

SENATE BILL NO. 14

INTRODUCED BY BECK

IN THE SENATE

JANUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
JANUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 17, 1989	PRINTING REPORT.
JANUARY 18, 1989	ON MOTION, CONSIDERATION PASSED
JANUARY 19, 1989	SECOND READING, DO PASS.
JANUARY 20, 1989	ENGROSSING REPORT.
JANUARY 21, 1989	THIRD READING, PASSED. AYES, 44; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 20, 1989	FIRST READING.
MARCH 1, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1989	SECOND READING, CONCURRED IN.
MARCH 4, 1989	THIRD READING, CONCURRED IN. AYES, 94; NOES, 0.
	RETURNED TO SENATE.

MARCH 6, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE BILL NO. 14
2 INTRODUCED BY BECK
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY
5 COMMISSIONERS TO FIX A TAX LEVY PRIOR TO THE SECOND MONDAY
6 IN AUGUST; AMENDING SECTION 7-6-2321, MCA; AND PROVIDING AN
7 EFFECTIVE DATE."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 7-6-2321, MCA, is amended to read:
11 "7-6-2321. Fixing of tax levy. (1) On or before the
12 second Monday in August and after the approval and adoption
13 of the final budget, the board of county commissioners shall
14 fix the tax levy for each fund at a rate which will raise
15 the amount set out in the budget as the amount necessary to
16 be 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, to produce the
22 amount set out in the budget, without including any amount
23 for anticipated tax delinquency, as being the amount to be
24 raised by tax levy.
25 (2) The tax levy shall be made in the manner provided

1 by 15-10-201."

2 **Section 2.** Effective date. [This act] is effective
3 July 1, 1989.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 14

INTRODUCED BY BECK

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY COMMISSIONERS LOCAL GOVERNMENTS TO FIX A TAX LEVY PRIOR TO THE SECOND MONDAY IN AUGUST; REVISING THE SCHEDULE FOR THE ADOPTION OF A FINAL BUDGET BY A COUNTY COMMISSION OR CITY COUNCIL; AMENDING SECTION SECTIONS 7-6-2316, 7-6-2317, 7-6-2321, 7-6-4227, 7-6-4228, AND 7-6-4232, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

SECTION 1. SECTION 7-6-2316, MCA, IS AMENDED TO READ:

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

(a) the board has completed its county proposed budget for the current fiscal year;

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

(c) the board will meet on the--Wednesday--before--the second--Monday--in--August to fix the final budget and make appropriations, stating the date, time, and place of the meeting; and

(d) any taxpayer or resident of the county may appear

and be heard for or against any part of the budget.

(2) The notice shall be published two times, once each week, in a newspaper of general circulation in the county."

SECTION 2. SECTION 7-6-2317, MCA, IS AMENDED TO READ:

"7-6-2317. Hearing on county proposed budget. (1) On the--Wednesday-before-the-second-Monday-in-August At least 3 days prior to the adoption of the final budget, the county commissioners shall meet at the time and place designated in the notice provided for in 7-6-2316, at which time any taxpayer or resident of the county may appear and be heard for or against any part of the budget.

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

Section 3. Section 7-6-2321, MCA, is amended to read:

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

no higher than is required on that basis, without including any amount for anticipated tax delinquency, to produce the amount set out in the budget, without including any amount for anticipated tax delinquency, as being the amount to be raised by tax levy.

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

SECTION 4. SECTION 7-6-4227, MCA, IS AMENDED TO READ:

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

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

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

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

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

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

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

county in which the municipality is situated."

SECTION 5. SECTION 7-6-4228, MCA, IS AMENDED TO READ:

"7-6-4228. Hearing on preliminary budget. (1) ~~On--the Wednesday--preceding--the-second-Monday-in-August~~ At least 3 days prior to the adoption of the final budget, the council shall meet at the time and place designated in the notice provided in 7-6-4227, at which time any taxpayer or resident may appear and be heard for or against any part of the budget. The council may call in the official in charge of an office, department, service, or institution, at the time the estimates for their respective offices are under consideration, for examination concerning the estimates. The official shall be called in by the council, upon the request of a taxpayer or resident, for questioning upon the estimates either by the council, taxpayer, or resident.

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

SECTION 6. SECTION 7-6-4232, MCA, IS AMENDED TO READ:

"7-6-4232. Fixing of tax levy. (1) On or before the second Monday in August and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at a rate, not exceeding limits prescribed by law, which will raise the amount set out in the budget as the

1 amount necessary to be raised by tax levy for that fund
2 during the current fiscal year. The taxable valuation of the
3 city for the current fiscal year shall be the basis for
4 determining the amount of the tax levy for each fund, and
5 each tax levy shall be at a rate no higher than is required
6 on that basis, without including any amount for anticipated
7 tax delinquency, to raise the amount set out in the budget.

8 (2) If the council considers that a levy made for a
9 bond sinking or interest fund will not provide a sufficient
10 amount to pay all bond principal and interest becoming due
11 during the current fiscal year or within 6 months after the
12 current fiscal year because of anticipated tax delinquency,
13 the council may fix the levy at a rate it considers
14 necessary to raise the amount for making the payments of
15 principal and interest over and above the anticipated tax
16 delinquency.

17 (3) Each levy shall be made in the manner provided by
18 15-10-201."

19 NEW SECTION. **Section 7. Effective date.** [This act] is
20 effective July 1, 1989.

-End-

SENATE BILL NO. 14

INTRODUCED BY BECK

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY COMMISSIONERS LOCAL GOVERNMENTS TO FIX A TAX LEVY PRIOR TO THE SECOND MONDAY IN AUGUST; REVISING THE SCHEDULE FOR THE ADOPTION OF A FINAL BUDGET BY A COUNTY COMMISSION OR CITY COUNCIL; AMENDING SECTIONS 7-6-2316, 7-6-2317, 7-6-2321, 7-6-4227, 7-6-4228, AND 7-6-4232, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

SECTION 1. SECTION 7-6-2316, MCA, IS AMENDED TO READ:

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

(a) the board has completed its county proposed budget for the current fiscal year;

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

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

(d) any taxpayer or resident of the county may appear

and be heard for or against any part of the budget.

(2) The notice shall be published two times, once each week, in a newspaper of general circulation in the county."

SECTION 2. SECTION 7-6-2317, MCA, IS AMENDED TO READ:

"7-6-2317. Hearing on county proposed budget. (1) ~~On the Wednesday before the second Monday in August~~ At least 3 days prior to the adoption of the final budget, the county commissioners shall meet at the time and place designated in the notice provided for in 7-6-2316, at which time any taxpayer or resident of the county may appear and be heard for or against any part of the budget.

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

Section 3. Section 7-6-2321, MCA, is amended to read:

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

no higher than is required on that basis, without including any amount for anticipated tax delinquency, to produce the amount set out in the budget, without including any amount for anticipated tax delinquency, as being the amount to be raised by tax levy.

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

SECTION 4. SECTION 7-6-4227, MCA, IS AMENDED TO READ:

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

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

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

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

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

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

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

county in which the municipality is situated."

SECTION 5. SECTION 7-6-4228, MCA, IS AMENDED TO READ:

"7-6-4228. Hearing on preliminary budget. (1) ~~On--the Wednesday--preceding--the-second-Monday-in-August~~ At least 3 days prior to the adoption of the final budget, the council shall meet at the time and place designated in the notice provided in 7-6-4227, at which time any taxpayer or resident may appear and be heard for or against any part of the budget. The council may call in the official in charge of an office, department, service, or institution, at the time the estimates for their respective offices are under consideration, for examination concerning the estimates. The official shall be called in by the council, upon the request of a taxpayer or resident, for questioning upon the estimates either by the council, taxpayer, or resident.

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

SECTION 6. SECTION 7-6-4232, MCA, IS AMENDED TO READ:

"7-6-4232. Fixing of tax levy. (1) On or before the second Monday in August and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at a rate, not exceeding limits prescribed by law, which will raise the amount set out in the budget as the

1 amount necessary to be raised by tax levy for that fund
2 during the current fiscal year. The taxable valuation of the
3 city for the current fiscal year shall be the basis for
4 determining the amount of the tax levy for each fund, and
5 each tax levy shall be at a rate no higher than is required
6 on that basis, without including any amount for anticipated
7 tax delinquency, to raise the amount set out in the budget.

8 (2) If the council considers that a levy made for a
9 bond sinking or interest fund will not provide a sufficient
10 amount to pay all bond principal and interest becoming due
11 during the current fiscal year or within 6 months after the
12 current fiscal year because of anticipated tax delinquency,
13 the council may fix the levy at a rate it considers
14 necessary to raise the amount for making the payments of
15 principal and interest over and above the anticipated tax
16 delinquency.

17 (3) Each levy shall be made in the manner provided by
18 15-10-201."

19 NEW SECTION. **Section 7. Effective date.** [This act] is
20 effective July 1, 1989.

-End-

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5 COMMISSIONERS LOCAL GOVERNMENTS TO FIX A TAX LEVY PRIOR TO
6 THE SECOND MONDAY IN AUGUST; REVISING THE SCHEDULE FOR THE
7 ADOPTION OF A FINAL BUDGET BY A COUNTY COMMISSION OR CITY
8 COUNCIL; AMENDING SECTION SECTIONS 7-6-2316, 7-6-2317,
9 7-6-2321, 7-6-4227, 7-6-4228, AND 7-6-4232, MCA; AND
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 "7-6-2316. Notice of hearing on county proposed
15 budget. (1) The board of county commissioners shall then
16 have a notice published stating that:

17 (a) the board has completed its county proposed budget
18 for the current fiscal year;

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

21 (c) the board will meet ~~on the Wednesday before the~~
22 ~~second Monday in August~~ to fix the final budget and make
23 appropriations, stating the date, time, and place of the
24 meeting; and

25 (d) any taxpayer or resident of the county may appear

1 and be heard for or against any part of the budget.

2 (2) The notice shall be published two times, once each
3 week, in a newspaper of general circulation in the county."

4 **SECTION 2. SECTION 7-6-2317, MCA, IS AMENDED TO READ:**

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6 ~~the Wednesday before the second Monday in August~~ At least 3
7 days prior to the adoption of the final budget, the county
8 commissioners shall meet at the time and place designated in
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10 taxpayer or resident of the county may appear and be heard
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13 shall be concluded and the budget approved and adopted on or
14 before the second Monday in August, before the fixing of the
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16 **Section 3. Section 7-6-2321, MCA, is amended to read:**

17 "7-6-2321. Fixing of tax levy. (1) On or before the
18 second Monday in August and after the approval and adoption
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"7-6-4232. Fixing of tax levy. (1) On or before the second Monday in August and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at a rate, not exceeding limits prescribed by law, which will raise the amount set out in the budget as the

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20 effective July 1, 1989.

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