall a levy be made in addition to the levies
 10 authorized by law in such number of mills as may be
 11 necessary to raise the sum of (state the amount to be raised
 12 by additional tax levy), and being approximately (give
 13 number) mills, for the purpose of (insert the purpose for
 14 which the additional tax levy is made)?

15 FOR the additional levy.

16 AGAINST the additional levy.

17 (3) If the election on any additional levy for the
 18 general fund is approved by a majority vote of those
 19 electors voting at such election, the proposition shall
 20 carry and the trustees may use any portion or all of the
 21 authorized amount in adopting the preliminary general fund
 22 budget. The trustees shall certify the additional levy
 23 amount authorized by such a special election on the budget
 24 form that is submitted to the county superintendent, and,
 25 except as provided in [section 2], the county commissioners

1 shall levy such number of mills on the taxable value of all
 2 taxable property within the district, as prescribed in
 3 20-9-141, as are required to raise the amount of such
 4 additional levy.

5 (4) Authorization to levy an additional tax under the
 6 provisions of this section shall be effective for only 1
 7 school fiscal year and shall be authorized by a special
 8 election conducted before August 1 of the school fiscal year
 9 for which it is effective."

10 Section 89. Section 20-9-439, MCA, is amended to read:

11 "20-9-439. Computation of net levy requirement --
 12 procedure when levy inadequate. (1) The county
 13 superintendent shall compute the levy requirement for each
 14 school district's debt service fund on the basis of the
 15 following procedure:

16 (a) determine the total moneys available in the debt
 17 service fund for the reduction of the property tax on the
 18 district by totaling:

19 (i) the end-of-the-year cash balance, less any
 20 outstanding warrants in the debt service fund;

21 (ii) anticipated interest to be earned by the
 22 investment of debt service cash in accordance with the
 23 provisions of 20-9-213(4) or by the investment of bond
 24 proceeds under the provisions of 20-9-435; and

25 (iii) any other moneys anticipated by the trustees to

1 be available in the debt service fund during the ensuing
2 school fiscal year from such sources as legally authorized
3 money transfers into the debt service fund or from rental
4 income;

5 (b) the total amount available to reduce the property
6 tax, determined in subsection (1)(a), shall be subtracted
7 from the final budget expenditure amount for the debt
8 service fund as established in 20-9-438;

9 (c) the net debt service fund levy requirement
10 determined in subsection (1)(b) shall be reported to the
11 county commissioners on the second Monday of August by the
12 county superintendent as the net debt service fund levy
13 requirement for the district, and, except as provided in
14 [section 2], a levy shall be made by the county
15 commissioners in accordance with 20-9-142.

16 (2) If the board of county commissioners shall fail in
17 any school fiscal year to make a levy for any issue or
18 series of bonds of any school district sufficient to raise
19 the moneys necessary for payment of interest and principal
20 becoming due during the next ensuing school fiscal year, in
21 such amounts as are established under the provisions of this
22 section, the holder of any bond of such issue or series or
23 any taxpayer of the district may apply to the district court
24 of the county in which such school district is located for a
25 writ of mandate to compel the board of county commissioners

1 of such county to make a sufficient levy for such purposes.
2 If, upon the hearing of such application, it shall appear to
3 the satisfaction of the court that the board of county
4 commissioners of such county has failed to make a levy or
5 has made a levy that is insufficient to raise the amount
6 required to be raised as established in the manner provided
7 in this section, the court shall determine the amount of
8 such deficiency and shall issue a writ of mandate directed
9 to and requiring the board of county commissioners, at the
10 next meeting for the purpose of fixing tax levies for county
11 purposes, to fix and make a levy against all taxable
12 property in such school district that is sufficient to raise
13 the amount of such deficiency. Such levy shall be in
14 addition to any levy required to be made at that time for
15 the then-ensuing school fiscal year. Any costs which may be
16 allowed or awarded the petitioner in any such proceeding
17 shall be paid by the members of the board of county
18 commissioners and shall not be a charge against the school
19 district or the county."

20 Section 90. Section 20-15-305, MCA, is amended to
21 read:

22 "20-15-305. Adult education tax levy. A community
23 college shall be considered a district for the purposes of
24 adult education and under the provisions for adult education
25 may, except as provided in [section 2], levy a 1-mill tax

1 for the support of its adult education program when the
2 superintendent of public instruction approves such program."

3 Section 91. Section 20-15-311, MCA, is amended to
4 read:

5 "20-15-311. Funding sources. The annual operating
6 budget of a community college district shall be financed
7 from the following sources:

8 (1) the estimated revenues to be realized from student
9 tuition and fees, except those related to community service
10 courses as defined by the board of regents;

11 (2) except as provided in [section 2], a mandatory
12 mill levy on the community college district;

13 (3) the 1-mill adult education levy authorized under
14 provisions of 20-15-305;

15 (4) the state general fund appropriation;

16 (5) an optional voted levy on the community college
17 district that shall be submitted to the electorate in
18 accordance with general school election laws;

19 (6) all other income, revenue, balances, or reserves
20 not restricted by a source outside the community college
21 district to a specific purpose;

22 (7) income, revenue, balances, or reserves restricted
23 by a source outside the community college district to a
24 specific purpose. Student fees paid for community service
25 courses as defined by the board of regents shall be

1 considered restricted to a specific purpose;

2 (8) income from a political subdivision that is
3 designated a community college service region under
4 20-15-241."

5 Section 92. Section 20-15-313, MCA, is amended to
6 read:

7 "20-15-313. Tax levy. (1) On the second Monday in
8 August, the board of county commissioners of any county
9 where a community college district is located shall fix and
10 levy a tax on all the real and personal property within the
11 community college district at the rate required to finance
12 the mandatory mill levy prescribed by subsection (1)(b) of
13 20-15-312 and the voted levy prescribed by subsection (5) of
14 20-15-311 if one has been approved by the voters. When a
15 community college district has territory in more than one
16 county, the board of county commissioners in each county
17 shall fix and levy the community college district tax on all
18 the real and personal property of the community college
19 district situated in its county.

20 (2) A levy under this section is subject to the
21 provisions of [sections 2 and 3]."

22 Section 93. Section 20-15-314, MCA, is amended to
23 read:

24 "20-15-314. Tax levy for community college service
25 region. A Except as provided in [section 2], a governing

1 body designating a community college service region as
 2 provided in 20-15-241 may levy a tax on all real and
 3 personal property within the region at a rate required to
 4 finance the services offered by a community college district
 5 for the region. The levy is in addition to any other levies
 6 allowed by law and is not subject to any statutory or
 7 charter limitations on levies. The levy must be made at the
 8 same time and in the same manner as the general levy of the
 9 political subdivision designating the region is made, and
 10 the revenues generated thereby must be collected at the same
 11 time and in the same manner. Within 30 days of collection,
 12 the appropriate revenues must be transmitted to the
 13 participating community college district."

14 Section 94. Section 20-25-423, MCA, is amended to
 15 read:

16 "20-25-423. State tax levy -- support of public
 17 education institutions. The legislature shall levy a
 18 property tax of not more than 6 mills on the taxable value
 19 of all real and personal property, except centrally assessed
 20 property as defined in [section 2], each year for 10 years
 21 beginning with the year 1979. All revenue from this property
 22 tax levy shall be appropriated for the support, maintenance,
 23 and improvement of the Montana university system and other
 24 public educational institutions subject to board of regents'
 25 supervision."

1 Section 95. Section 22-1-304, MCA, is amended to read:
 2 "22-1-304. Tax levy -- special library fund -- bonds.

3 (1) ~~The~~ Except as provided in [section 2], the governing
 4 body of any city or county which has established a public
 5 library may levy in the same manner and at the same time as
 6 other taxes are levied a special tax in the amount necessary
 7 to maintain adequate public library service, not to exceed 5
 8 mills on the dollar, upon all property in such county which
 9 may be levied by the governing body of such county and not
 10 to exceed 7 mills on the dollar upon all property in such
 11 city which may be levied by the governing body of such city.

12 (2) (a) The governing body of any city or county may
 13 by resolution submit the question of exceeding the maximum
 14 tax levy provided in subsection (1) to a vote of the
 15 qualified electors thereof at the next general election.
 16 Such resolution must be adopted at least 60 days prior to
 17 the general election at which the question will be voted on.

18 (b) Upon petition being filed with the governing body
 19 and signed by not less than 5% of the resident taxpayers of
 20 any city or county requesting an election for the purpose of
 21 exceeding the maximum mill levy, the governing body shall
 22 submit to a vote of the qualified electors thereof at the
 23 next general election the question of exceeding the maximum
 24 mill levy. Such petition must be delivered to the governing
 25 body at least 90 days prior to the general election at which

1 the question will be voted on.

2 (c) The question shall be submitted by ballots upon
3 which the words "FOR exceeding the ... mill maximum levy and
4 authorizing an additional ... mill(s) for the library" and
5 "AGAINST exceeding the ... mill maximum library levy" shall
6 appear, with a square before each proposition and a
7 direction to insert an "X" mark in the square before one or
8 the other of the propositions.

9 (d) The votes cast for the adoption or rejection of
10 the question must be canvassed, and:

11 (i) if a majority of the voters voting on the question
12 vote to exceed the maximum mill levy, the governing body
13 shall levy the additional tax for the year in which the vote
14 was taken; or

15 (ii) if a majority of the voters voting on the question
16 vote to not exceed the maximum mill levy, the maximum mill
17 levy may not be exceeded.

18 (3) The municipal tax authorized in this section is in
19 addition to all other taxes authorized by law and is not
20 within the all-purpose mill levy established by 7-6-4451
21 through 7-6-4453.

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

25 (5) No money shall be paid out of the public library

1 fund by the treasurer of the city or county except by order
2 or warrant of the board of library trustees.

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

6 Section 96. Section 50-2-111, MCA, is amended to read:

7 "50-2-111. City-county board appropriations. If a
8 city-county board is created, it is financed by one of the
9 following methods:

10 (1) (a) The county commissioners and governing body of
11 each participating city may mutually agree upon the division
12 of expenses.

13 (b) The county's part of the total expenses is
14 financed by an appropriation from the general fund of the
15 county after approval of a budget in the way provided for
16 other county offices and departments under Title 7, chapter
17 6, part 23.

18 (c) Each participating city's part of the total
19 expenses is financed by an appropriation from the general
20 fund of the city after approval of a budget in the way
21 provided for other city offices and departments under Title
22 7, chapter 6, part 42.

23 (d) All money shall be deposited with the county
24 treasurer who shall disburse them as county funds.

25 (2) (a) In first- and second-class counties, the

1 county commissioners and governing body of each
2 participating city may mutually agree upon the division of
3 the expenses.

4 (b) The county's part of the total expenses is
5 financed by a special levy of not more than 5 mills on the
6 taxable valuation of all property outside the incorporated
7 limits of each participating city after approval of a budget
8 in the way provided for other county offices and departments
9 under Title 7, chapter 6, part 23. If the 5-mill levy is not
10 sufficient to fund the county's share, the county
11 commissioners may supplement it with an appropriation from
12 the county general fund.

13 (c) Each participating city's part of the total
14 expenses is financed by a special levy of not more than 5
15 mills on the taxable valuation of all property within the
16 incorporated limits of the city after approval of a budget
17 in the way provided for other city offices and departments
18 under Title 7, chapter 6, part 42.

19 (d) All money shall be deposited with the county
20 treasurer who shall disburse them as county funds.

21 (e) The special levies authorized by this subsection
22 (2) are in addition to all other levies authorized by law.

23 (f) Any levy under this subsection (2) is subject to
24 the provisions of [sections 2 and 3]."

25 Section 97. Section 50-2-114, MCA, is amended to read:

1 "50-2-114. Special mill levy. ¶ Except as provided in
2 [section 2], if the general fund of a city or county is not
3 sufficient to meet the approved budget, a levy of not more
4 than 1 mill may be made on the taxable valuation of all
5 property in the city or county in addition to all other
6 levies authorized by law. This section does not apply when
7 the board has been financed under 50-2-111(2)."

8 Section 98. Section 53-2-321, MCA, is amended to read:

9 "53-2-321. County authorized to care for indigent and
10 levy taxes therefor. The board of county commissioners has
11 jurisdiction and power under such limitations and
12 restrictions as are prescribed by law to provide for the
13 care and maintenance of the indigent sick, except as
14 otherwise provided in other parts of this title, or the
15 otherwise dependent poor of the county; and, except as
16 provided in [section 2], for said purposes to levy and
17 collect annually a tax on property not exceeding 13 1/2
18 mills, which levy shall be made at the time other tax levies
19 are made on property, as provided by law."

20 Section 99. Section 53-2-322, MCA, is amended to read:

21 "53-2-322. County to levy taxes, budget, and make
22 expenditures for public assistance activities. (1) The
23 Except as provided in [section 2], the board of county
24 commissioners in each county shall levy 13.5 mills for the
25 county poor fund as provided by law or so much thereof as

1 may be necessary. Counties transferring public assistance
 2 and protective services responsibilities to the department
 3 of social and rehabilitation services under part 8 of this
 4 chapter may not levy more than the difference between 13.5
 5 mills and the state levy pursuant to 53-2-813.

6 (2) The board shall budget and expend so much of the
 7 funds in the county poor fund for public assistance purposes
 8 as will enable the county welfare department to pay the
 9 general relief activities of the county and to reimburse the
 10 department of social and rehabilitation services for the
 11 county's proportionate share of the administrative costs of
 12 the county welfare department and of all public assistance
 13 and its proportionate share of any other public assistance
 14 activity that may be carried on jointly by the state and the
 15 county.

16 (3) The amounts set up in the budget for the
 17 reimbursements to the department of social and
 18 rehabilitation services shall be sufficient to make all of
 19 these reimbursements in full. The budget shall make separate
 20 provision for each one of these public assistance
 21 activities, and proper accounts shall be established for the
 22 funds for all such activities.

23 (4) As soon as the preliminary budget provided for in
 24 7-6-2315 has been agreed upon, a copy thereof shall without
 25 delay be mailed to the department of social and

1 rehabilitation services, and at any time before the final
 2 adoption of the budget, the department shall make such
 3 recommendations with regard to changes in any part of the
 4 budget relating to the county poor fund as considered
 5 necessary in order to enable the county to discharge its
 6 obligations under the public assistance laws.

7 (5) The department of social and rehabilitation
 8 services shall promptly examine the preliminary budget in
 9 order to ascertain if the amounts provided for
 10 reimbursements to the department are likely to be sufficient
 11 and shall notify the county clerk of its findings. The board
 12 shall make such changes in the amounts provided for
 13 reimbursements, if any are required, in order that the
 14 county will be able to make the reimbursements in full.

15 (6) The board of county commissioners may not make any
 16 transfer from the amounts budgeted for reimbursing the
 17 department of social and rehabilitation services without
 18 having first obtained a statement in writing from the
 19 department to the effect that the amount to be transferred
 20 will not be required during the fiscal year for the purposes
 21 for which the amounts were provided in the budget.

22 (7) No part of the county poor fund, irrespective of
 23 the source of any part thereof, may be used directly or
 24 indirectly for the erection or improvement of any county
 25 building so long as the fund is needed for general relief

1 expenditures by the county or is needed for paying the
 2 county's proportionate share of public assistance or its
 3 proportionate share of any other public assistance activity
 4 that may be carried on jointly by the state and the county.
 5 Expenditures for improvement of any county buildings used
 6 directly for care of the poor, except a county hospital or
 7 county nursing home, may be made out of any moneys in the
 8 county poor fund, whether such moneys are produced by the
 9 13.5-mill levy provided for in subsection (1) of this
 10 section or from any additional levy authorized or to be
 11 authorized by law. Such expenditure shall be authorized only
 12 when any county building used for the care of the poor must
 13 be improved in order to meet legal standards required for
 14 such buildings by the department of health and environmental
 15 sciences and when such expenditure has been approved by the
 16 department of social and rehabilitation services."

17 Section 100. Section 53-2-813, MCA, is amended to
 18 read:

19 "53-2-813. Mill levy for counties transferring public
 20 assistance and protective services. (1) (a) Except as
 21 provided in [section 2] and subsection (1)(b) of this
 22 section, for the purpose of this part, 12 mills must be
 23 levied annually in those counties opting for state
 24 assumption.

25 (b) A county that levied an amount less than 12 mills

1 for purposes of its county poor fund during fiscal year 1982
 2 must levy an equivalent amount to the poor fund mill levy
 3 assessed by that county during fiscal year 1982 plus 1.5
 4 mills, not to exceed a total of 12 mills, less a mill levy
 5 equivalent to an amount the county can demonstrate was spent
 6 during fiscal year 1982 for the building or operation of a
 7 medical facility. The reduced mill levy exception provided
 8 in this subsection (1)(b) continues in effect until June 30,
 9 1984. After that date 12 mills must be levied in all
 10 counties where state assumption is in effect.

11 (2) The proceeds of the mill levy established in
 12 subsection (1) must be deposited in the state special
 13 revenue fund in the state treasury for the purpose of paying
 14 the expenses of the department. The mill levy may not
 15 exceed 12 mills, notwithstanding actual expenditures made by
 16 the department.

17 (3) For a county retaining or reassuming operational
 18 responsibility for medical assistance or monetary payments
 19 to needy persons as provided in 53-2-812, the levy provided
 20 in subsection (1) must be reduced by the mill levy
 21 equivalent expended by that county or the department for
 22 such purposes in the fiscal year immediately preceding the
 23 option to retain or reassume such responsibility."

24 Section 101. Section 53-20-208, MCA, is amended to
 25 read:

1 "53-20-208. Contributions of counties and
 2 municipalities. (1) The boards of county commissioners of
 3 the several counties and the governing bodies of
 4 municipalities of this state may, in their discretion,
 5 contribute to any developmental disabilities facility
 6 approved by the department, without regard to whether they
 7 are within or outside of their respective jurisdictions. The
 8 Except as provided in [section 2], the boards of county
 9 commissioners of the counties may levy a tax up to but not
 10 to exceed 1 mill on each dollar of taxable property within
 11 the county, which shall be in addition to all other county
 12 tax levies. All proceeds of the tax, if levied, shall be
 13 used for the sole purpose of support of developmental
 14 disabilities services.

15 (2) For the purpose of carrying out the provisions of
 16 this section, boards of county commissioners and governing
 17 bodies of municipalities may appropriate out of the general
 18 fund of their respective counties or municipalities."

19 Section 102. Section 53-21-204, MCA, is amended to
 20 read:

21 "53-21-204. Mental health corporations. (1) Mental
 22 health regions shall be established in the state mental
 23 health plan and shall conform to the mental health regions
 24 as established in the state mental health construction plan
 25 promulgated by the board of health and environmental

1 sciences under the Federal Community Mental Health Centers
 2 Act.

3 (2) The mental health regions shall establish
 4 themselves under Title 35, chapter 2. Upon incorporation, a
 5 mental health region may enter into contracts with the
 6 department in order to carry out the department's
 7 comprehensive plan for mental health. These nonprofit
 8 corporations shall not be considered agencies of the
 9 department or the state of Montana; however, they may retain
 10 and enter into retirement programs as established under
 11 Title 19, chapter 3, The Public Employees' Retirement System
 12 Act. Upon the establishment of the mental health regions,
 13 the county commissioners in each of the various counties in
 14 the region shall designate a person from their respective
 15 county to serve as a representative of the county on the
 16 regional mental health corporation board. The board shall be
 17 established under guidelines adopted by the bylaws of the
 18 corporation. All appointments to the board shall be for
 19 terms of 2 years, and the department shall be notified in
 20 writing of all appointments.

21 (3) The duties of an organized regional mental health
 22 corporation board include:

23 (a) annual review and evaluation of mental health
 24 needs and services within the region;

25 (b) preparation and submission to the department and

1 to each of the counties in the region of plans and budget
2 proposals to provide and support mental health services
3 within the region;

4 (c) establishment of a recommended proportionate level
5 of financial participation of each of the counties within
6 the region in the provision of mental health services within
7 the limits of this section;

8 (d) receipt and administration of moneys and other
9 support made available for the purposes of providing mental
10 health services by the participating agencies, including
11 grants from the United States government and other agencies,
12 receipts for established fees for services rendered, tax
13 moneys, gifts, donations, and any other type of support or
14 income. All funds received by the board in accordance with
15 this part shall be used to carry out the purposes of this
16 part.

17 (e) supervision of appropriate administrative staff
18 personnel of the operation of community mental health
19 services within the region;

20 (f) keeping all records of the board and making
21 reports required by the department.

22 (4) Regional mental health board members shall be
23 reimbursed from funds of the board for actual and necessary
24 expenses incurred in attending meetings and in the discharge
25 of board duties when assigned by the board.

1 (5) Prior to June 10 of each year, the board of mental
2 health shall submit to the board of county commissioners of
3 each of the counties within the constituted mental health
4 region an annual budget, specifying each county's
5 recommended proportionate share. If the board of county
6 commissioners includes in the county budget the county's
7 proportionate share of the regional board's budget, it shall
8 be designated as a participating county. Funds for each
9 participating county's proportionate share for the operation
10 of mental health services within the region shall be derived
11 from the county's general fund. If the general fund is
12 insufficient to meet the approved budget, a levy not to
13 exceed 1 mill may, except as provided in [section 2], be
14 made on the taxable valuation of the county in addition to
15 all other taxes allowed by law to be levied on such
16 property.

17 (6) The regional board of mental health with the
18 approval of the department shall establish a schedule of
19 fees for mental health services. The fees may be received by
20 the board and used to implement the budget in accordance
21 with 53-21-204(3)(d)."

22 Section 103. Section 67-10-402, MCA, is amended to
23 read:

24 "67-10-402. Tax levy. (1) For Except as provided in
25 [section 2], for the purpose of establishing, constructing,

1 equipping, maintaining, and operating airports and landing
 2 fields under the provisions of this chapter, the county
 3 commissioners or the city or town council may each year
 4 assess and levy, in addition to the annual levy for general
 5 administrative purposes or the all-purpose levy authorized
 6 by 7-6-4451 and 7-6-4452, a tax of not to exceed 2 mills on
 7 the dollar of taxable value of the property of said county,
 8 city, or town.

9 (2) In the event of a jointly established airport or
 10 landing field, the county commissioners and the council or
 11 councils involved shall determine in advance the levy
 12 necessary for such purposes and the proportion each
 13 political subdivision joining in the venture must pay.

14 (3) No property within any political subdivision may
 15 be subject to a tax pursuant to this section at an annual
 16 rate in excess of 2 mills unless it is found that the levy
 17 is insufficient for the purposes enumerated. In such a case
 18 the commissioners and councils acting are authorized and
 19 empowered to contract an indebtedness on behalf of such
 20 county, city, or town, as the case may be, upon the credit
 21 thereof by borrowing money or issuing bonds for such
 22 purposes, provided that no bonds may be issued for such
 23 purpose until the proposition has been submitted to the
 24 qualified electors and a majority vote cast therefor, except
 25 as provided in subsection (4).

1 (4) For the purpose of establishing a reserve fund to
 2 resurface, overlay, or improve existing runways, taxiways,
 3 and ramps, the governing bodies may set up annual reserve
 4 funds in their annual budget if:

5 (a) the reserve is approved by the governing bodies
 6 during the normal budgeting procedure;

7 (b) the necessity to resurface or improve said runways
 8 by overlays or similar methods every so many years is based
 9 upon competent engineering estimates; and

10 (c) the funds are expended at least within each
 11 10-year period.

12 (5) The reserve fund may not exceed at any time a
 13 competent engineering estimate of the cost of resurfacing or
 14 overlaying the existing runways, taxiways, and ramps of any
 15 one airport for each fund. The governing body of the
 16 airport, if in its judgment it considers it advantageous,
 17 may invest the fund in any interest-bearing deposits in a
 18 state or national bank insured by the FDIC or obligations of
 19 the United States of America, either short-term or
 20 long-term. Interest earned from such investments must be
 21 credited to the operations and maintenance budget of the
 22 airport governing body. The above provisions,
 23 notwithstanding other budget control measures and due to the
 24 uniqueness of the subject matter, are declared necessary in
 25 the interests of the public health and safety."

1 Section 104. Section 67-11-301, MCA, is amended to
2 read:

3 "67-11-301. Municipal tax levy. The Except as provided
4 in [section 2], the airport authority may certify annually
5 to the governing bodies the amount of tax to be levied by
6 each municipality participating in the creation of the
7 airport authority, and the municipality shall levy the
8 amount certified, pursuant to provisions of law authorizing
9 cities and other political subdivisions of this state to
10 levy taxes for airport purposes. The levy made shall not
11 exceed the maximum levy permitted by the laws of this state
12 for airport purposes or any such lower limit as may have
13 been established by the municipality or municipalities in
14 the resolution creating the authority. The municipality
15 shall collect the taxes certified by an airport authority in
16 the same manner as other taxes are levied and collected and
17 make payment to the airport authority. The proceeds of such
18 taxes when and as paid to the airport authority shall be
19 deposited in a special account or accounts in which other
20 revenues of the authority are deposited and may be expended
21 by the authority as provided for in this chapter. Prior to
22 the issuance of bonds under 67-11-303, the airport authority
23 or the municipality may by resolution covenant and agree
24 that the total amount of such taxes then authorized by law,
25 or such portion thereof as may be specified by the

1 resolution, will be certified, levied, and deposited
2 annually as herein provided until the bonds and interest
3 thereon are fully paid."

4 Section 105. Section 67-11-302, MCA, is amended to
5 read:

6 "67-11-302. County tax levy. In Except as provided in
7 [section 2], in counties supporting airports or airport
8 authorities, a levy as provided for in 67-10-402 may be made
9 for such purposes."

10 Section 106. Section 76-1-111, MCA, is amended to
11 read:

12 "76-1-111. Representation of county or additional
13 cities or towns on existing boards. (1) Any city, county, or
14 town or any combination thereof wishing to be represented
15 upon an existing planning board may, by agreement of the
16 governing body or bodies then represented upon the board,
17 obtain representation thereon and share in the membership
18 duties and costs of the board upon a basis agreeable to the
19 governing body or bodies creating the board.

20 (2) The membership as well as the jurisdictional area
21 of any board may be increased to provide for representation
22 and planning of any additional cities, counties, or towns
23 seeking representation.

24 (3) Any city, county, or town which becomes
25 represented upon an existing planning board pursuant to this

1 section may appropriate funds for expenses necessary to
 2 cover the costs of such representation. The governing bodies
 3 of any city or county so being represented may, except as
 4 provided in [section 2], levy on all property which is added
 5 to the jurisdictional area of an existing board by such
 6 representation a tax for planning board purposes under
 7 procedures set forth in Title 7, chapter 6, part 23 or part
 8 42, whichever is applicable; provided such tax shall not
 9 exceed the maximum levy authorized in 76-1-402 through
 10 76-1-407."

11 Section 107. Section 76-1-403, MCA, is amended to
 12 read:

13 "76-1-403. Tax levy by county for certain county
 14 planning districts authorized. When a county planning board
 15 has been established, the board of county commissioners may
 16 create a planning district which shall include that property
 17 which lies outside the limits of the jurisdictional area as
 18 established pursuant to 76-1-504 through 76-1-507 or as
 19 modified pursuant to 76-1-501 through 76-1-503 in counties
 20 where a city-county planning board has been established as
 21 well as that property which lies outside the limits of any
 22 incorporated cities and towns. ~~The~~ Except as provided in
 23 [section 2], the board of county commissioners may levy on
 24 all property located within such planning district a tax not
 25 to exceed the maximum levy authorized by 76-1-405 for

1 planning board purposes, under procedures set forth in Title
 2 7, chapter 6, part 23."

3 Section 108. Section 76-1-404, MCA, is amended to
 4 read:

5 "76-1-404. Tax levy by county for city-county planning
 6 board authorized. When a city-county planning board has been
 7 established, the board of county commissioners may create a
 8 planning district which shall include that property within
 9 the jurisdictional areas as established pursuant to 76-1-504
 10 through 76-1-507 which lies outside the limits of any
 11 incorporated cities and towns. The board of county
 12 commissioners may levy on all property located within such
 13 planning district, except as provided in [section 2], a tax
 14 for planning board purposes, under procedures set forth in
 15 Title 7, chapter 6, part 23, provided such tax shall not
 16 exceed the maximum levy authorized in 76-1-405."

17 Section 109. Section 76-1-405, MCA, is amended to
 18 read:

19 "76-1-405. Maximum county mill levy -- authorization
 20 for levy. The tax levy for planning board purposes shall be
 21 limited as provided in [section 2] and as follows:

22 (1) A county of the first class, as defined in
 23 7-1-2111, may levy a tax not to exceed 2 mills.

24 (2) A county of the second class may levy a tax not to
 25 exceed 3 mills.

1 (3) A county of the third class may levy a tax not to
2 exceed 4 mills.

3 (4) A county of the fourth class may levy a tax not to
4 exceed 5 mills.

5 (5) Counties of the fifth, sixth, and seventh classes
6 may levy a tax not to exceed 6 mills."

7 Section 110. Section 76-1-406, MCA, is amended to
8 read:

9 "76-1-406. Tax levy by municipalities authorized. The
10 Except as provided in [section 2], the governing body of any
11 city or town represented upon a planning board may levy a
12 tax upon the property located within such city or town for
13 planning board purposes, under procedures set forth in Title
14 7, chapter 6, part 42, provided such tax shall not exceed
15 the maximum levy authorized in 76-1-407."

16 Section 111. Section 76-1-407, MCA, is amended to
17 read:

18 "76-1-407. Maximum city mill levy. The tax levy for
19 planning board purposes shall be limited as provided in
20 [section 2] and as follows:

21 (1) A city of the first class, as defined in 7-1-4111,
22 may levy a tax not to exceed 2 mills.

23 (2) A city of the second class may levy a tax not to
24 exceed 4 mills.

25 (3) A city of the third class may levy a tax not to

1 exceed 6 mills.

2 (4) A town may levy a tax not to exceed 6 mills."

3 Section 112. Section 76-2-102, MCA, is amended to
4 read:

5 "76-2-102. Organization and operation of commission.

6 (1) The commission is to consist of the three county
7 commissioners, the county surveyor, and the county assessor.
8 Members of the commission shall serve without compensation
9 other than reimbursement for duly authorized expenses and
10 shall be residents of the county in which they serve.

11 (2) The commission hereby is authorized to appoint
12 necessary employees and fix their compensation with the
13 approval of the board of county commissioners, to select a
14 chairman to serve for 1 year, to appoint a secretary who
15 shall keep permanent and complete records of its
16 proceedings, and to adopt rules governing the transaction of
17 its business.

18 (3) The finances necessary for the transaction of the
19 planning and zoning commission's business and to pay the
20 expenses of the employees and justified expenses of the
21 members of the board shall be paid from a levy of not to
22 exceed 1 mill on the taxable valuation of the real property,
23 except centrally assessed property as defined in [section
24 2], within such district."

25 Section 113. Section 76-5-1113, MCA, is amended to

1 read:

2 "76-5-1113. Special assessments for operation and
3 maintenance authorized. (1) Any city, town, or county that
4 shall establish a water conservation or flood control
5 system, or both, pursuant to this part may for the purpose
6 of providing funds for the operation and maintenance thereof
7 levy an annual special assessment against all real property
8 in the area, except centrally assessed property as defined
9 in [section 2], benefiting from such system.

10 (2) Such special assessments for the operation and
11 maintenance of any system authorized by this part shall be
12 levied as are other special improvement levies as required
13 by law."

14 Section 114. Section 76-15-515, MCA, is amended to
15 read:

16 "76-15-515. Maximum regular assessment. The regular
17 assessment in any one year shall not exceed 1 1/2 mills on
18 the dollar of total taxable valuation of real property,
19 except centrally assessed property as defined in [section
20 2], within the district. The valuation shall be determined
21 according to the last assessment roll."

22 Section 115. Section 76-15-516, MCA, is amended to
23 read:

24 "76-15-516. Levy of regular and special assessment.
25 (1) The board of county commissioners of each county in

1 which there lies any portion of the district may, annually
2 at the time of levying county taxes, levy an assessment on
3 the taxable real property within the district, except
4 centrally assessed property as defined in [section 2]. It
5 shall be known as the "... (name of district) conservation
6 district regular assessment" and shall be sufficient to
7 raise the amount reported to them in the estimate of the
8 supervisors.

9 (2) The board of county commissioners of each county
10 in which there lies any portion of a project area may,
11 annually at the time of levying county taxes, levy an
12 assessment not to exceed 3 mills on the taxable real
13 property within the project area, except centrally assessed
14 property as defined in [section 2]. It shall be known as
15 "... (name of the project area) special assessment" and
16 shall be sufficient to raise the amount reported to them in
17 the estimate of the supervisors."

18 Section 116. Section 76-15-623, MCA, is amended to
19 read:

20 "76-15-623. Administration of special assessment. (1)
21 When the board or boards of supervisors have determined that
22 a special assessment is necessary, the board of county
23 commissioners of such county in which there lies any portion
24 of a project area shall annually at the time of levying
25 county taxes levy a special assessment of the taxable real

1 property in the project area, except centrally assessed
 2 property as defined in [section 2], not to exceed 3 mills.
 3 It shall be known as the "... (name of district) soil and
 4 water conservation district special assessment" and shall be
 5 sufficient to raise the income reported to it in the
 6 estimate of the supervisors.

7 (2) Each lot or parcel of land to be assessed shall be
 8 assessed with that part of the amount of money required
 9 which its taxable valuation bears to the total taxable
 10 valuation of all the lands to be assessed."

11 Section 117. Section 81-8-504, MCA, is amended to
 12 read:

13 "81-8-504. Tax levy authorized. For Except as provided
 14 in [section 2], for the purpose of defraying the costs of
 15 such purebred livestock shows and such purebred livestock
 16 sales, the county commissioners are authorized and empowered
 17 to levy annually a tax not to exceed one-fourth mill on the
 18 taxable property of the county, in excess of the amount
 19 levied for county purposes, which taxes shall be paid into
 20 the general fund of the county."

21 Section 118. Section 85-3-412, MCA, is amended to
 22 read:

23 "85-3-412. Petition content. (1) The petition for the
 24 creation of a weather modification authority and for
 25 appointment of commissioners shall contain:

1 (a) a title with the heading "Petition for Creation of
 2 (insert name of county) Weather Modification Authority";

3 (b) the following paragraph: We, the undersigned
 4 qualified electors of (name of county), state of Montana,
 5 request that the (name of county) board of county
 6 commissioners create by resolution a (name of county)
 7 weather modification authority and appoint the following
 8 five qualified electors of the county to 5-year terms of
 9 office as commissioners for the (name of county) weather
 10 modification authority:

11 (Here insert the name and address of each proposed
 12 commissioner for the (name of county) weather modification
 13 authority.)

14 (c) the following paragraph: We, the undersigned
 15 qualified electors of the (name of county), state of
 16 Montana, are notified that the creation of the (name of
 17 county) weather modification authority and the appointment
 18 of its commissioners by the (name of county) board of county
 19 commissioners will grant the authority the power to certify
 20 to the board of county commissioners a mill levy tax not to
 21 exceed 2 mills upon the net taxable valuation of property in
 22 the county, except centrally assessed property as defined in
 23 [section 2], for a weather modification fund, which tax may
 24 be levied in excess of the mill levy limit fixed by law for
 25 taxes for general county purposes and that such fund must be

1 used for weather modification activities as provided by
 2 85-3-424. We, the undersigned, understand that the authority
 3 requested in this petition expires 5 years after the
 4 creation of the weather modification authority, except that
 5 the board of county commissioners may by resolution create a
 6 weather modification authority and all its powers, including
 7 the power to certify a tax levy as provided in 85-3-422, for
 8 one or more 5-year periods in accordance with 85-3-414.

9 (d) A heading, "Committee for Petitioners", followed
 10 by this statement: The following electors of (name of
 11 county), state of Montana, are authorized to represent and
 12 act for us and shall constitute the "Committee for the
 13 Petitioners" in the matter of this petition and all acts
 14 subsequent thereto.

15 (2) All signatures to such petition must be numbered
 16 and dated by month, day, and year. The name must be written,
 17 with residence address and post-office address, including
 18 the county of residence.

19 (3) An affidavit must be attached to each petition and
 20 sworn to under oath before a notary public by the person
 21 circulating each petition, attesting to the fact that he
 22 circulated the petition and that each of the signatures to
 23 the petition is the genuine signature of the person whose
 24 name it purports to be and that each such person is a
 25 qualified elector in the county in which the petition was

1 circulated."

2 Section 119. Section 85-3-422, MCA, is amended to
 3 read:

4 "85-3-422. Tax certified by weather modification
 5 authority -- disposition of proceeds. (1) The authority may
 6 certify annually to the board of county commissioners a tax
 7 of not to exceed 2 mills upon the taxable valuation of the
 8 property in the county, except centrally assessed property
 9 as defined in [section 2], for a weather modification fund.
 10 The tax must be levied by the board of county commissioners
 11 and may be levied in excess of the mill levy limit fixed by
 12 law for taxes for general county purposes. The weather
 13 modification fund may be used only for weather modification
 14 activities as provided by 85-3-424. The tax certified by the
 15 authority is limited to the period of existence of the
 16 authority.

17 (2) The money in the weather modification fund must be
 18 invested to earn interest at the rate most advantageous to
 19 the fund, consistent with law and prudent business
 20 practice."

21 Section 120. Section 85-3-423, MCA, is amended to
 22 read:

23 "85-3-423. County budget waived for first
 24 appropriation -- conditions. The provisions of 7-6-2342
 25 apply if an emergency condition requiring prompt expenditure

1 occurs immediately after an authority has been created by
 2 resolution of the board of county commissioners and after
 3 certification of a mill levy by the authority. In that case
 4 and only for the initial or first appropriation for the
 5 authority, the county commissioners may appropriate, from
 6 money not otherwise appropriated in the general fund, money
 7 necessary to carry out the provisions of this part. However,
 8 the appropriation may not exceed an amount equal to the
 9 amount that would be raised by a 2-mill levy upon the
 10 taxable valuation of the property in the county, except
 11 centrally assessed property as defined in [section 2]."

12 Section 121. Section 85-7-2119, MCA, is amended to
 13 read:

14 "85-7-2119. United States contracts -- assessments
 15 where district partly outside state. Where a contract has
 16 been entered into or may be hereafter entered into between
 17 an irrigation district and the United States, the board of
 18 commissioners shall, except as provided in [section 2], have
 19 the power to levy assessments against all of the land within
 20 the district for any and all of the purposes hereinbefore
 21 enumerated and, in addition thereto, the power, except as
 22 provided in [section 2], to levy assessments against any or
 23 all of the lands in said district in compliance with such
 24 contract. Where irrigation works lie partly in the state of
 25 Montana and partly in an adjacent state, the board of

1 commissioners may contract with the district or districts in
 2 the adjacent state for the mutual construction of works,
 3 operation and maintenance of works, drainage, and other
 4 matters and things pertaining to said works and shall have
 5 the power, except as provided in [section 2], to levy
 6 assessments against any or all lands within the district
 7 necessary to carry out the provisions of such contract."

8 Section 122. Section 85-9-601, MCA, is amended to
 9 read:

10 "85-9-601. Assessments. (1) To the extent that
 11 anticipated revenues from rates, fees, and other charges
 12 fixed pursuant to 85-9-407(1) will not be sufficient to meet
 13 the district's anticipated obligations for annual operation,
 14 maintenance, and replacement or depreciation of works or for
 15 payment of the interest and principal on bonded
 16 indebtedness, the directors may, except as provided in
 17 [section 2], make an assessment of not more than 2 mills on
 18 all taxable real property in the district for the purpose of
 19 fully meeting such obligations.

20 (2) In addition to the assessment authorized by
 21 subsection (1), the directors may, except as provided in
 22 [section 2], annually make an assessment of up to 3 mills on
 23 the taxable real property in the district to pay interest
 24 and principal on bonded indebtedness.

25 (3) The assessments are a lien upon each lot or parcel

1 of land within the district to the extent of the assessment
2 on each.

3 (4) All assessments have the same force and effect as
4 other liens for taxes, and their collection shall be
5 enforced in the way provided for enforcement of liens for
6 county taxes. Assessments, if not paid, become delinquent at
7 the same time as county taxes.

8 (5) Except as provided in 85-9-624, approval of the
9 electors is not required for the making of these
10 assessments."

11 Section 123. Section 90-5-112, MCA, is amended to
12 read:

13 "90-5-112. Economic development levy. (1) Upon Except
14 as provided in [section 2], upon an affirmative vote of a
15 majority of the qualified voters voting in a city, county,
16 or town on the question of whether the governing body may
17 levy a tax for economic development, the governing body of
18 that city, county, or town is authorized to levy in any one
19 election up to 1 mill upon the taxable value of all the
20 property in the county, city, or town subject to taxation
21 for the purpose of economic development for a period not to
22 exceed 5 years.

23 (2) Funds derived from this levy may be used for
24 purchasing land for industrial parks, constructing buildings
25 to house manufacturing and processing operations, conducting

1 preliminary feasibility studies, promoting economic
2 development opportunities in a particular area, and other
3 activities generally associated with economic development.
4 These funds may not be used to directly assist an industry's
5 operations by loan or grant or to pay the salary or salary
6 supplements of government employees.

7 (3) The governing body of the county, city, or town
8 may use the funds derived from this levy to contract with
9 local development companies and other associations or
10 organizations capable of implementing the economic
11 development function."

12 NEW SECTION. Section 124. Extension of authority. Any
13 existing authority of the departments of commerce and
14 revenue to make rules on the subject of the provisions of
15 this act is extended to the provisions of this act.

16 NEW SECTION. Section 125. Effective date. This act is
17 effective on passage and approval.

18 NEW SECTION. Section 126. Applicability date.
19 Sections 1 through 123 apply to taxable years beginning on
20 or after January 1, 1985.

21 NEW SECTION. Section 127. Codification instruction.
22 Sections 1 through 3 are intended to be codified as an
23 integral part of Title 15, chapter 23.

-End-