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                                    HOUSE BILL NO. }63
                                    INTRODUCED BY GRIMES
BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES
IN THE HOUSE
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\text { FEBRUARY 17, } 1993
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FEBRUARY 20, 1993

FEBRUARY 22, 1993

FEBRUARY 24, 1993

MARCH 1, 1993

MARCH 19, 1993

MARCH 20, 1993
MARCH 22, 1993

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.
COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

SECOND READING, DO PASS.
ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 95; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE
INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.
COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

SECOND READING, CONCURRED IN.
THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.
IN THE HOUSE

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SECOND READING, AMENDMENTS CONCURRED IN.
THIRD READING, AMENDMENTS CONCURRED IN.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.


BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT EATITLED: WAN ACT PROHIBITING A YOUTH COURT FROM COMHITTING A YOUTH TO A STATE YOUTA CORRECTIOKAL FACILITY FOR A DETERMINATE PERIOD; PRORIBITING THE PLACEMENT OF A STATUS OFFEADER IA A STATE YOUTA CORRECTIONAL PACILITY; PROHIBITING THE INITIAL COMAITMENT OR PROLOWGED CONPIMEMENT OF A MENTALLY ILL YOUTH IN A STATE YOUYH CORRECTIONAL FACILITY; CLARIFYIEG WHO SUPERVISES A YOUTH POLLOWING A MENTAL HEALTH: COMAITMENT; AMENDING SECTIOAS 41-5-523. 52-5-126, AND 52-5-127. MCA; AND PRONIDING AN IMYEDIATE EFPECTIVE DATE.*

BE IT EAACTED BY TAE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. section 41-5-523, MCA, is arended to read:
-41-5-523. Diepoeition - comitment to department placement and evaluation of youth - restrictions. (1) If a youth is found to be delinguent youth or youth in meed of supervision, the youth court may enter its judgent making any of the following dispositions:
(a) place the youth on probation;
(b) comit the youth to the department if the court determines that the youth is in need of placement in other
than the youth's own home, provided that:
(i) in--the-case-of-a-youth-in-need-of-supervisiont the court shall determine whether continuation in the home would be contrary to the welfare of the youth and whether reasonable efforts have been nade to prevent or eliminate the need for removal of the youth from his the youth'e home. The court shall include a determination in the order comitting the youth to the department.
(ii) in the case of a delinguent youth who is determined by the court to be a serious juvenile offender, the judge may specify that the youth be placed in a state youth correctional facility if the judge finds that the placement is necessary for the protection of the publict. The court may not comait a youth to a youth correctional facility for a deterninate length of time. Once a youth is compitted to the department for placement in a state youth correctional facility, the department is responsible for determining an appropriate date of releage into an appropriate placement.
(c) order restitution by the youth or ins the youth's parents;
(d) impose aine as authorised by law if the violation alleged would constitute a criminal offense if committed by an adult:
(e) requite the performance of comenity service;
(f) require the youth, his the youth's parentsp-hts or
-2-
HB 638 INTRODUCED BILL
guardians, or the persons having legal custody of the youth to receive counseling services;
(g) require the medical and paychological evaluation of the youth, his the youth's parentsphis or guardians, or the persons having legal custody of the youth;
(h) require the parents, guardiand, or other persons having legal custody of the youth to furnigh services the court may designate:
(i) order further care, treatment, evaluation, or relief that the court considers beneficial to the youth and the comminity and that does not obligate funding from the department without the department's approval, except that a youth may not be placed by a youth court in a residential treatment facility as defined in 50-5-101. Only the department may, pursuant to subsection (1)(b), place a youth in a residential treatment facility.
(j) comit the youth to a mental health facility if, based upon the testimony of a professional person as defined in 53-21-102, the court finds that the youth is seriously mentally ill as defined in 53-21-102. The youth ia entitled to all rights provided by 53-21-114 through 53-21-119. Epen retease--or--discharge--from-the-mentat-heatth-facitityr-the youth-must-be-retwrned-to-the-court-for-frrther--disposition in--weeordance--with-this-section-uniess-the-ceurt-order-has expired-or-the-court-no-konger--retains--jurisodiction--under

> 4:-5-205s A youth adjudicated mentally ill or seriously mentally ill as defined in 53-21-102 may not be connitted to a state youth correctional facility. A youth adjudicated to be mentally ill or seriously mentally ill after placement by the department in a state youth correctional facility must be moved to a more appropriate placement within a reasonable time.
(k) place the youth under home arrest as provided in Title 46, chapter 18, part 10.
(2) When a youth is comaitted to the department, the department shall determine the appropriate placement and rehabilitation program for the youth after considering the recomendations made under 41-5-527 by the youth placement comittee. placement is subject to the following 1initations:
(a) A youth in need of supervision or adjudicated delinquent for comission of an act that would not be a criminal offense if comitted by an adult may not be placed in a state youth correctional facility.
(b) A youth may not be held in a state youth correctional facility for a period of time in excess of the maximun period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth under the juriadiction of the youth court. Nothing in this section limits the power of the department to enter
into an aftercare agreement with the youth pursuant to 52-5-126.
(c) A youth may not be placed in or transferred to a penal institution or other facility used for the execution of sentence of adults convicted of crises.
(3) A youth placed by the department in a state youth correctional facility or other Eacility or progras operated by the department or who signs an aftercare agreement under 52-5-126 must be supervised by the department. A youth who is placed in any other placement by the department, the youth court, or the youth court's juvenile probation officer must be supervised by the youth probation officer of the youth court having jurisdiction over the youth under 41-5-205 whether or not the youth is comitted to the department. Supervision by the youth probation officer includes but is not limited to:
(a) subaitting information and documentation necessary for the person, comittee, or team that is making the placement recomendation to deteraine an appropriate placement for the youth;
(b) securing approval for payment of special education costs from the youth's school district of residence or the office of public instruction, a required in title 20 chapter 7. part 4 ;
(c) subaitting an application to facility in which
the youth may be placed: and
(d) case management of the youth.
(4) The youth court may order a youth to receive a medical or psychological evaluation at any time prior to final disposition if the youth waives his the youth's constitutional rights in the manner provided for in 41-5-303. The county deterained by the court as the residence of the youth is responsible for the cost of the evaluation, except as provided in subsection (5). A county may contract with the department or other public or private agencies to obtain evaluation services ordered by the court.
(5) The youth court ahall determine the financial ability of the youth's parents to pay the cost of an evaluation ordered by the court under subsection (4). If they are financially able, the court shall order the youth"a parents to pay all or part of the cost of the evaluation.
t6t--The--youth-court--ay--not--order---płacement---or evatuatton-of-a-youth-at-e-atate-youth-correctionaz-fackzty unkeap--the--youth-in--found-to-be-a-detinguent-routh-or-is atieged-to-have-comitted-an-offense-thet-is-tranafernbie-to erfantiaz-court-under-4z-5-206T
t7才(6) An evaluation of a youth may not be performed at the montana state hospital unless the youth is transferred to the district court under 41-5-206.
tof(7) An order of the court may be modified at any
tim. In the case of a youth comitted to the department, an order pertaining to the youth may be modified only upon notice to the department and subaequent hearing.
t9f(8) Whenever the court comits a youth to the department, it shall transmit with the dispositional judgment copies of a medical report reports, social history material, education records, and any other clinical. predisposition, or other reports and information pertinent to the care and treateent of the youth.
$t \pm 0+(9)$ If a youth is comeitted to the department, the court shall examine the financial ability of the youth'a parents or guardians to pay a contribution covering all or part of the costa for the care, comitment, and treatment of the youth, including the costs of necessary medical, dental, and other health care.
fiki(10) If the court determines that the youth's parents or guardians are financially able to pay a contribution as provided in subsection $t \pm \theta$ (9), the court shall order the youth's parents or guardians to pay an amount based on the uniform child support guidelines adopted by the department of social and rehabilitation services pursuant to 40-5-209.
t¥at(11) (a) Except as provided in aubsection tizttby (11)(b). contributions ordered under this section and each modification of an existing order are enforceable by
imaediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. An order for contribution that is inconsigtent with this section is nevertheleas subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.
(b) A court-ordered exception from contributions under this section must be in writing and be included in the order. An exception from the imeediate income withholding requirement may be granted if the court finds there is:
(i) good cause not to require immediate income withholding; or
(ii) an alternative arrangement between the department and the person who is ordered to pay contributions.
(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:
(i) aritten determination and explanation by the court of the reasons why the implementation of imediate income withholding is not in the best interests of the child; and
(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under thig mection.
(d) An alternative arrangement must:
(i) provide sufficient security to ensure compliance

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with the arrangement;
(ii) be in writing and be signed by a representative of the department and the perion required to make contributions; and
(iii) if approved by the court, be entered into the record of the proceeding.
t¥3+(12) Upon a showing of a change in the financial ability of the youth's parents or guardians to pay, the court may modify its order for the payment of contributions required under subsection \(t ⿲ \ddagger+(10)\).
t \(\ddagger 4+(13)\) (a) if the court orders the payment of contributions under this section, the department shall apply to the department of social and rehabilitation services for support enforcement services pursuant to Title IV-D of the Social Security Act.
(b) The department of social and rehabilitation services may collect and enforce a contribution order under this section by any means available under law, including the remedies provided for in Title 40, chapter 5, parts 2 and 4."
Section 2. Section 52-5-126, MCA, is amended to reads
-52-5-126. Youth aftercare agrement. (1) A youth released by the department of family services from one of the state youth correctional facilities to the apervision,
``` custody, and control of the department shall, before his the
youth's release, sign an aftercare agreement containing:
(a) a statement of the terma and conditions of his the release, including a list of the acts which that, if comitted by the youth, may result in his a return to the facility; and
(b) a statement that if the department or any person alleges any violation of the terms and conditions of the agreament, the youth is entitled to a hearing as provided for in 52-5-129 before he--my-be being returned to the facility.
(2) A youth who-is released from a state youth correctional facility for comeitment to mental health facility pursuant to ritle 53, chapter 21, part 1, shall sign an aftercare agreement that will remain in effect until the department no longer has custody of the youth is returned-to-the-court-for-further-dispositton-as-provided-in 43-5-523tłjtjiv--if--the--youth--4s--not-returned-to-a-state youth--correctionat--factitty--fołłowing--the--hearing---for further--dtapostetiont--the--aftereare-agreement-becomes-void untean-amended-or-extended-by-the-depertmat-or-the-court."

Section 3. Section 52-5-127, MCA, is amended to read:
-52-5-127. Control over youth released under aftercare agreement. The department of fanily services has control over a youth released under 52-5-126 until he the youth attaing the age of 19 years unless the youth is discharged

\section*{LC 0252/01}

1 by the department before age 19. However, the youth is 2 subject to the generat continuing jurisdiction of the 3 vartous youth courts of montana, purguant to 41-5-205, for 4 acts comitted by the youth while under the control of the 5 department."

NEN SECTIOM. Section 4. Effective date. [This act] is effective on pasaage and approval.
-End-

APPROVED BY COMMITTEE ON JUDICIARY

\section*{HOUSE BILL NO. 638}

INTRODUCED BY GRIMES
BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

than the youth's own home, provided that:
(i) in--the-case-of-a-youth-in-need-of-supervisiont the court shall determine whether continuation in the home would be contrary to the welfare of the youth and whether reasonable efforts have been made to prevent or eliminate the need for removal of the youth from his the youth's home. The court shall include a determination in the order committing the youth to the department.
(ii) in the case of a delinquent youth who is determined by the court to be a serious juvenile offender, the judge may specify that the youth be placed in a state youth correctional facility if the judge finds that the placement is necessary for the protection of the publici. qhe--court may--not-commit-a-youth-to-a-youth-correctionet-facitiey-for a-determinate--tength--of--time THE COURT MAY ORDER THE DEPARTMENT TO NOTIFY THE COURT WITHIN 5 WORKING DAYS BEFORE THE PROPOSED RELEASE OF A YOUTH FROM A YOUTH CORRECTIONAL FACILITY. Once a youth is committed to the department for placement in a state youth correctional facility, the department is responsible for determining an appropriate date of release into an appropriate placement.
(c) order restitution by the youth or his the youth's parents;
(d) impose a fine as authorized by law if the violation alleged would constitute a criminal offense if committed by
an adult;
(e) require the performance of community service:
(f) require the youth, his the youth's parentsi-his or guardians, or the persons having legal custody of the youth to receive counseling services;
(g) require the medical and psychological evaluation of the youth, his the youth's parentsp-his or guardians, or the persons having legal custody of the youth;
(h) require the parents, guardians, or other persons having legal custody of the youth to furnish services the court may designate;
(i) order further care, treatment, evaluation, or relief that the court considers beneficial to the youth and the community and that does not obligate funding from the department without the department's approval, except that a youth may not be placed by a youth court in a residential treatment facility as defined in 50-5-101. Only the department may, pursuant to subsection (1)(b), place a youth in a residential treatment facility.
(j) commit the youth to a mental health facility if, based upon the testimony of a professional person as defined in 53-21-102, the court finds that the youth is seriously mentally ill as defined in 53-21-102. The youth is entitled to all rights provided by 53-21-114 through 53-21-119. Upon retease--or--discharge--from-the-mentat-heatth-facitittyo-the

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youth-must-be-returned-to-the-court-for-further--disposition in--accordance--with-this-section-untess-the-court-order-has expired-or-the-eourt-no-tonger--retatns--jurisdiction--under 4z-5-205: A youth adjudicated mentally ill or seriously mentally ill as defined in 53-21-102 may not be committed to a state youth correctional facility. A youth adjudicated to be mentally ill or seriously mentally ill after placement by the department in a state youth correctional facility must be moved to-a-more-appropriate-ptacement-within-a-reasonabie time. PURSUANT TO 53-21-127, TO AN APPROPRIATE MENTAL HEALTH PLACEMENT IN WHICH THE YOUTH'S MENTAL ILLNESS WILL BE TREATED.
(k) place the youth under home arrest as provided in Title 46, chapter 18 , part 10.
(2) When a youth is comaitted to the department, the department shall determine the appropriate placement and rehabilitation program for the youth after considering the recommendations made under 41-5-527 by the youth placement committee. Placement is subject to the following limitations:
(a) A youth in need of supervision or adjudicated delinquent for commission of an act that would not be a criminal offense if committed by an adult may not be placed in a state youth correctional facility.
(b) A youth may not be held in a state youth
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correctional facility for a period of time in excess of the maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth under the jurisdiction of the youth court. Nothing in this section limits the power of the department to enter into an aftercare agreement with the youth pursuant to 52-5-126.
(c) A youth may not be placed in or transferred to a penal institution or other facility used for the execution of sentence of adults convicted of crimes.
(3) A youth placed by the department in a state youth correctional facility or other facility or program operated by the department or who signs an aftercare agreement under 52-5-126 must be supervised by the department. A youth who is placed in any other placement by the department, the youth court, or the youth court's juvenile probation officer must be supervised by the youth probation officer of the youth court having jurisdiction over the youth under 41-5-205 whether or not the youth is committed to the department. Supervision by the youth probation officer includes but is not limited to:
(a) submitting information and documentation necessary for the person, comaittee, or team that is making the placement recommendation to determine an appropriate placement for the youth;
(b) securing approval for payment of special education costs from the youth's school district of residence or the office of public instruction, as required in Title 20 chapter 7, part 4;
(c) submitting an application to a facility in which the youth may be placed; and
(d) case management of the youth.
(4) The youth court may order a youth to receive a medical or psychological evaluation at any time prior to final disposition if the youth waives his the youth's constitutional rights in the manner provided for in 41-5-303. The county determined by the court as the residence of the youth is responsible for the cost of the evaluation, except as provided in subsection (5). A county may contract with the department or other public or private agencies to obtain evaluation services ordered by the court.
(5) The youth court shall determine the financial ability of the youth's parents to pay the cost of an evaluation ordered by the court under subsection (4). If they are financially able, the court shall order the youth's parents to pay all or part of the cost of the evaluation.
+6t--The---youth---court--may--not--order--płacement--or evatuation-of-a-youth-at-a-state-youth-eorreetionaz-facitity untess-the-youth-is-found-to-be-a--detinquent--youth--or-is ałłeged-to-have-committed-an-offense-that-is-transferabte-to

\section*{eriminat-court-under-4t-5-z 06 -}
f7f(6) An evaluation of a youth may not be performed at the Montana state hospital unless the youth is transferred to the district court under 41-5-206.
t \(\theta+(7)\) An order of the court may be modified at any time. In the case of a youth committed to the department, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing.
t9t(8) Whenever the court commits a youth to the department, it shall transmit with the dispositional judgment copies of a medical repore reports, social history material, education records, and any other clinical, predisposition, or other reports and information pertinent to the care and treatment of the youth.
\(+ \pm \theta+(9)\) If a youth is committed to the department, the court shall examine the financial ability of the youth's parents or guardians to pay a contribution covering all or part of the costs for the care, commitment, and treatment of the youth, including the costs of necessary medical, dental, and other health care.
\(t \pm \pm+1101\) If the court determines that the youth's parents or guardians are financially able to pay a contribution as provided in subsection \(+ \pm \theta+\) (9). the court shall order the youth's parents or guardians to pay an amount based on the uniform child support guidelines adopted
by the department of social and rehabilitation services pursuant to 40-5-209.
\(t \pm z+(11)\) (a) Except as provided in subsection tizttbt (11)(b), contributions ordered under this section and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. An order for contribution that is inconsistent with this section is nevertheless subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.
(b) A court-ordered exception from contributions under this section must be in writing and be included in the order. An exception from the immediate income withholding requirement may be granted if the court finds there is:
(i) good cause not to require immediate income withholding; or
(ii) an alternative arrangement between the department and the person who is ordered to pay contributions.
(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:
(i) a written determination and explanation by the court of the reasons why the implementation of immediate income withholding is not in the best interests of the child; and
(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under this section.
(d) An alternative arrangement must:
(i) provide sufficient security to ensure compliance with the arrangement;
(ii) be in writing and be signed by a representative of the department and the person required to make contributions; and
(iii) if approved by the court, be entered into the record of the proceeding.
t+3t(12) Upon a showing of a change in the financial ability of the youth's parents or guardians to pay, the court may modify its order for the payment of contributions required under subsection \(t \ddagger \pm \boldsymbol{( 1 0 )}\).
\(t \pm 4+(13)\) (a) If the court orders the payment of contributions under this section, the department shall apply to the department of social and rehabilitation services for support enforcement services pursuant to Title IV-D of the Social Security Act.
(b) The department of social and rehabilitation services may collect and enforce a contribution order under this section by any means available under law, including the remedies provided for in Title 40 , chapter 5 , parts 2 and 4."

Section 2. Section 52-5-126, MCA, is amended to read:
"52-5-126. Youth aftercare agreement. (1) A youth released by the department of family services from one of the state youth correctional facilities to the supervision, custody, and control of the department shall, before his the youth's release, sign an aftercare agreement containing:
(a) a statement of the terms and conditions of his the release, including a list of the acts which that, if committed by the youth, may result in his a return to the facility; and
(b) a statement that if the department or any person alleges any violation of the terms and conditions of the agreement, the youth is entitled to a hearing as provided for in 52-5-129 before he--may-be being returned to the facility.
(2) A youth who-is released from a state youth correctional facility for commitment to a mental health facility pursuant to Title 53, chapter 21, part 1 , shall sign an aftercare agreement that will remain in effect until the department no longer has custody of the youth is returned-to-the-court-for-further-disposition-as-provided-in 4z-5-5z3łまttjt=-if-the-youth-is--not--returned--to--a--state youth---correctionat--faeitity--fotiowing--the--hearing--for further-dispositiont-the-aftercare--agreement--becomes--void untess-amended-or-extended-by-the-department-or-the-court."

Section 3. Section 52-5-127, MCA, is amended to read:
-52-5-127. Control over youth released under aftercare agreement. The department of family services has control over a youth released under 52-5-126 until he the youth attains the age of 19 years unless the youth is discharged by the department before age 19. However, the youth is subject to the generaz continuing jurisdiction of the various youth courts of Montana, pursuant to 41-5-205, for acts committed by the youth while under the contral of the department."

NEW SECTION. Section 4. Effective date. IThis act] is effective on passage and approval.
-End-

HOUSE BILL NO. 638
INTRODUCED BY GRIMES
BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT PROH¥BI P¥NG--A--¥OGTH

 of a status offender in a state youth correctional facility; PROHIBITING THE INITIAL COMMITMENT OR PROLONGED CONFINEMENT OF A MENTALLY ILL YOUTE IN A STATE YOUTH CORRECTIONAL FACILITY; CLARIFYING WHO SUPERVISES A YOUTH FOLLOWING A MENTAL HEALTH COMMITMENT: AMENDING SECTIONS 41-5-523, 52-5-126, AND 52-5-127, MCA; AND PROVIDING AN IMMEDIATE EFEECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 41-5-523, MCA, is amended to read:
-41-5-523. Disposition -- comitment to department -placement and evaluation of youth -- restrictions. (1) If a youth is found to be a delinquent youth or a youth in need of supervision, the youth court may enter its judgment making any of the following dispositions:
(a) place the youth on probation;
(b) commit the youth to the department if the court determines that the youth is in need of placement in other

\begin{abstract}
than the youth's own home, provided that
(i) in--the-ease-of-a-youth-in-need-of-aupervisiont the court shall determine whether continuation in the home would be contrary to the welfare of the youth and whether reasonable efforts have been made to prevent or eliminate the need for removal of the youth from his the youth's home. The court shall include a determination in the order conaitting the youth to the department.
(ii) in the case of a delinquent youth who is determined by the court to be a serious juvenile offender, the judge may specify that the youth be placed in a state youth correctional facility if the judge finds that the placement is necessary for the protection of the publict. Phe--eourt may-not-commit-a-youth-to-a-youth-corfectionaz-facitity-for a-deterninate--tength--of--time THE COURT MAY ORDER THE DEPARTMENT TO NOTIPY THE COURT WITHIN 5 WORKING DAYS BEFORE THE PROPOSED RELEASE OF A YOUTH FROM A YOUTH CORRECTIONAL FACILITY. Once a youth is committed to the department for
\end{abstract}

THERE ARE NO CHANGES IN THIS BILL
AND WILL NOT BE REPRINTED. PLEASE
REFER TO YELLOW COPY FOR COMPLETE TEXT.

HB 63 B
THIRD READING

Page 1 of 1 March 18, 1993

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration House Bill No. 638 (first reading copy -- blue), respectfully report that House Bill No. 638 be amended as follows and as so amended be concurred in.


That such amendments read:
1. Page 4, lines 10 through 12.

Following: "time" on line 10
Strike: remainder of line 10 through "TREATED" on line 12
Insert: "to a more appropriate placement in response to the youth's mental health needs and consistent with the disposition alternatives available in 53-21-127"
2. Page 7, line 2.

Following: line 1
Insert: "(6) The youth court may not order placement or evaluation of a youth at a state youth correctional facility unless the youth is found to be a delinquent youth or is alleged to have committed an offense that is transferable to criminal court under 41-5-206."
Renumber: subsequent subsections
3. Page 7, line 23.

Strike: "(9)"
Insert: "(10)"
4. Page 8, line 4.

Strike: "(ll)(b)"
Insert: "(12)(b)"
5. Page 9, line 15.

Strike: "(10)"

HOUSE BILL NO． 638
INTRODUCED BY GRIMES
BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED：＂AN ACT PREBIEITING－－A－－YӨUTH
 PAC¥b¥甲¥－P日R－A－BETERMINATE－PERI日B今 PROHIBITING THE PLACEMENT OF A STATUS OFFENDER IN A STATE YOUTH CORRECTIONAL FACILITY； PROHIBITING THE INITIAL COMMITMENT OR PROLONGED CONFINEMENT OF A MENTALLY ILL YOUTH IN A STATE YOUTH CORRECTIONAL FACILITY；CLARIFYING WHO SUPERVISES A YOUTH FOLLOWING A MENTAL HEALTE COMMITMENT；AMENDING SECTIONS 41－5－523， 52－5－126，AND 52－5－127，MCA；AND PROVIDING AN IMMEDIATE EFFECTIVE DATE．＂
be IT enacted by the legislature of the state of montana：
Section 1．Section 41－5－523，MCA，is amended to read：
41－5－523．Disposition－－commitment to department－－ placement and evaluation of youth－－restrictions．（1）If a youth is found to be a delinquent youth or a youth in need of supervision，the youth court may enter its judgment making any of the following dispositions：
（a）place the youth on probation：
（b）commit the youth to the department if the court determines that the youth is in need of placement in other
than the youth＇s own home，provided that：
（i）in－ehe－case－of－a－youth－in－need－of－supervisiont the court shall determine whether continuation in the home would be contrary to the welfare of the youth and whether reasonable efforts have been made to prevent or eliminate the need for removal of the youth from his the youth＇s home． The court shall include a determination in the order committing the youth to the department．
（ii）in the case of a delinquent youth who is determined by the court to be a serious juvenile offender，the judge may specify that the youth be placed in a state youth correctional facility if the judge finds that the placement is necessary for the protection of the publics．phe－－eourt may－－not－commit－a－youth－to－a－youth－correctionat－facitity－for a－determinate－－łength－－of－－time THE COURT MAY ORDER THE DEPARTMENT TO NOTIFY THE COURT WITHIN 5 WORKING DAYS BEFORE THE PROPOSED RELEASE OF A YOUTH FROM A YOUTH CORRECTIONAL FACILITY．Once a youth is committed to the department for placement in a state youth correctional facility，the department is responsible for determining an appropriate date of release into an appropriate placement．
（c）order restitution by the youth or his the youth＇s parents；
（d）impose a fine as authorized by law if the violation alleged would constitute a criminal offense if committed by
an adult;
(e) require the performance of commuity service;
(f) require the youth, his the youth's parentsi-his or guardians, or the persons having legal custody of the youth to receive counseling services;
(g) require the medical and psychological evaluation of the youth, his the youth's parentsthis or guardians, or the persons having legal custody of the youth;
(h) require the parents, guardians, or other persons having legal custody of the youth to furnish services the court may designate;
(i) order further care, treatment, evaluation, or relief that the court considers beneficial to the youth and the community and that does not obligate funding from the department without the department's approval, except that a youth may not be placed by a youth court in a residential treatment facility as defined in 50-5-101. only the department may, pursuant to subsection (1)(b), place a youth in a residential treatment facility.
(j) commit the youth to a mental health facility if, based upon the testimony of a professional person as defined in 53-21-102, the court finds that the youth is seriously mentally ill as defined in 53-21-102. The youth is entitled to all rights provided by 53-21-114 through 53-21-119. Upon retease--or--diseharge--from-the-mentaz-heatth-facitityr-the
youth-must-be-returned-to-the-court-for-further--disposition in--eceordance--with-this-section-untess-the-court-order-has expired-or-the-court-no-tonger--retains--jurisadetion-under 4z-5-205- A youth adjudicated mentally ill or seriously mentally ill as defined in 53-21-102 may not be committed to a state youth correctional facility. A youth adjudicated to be mentally ill or seriously mentally ill after placement by the department in a state youth correctional facility must be moved to-a-more-appropriate-piacement-within-a-reasonabie
 PЂ, PREATEE TO A MORE APPROPRIATE PLACEMENT IN RESPONSE TO THE YOUTH'S MENTAL HEALTH NEEDS AND CONSISTENT WITH THE DISPOSITION ALTERNATIVES AVAILABLE IN 53-21-127.
(k) place the youth under home arrest as provided in Title 46, chapter 18, part 10.
(2) When a youth is committed to the department, the department shall determine the appropriate placement and rehabilitation program for the youth after considering the recommendations made under 41-5-527 by the youth placement committee. placement is subject to the following limitations:
(a) A youth in need of supervision or adjudicated delinguent for commission of an act that would not be a criminal offense if committed by an adult may not be placed
in a state youth correctional facility.
(b) A youth may not be held in a state youth correctional facility for a period of time in excess of the maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth under the jurisdiction of the youth court. Nothing in this section limits the power of the department to enter into an aftercare agreement with the youth pursuant to 52-5-126.
(c) A youth may not be placed in or transferred to a penal institution or other facility used for the execution of sentence of adults convicted of crimes.
(3) A youth placed by the department in a state youth correctional facility or other facility or program operated by the department or who signs an aftercare agreement under 52-5-126 must be supervised by the department. A youth who is placed in any other placement by the department, the youth court, or the youth court's juvenile probation officer must be supervised by the youth probation officer of the youth court having jurisdiction over the youth under 41-5-205 whether or not the youth is committed to the department. Supervision by the youth probation officer includes but is not limited to:
(a) submitting information and documentation necessary for the person, committee, or team that is making the
placement recommendation to determine an appropriate placement for the youth;
(b) securing approval for payment of special education costs from the youth's school district of residence or the office of public instruction, as required in title 20 , chapter 7, part 4;
(c) submitting an application to a facility in which the youth may be placed; and
(d) case management of the youth.
(4) The youth court may order a youth to receive a medical or psychological evaluation at any time prior to final disposition if the youth waives his the youth's constitutional rights in the manner provided for in 41-5-303. The county determined by the court as the residence of the youth is responsible for the cost of the evaluation, except as provided in subsection (5). A county may contract with the department or other public or private agencies to obtain evaluation services ordered by the court.
(5) The youth court shall determine the financial ability of the youth's parents to pay the cost of an evaluation ordered by the court under subsection (4). If they are financially able, the court shall order the youth's parents to pay all or part of the cost of the evaluation.
f6t--The---youth---eourt--may--not--order--pzaeement--or evatuation-of-a-youth-at-a-state-youth-correctionaz-facitity
untess-the-youth-is-found-to-be-a--dełinquent-youth--or-is atzeged-te-have-comnttted-an-offense-that-is-transferabze-to eriminat-eourt-ander-4z-5-3日6:
(6) THE YOUTH COURT MAY NOT ORDER PLACEMENT OR EVALUATION OF A YOUTH AT A STATE YOUTH CORRECTIONAL FACILITY UNLESS THE YOUTH IS FOUND TO BE A DELINQUENT YOUTH OR IS ALLEGED TO HAVE COMMITTED AN OFFENSE THAT IS TRANSFERABLE TO CRIMINAL COURT UNDER 41-5-206.
t7t+6i(7) An evaluation of a youth may not be performed at the Montana state hospital unless the youth is transferred to the district court under 41-5-206.
tettyt(8) An order of the court may be modified at any time. In the case of a youth committed to the department, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing.
t9tf(8)(9) Whenever the court commits a youth to the department, it shall transmit with the dispositional judgment copies of a medical repert reports, social history material, education records, and any other clinical, predisposition, or other reports and information pertinent to the care and treatment of the youth.
\(t \pm \theta+f 9 t(10)\) If a youth is committed to the department, the court shall examine the financial ability of the youth's parents or guardians to pay a contribution covering all or part of the costs for the care, commitment, and treatment of
the youth, including the costs of necessary medical, dental, and other health care.
tiztfiet(ll) If the court determines that the youth's parents or guardians are financially able to pay a contribution as provided in subsection \(t \neq \theta+9 f(10)\), the court shall order the youth's parents or guardians to pay an amount based on the uniform child support guidelines adopted by the department of social and rehabilitation services pursuant to 40-5-209.
t¥zttuty(12) (a) Except as provided in subsection
 section and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40 , chapter 5, part 4. An order for contribution that is inconsistent with this section is nevertheless subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.
(b) A court-ordered exception from contributions under this section must be in writing and be included in the order. An exception from the immediate income withholding requirement may be granted if the court finds there is:
(i) good cause not to require immediate income withholding; or
(ii) an alternative arrangement between the department
and the person who is ordered to pay contributions.
(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:
(i) a written determination and explanation by the court of the reasons why the implementation of immediate income withholding is not in the best interests of the child; and
(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under this section.
(d) An alternative arrangement must:
(i) provide sufficient security to ensure compliance with the arrangement:
(ii) be in writing and be signed by a representative of the department and the person required to make contributions: and
(iii) if approved by the court, be entered into the record of the proceeding.
\(t \ddagger 9+ \pm \ddagger z+(13)\) Upon a showing of a change in the financial ability of the youth's parents or guardians to pay, the court may modify its order for the payment of contributions required under subsection \(t \nexists \ddagger+\) t \(\ddagger \boldsymbol{t}\) (11).
\(+\ddagger 4+ \pm \ddagger+(14)\) (a) If the court orders the payment of contributions under this section, the department shall apply to the department of social and rehabilitation services for
support enforcement services pursuant to Title IV-D of the Social Security Act.
(b) The department of social and rehabilitation services may collect and enforce a contribution order under this section by any means available under law, including the remedies provided for in Title 40 , chapter 5 , parts 2 and 4."

Section 2. Section 52-5-126, MCA, is amended to read:
"52-5-126. Youth aftercare agreement. (1) A youth released by the department of family services from one of the state youth correctional facilities to the supervision, custody, and control of the department shall, before his the youth's release, sign an aftercare agrement containing:
(a) a statement of the terms and conditions of his the release, including a list of the acts which that, if committed by the youth, may result in his a return to the Eacility; and
(b) a statement that if the department or any person alleges any violation of the terms and conditions of the agreement, the youth is entitled to a hearing as provided for in 52-5-129 before he--may--be being returned to the facility.
(2) A youth who--is released from a state youth correctional facility for commitment to a mental health facility pursuant to Title 53 , chapter 21 , part 1 , shall

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sign an aftercare agreement that will remain in effect until the department no longer has custody of the youth is returned-to-the-court-for-further-disposition-as-provided-in 4才-5-5z3tまttjti-if-the-youth-is--not--returned--to--a--state youth---corfectionat--faciłity--fołtowing--the--hearing--for further-dispositiont-the-aftereare--agreement--becomes--void untess-amended-or-ertended-by-the-department-or-the-court."

Section 3. Section 52-5-127, MCA, is amended to read:
"52-5-127. Control over youth released under aftercare agreement. The department of family services has control over a youth released under 52-5-126 until he the youth attains the age of 19 years unless the youth is discharged by the department before age 19. However, the youth is subject to the generaz continuing jurisdiction of the various youth courts of Montana, pursuant to 41-5-205, for acts committed by the youth while under the control of the department."

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
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-End-

IMTRODUCED By


A BILL FOR AN ACT ENTITLED: WAN ACT REQUIRING THE LEGIELATURE TO LEVY A STATENIDE PROPERTY TAX TO PRONIDE gTATE FUDDS TO MATCH LOCAL ECONOMIC DEVELOPMENT FUNDS AND TO FURD THE CRRTIFIED COMMOMITIES PROGRAM ADMINIETERED BY TEE DEPARTMETIT OP COMUERCE; MATDING SECTIOM 15-10-412, MCA; AND PROVIDIMG AN IMMEDIATE EFPECTIVE DATE.* BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONRAMA:

MEN SECTIOA. Soction 1. Tax levy for econonic developent - distribution of proceede -- criteria for grants from levy - loonl econonic developent eatching funds. (1) As used in this section, the following definitions apply:
(a) "Certified comunity lead organisation" maans the entity that has been endorged by resolution of a local governing body and that meets and maintains requirements for certification eatablished by the department.
(b) "Department" means the department of commerce provided for in 2-15-1801.
(2) The legislature shall levy each year a property tax of 0.65 mill on the 1992 taxable value of all real and personal property within the stiate or shall levy each year a
sufficient aillage to produce an amount equivalent to 0.65 mill on the 1992 taxable value of all real and perzonal property within the state. Proceeds from the levy must be deposited in an account in the state special revenue fund and must be disbursed in the following manner:
(a) 918 to certified comunity lead organizations, in the form of assistance grants:
(b) 8 to the department for adainistration of the certified commities progran; and
(c) 1t to the department for certification assiatance for noncertified comanities. If there are no requests for certification assistance, the lif allocation may be used by the departeent for adainistration of the certified comunities program.
(3) An assiatance grant to a certified community lead organization is based on an annual \(\$ 1.50\) per capita payment for the area arved by the organization, according to its population in the last completed federal census. The grant ay not exceed \(\$ 75,000\) and may not be less than \(\$ 3,000\) a year.
(4) To be eligible to receive a grant, a certified comunity lead organization :
(a) must be denignated as the lead organization by the local governing body:
(b) shall eantain department requirements Eor
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certification;
(c) shall match each \$1 of the grant with \$1 raised
from public or private sources; and
(d) shall participate in regional meetings of certified commities.
(5) Grants under this section must be used to conduct economic development programs consistent with strategic plans that are adopted by the certified comanities and that are filed with the department.
(6) The department shall use its portion of the proceeds to:
(a) adinister the certified commnities program;
(b) assist noncertified comunities in seeking certification; and
(c) organize and conduct regional meetings of certified commanities.
Section 2. Section 15-10-412, MCA, is amended to read:
-15-10-412. Property taz limited to 1986 levels clarification -- extension to all property classes. Section 15-10-402 is interpreted and clarified as follows:
(1) The limitation to 1986 levels is extended to apply to all classes of property described in Title 15 , chapter 6 , part 1.
(2) The limitation on the anount of taxes levied is interpreted to mean that, except as otherwise provided in

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this section, the actual tax liability for an individual property is capped at the dollar amount due in each taxing unit for the 1986 tax year. In tax yearm thereafter, the property must be taxed in each taxing unit at the 1986 cap or the product of the taxable value and mills levied, whichever is leas for each taxing unit, except in a taxing unit that levied a tax in tax years 1983 through 1985 but did not levy a tax in 1986, in which case the actual tax liability for an individual property is capped at the dollar amount due in that taxing unit for the 1985 tax year.
(3) The limitation on the amount of taxes levied does not mean that no further increase may be made in the total taxable valuation of a taxing unit as a result of:
(a) annezation of real property and inprovements into a taxing unit;
(b) construction, expansion, or remodeling of improvements;
(c) transfer of property into a taxing unit;
(d) subdivision of real property;
(e) reclassification of property;
(f) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;
(9) transfer of property from tax-exenpt to taxable etatus: or
(h) revaluations caused by:
(i) cyclical reappraisal; or
(ii) expansion, addition, replacement, or remodeling of improvements.
(4) The limitation on the amount of taxes levied does not mean that no further increase may be made in the taxable valuation or in the actual tax liability on individual property in each class as a result of:
(a) a revaluation caused by:
(i) construction, expangion, replacement, or remodeling of improvements that adds value to the property; or
(ii) cyclical reappraisal;
(b) transfer of property into a taring unit;
(c) reclassification of property;
(d) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;
(e) annexation of the individual property into a new taxing unit: or
(f) conversion of the individual property from tax-exempt to taxable status.
(5) Property in classes four and eleven is valued according to the procedures used in 1986, including the designation of 1982 as the base year, until the reappraisal cycle beginning January 1,1986 , is completed and new
valuations are placed on the tax rolls and a new base year designated, if the property is:
(a) new construction;
(b) expanded, deleted, replaced, or remodeled improvements:
(c) annexed property; or
(d) property converted fron tax-exempt to taxable status.
(6) Property described in subsections (5)(a) through (5)(d) that is not class four or class eleven property is valued according to the procedures used in 1986 but is also subject to the dollar cap in each taxing unit based on 1986 mills levied.
(7) The limitation on the amount of tares, as clarified in thia section, is intended to leave the property appraisal and valuation methodology of the department of revenue intact. Determinations of county classifications, salaries of local government officers, and all other matters in which total taxable valuation is an integral component are not affected by 15-10-401 and 15-10-402 except for the use of taxable valuation in fixing tax levies. In fixing tax levies, the taxing units of local government may anticipate the deficiency in revenues resulting from the tax limitations in 15-10-401 and 15-10-402, while understanding that regardleas of the amount of milla levied, a taxpayer's
liability may not exceed the dollar amount due in each taxing unit for the 1986 tax year unleas:
(a) the taxing unit's taxable valuation decreases by 58 or more from the 1986 tax year. If a taxing unit's taxable valuation decreasea by 5 or more from the 1986 tax year, it may levy additional mills to compensate for the decreased taxable valuation, but in no case may the mills levied exceed a number calculated to equal the revenue from property taxes for the 1986 tax year in that taxing unit.
(b) a levy authorised under ritle 20 raised less revenue in 1986 than was raiged in either 1984 or 1985, in which case the tazing unit may, after approval by the voters in the taxing unit, raise each year thereafter an aditional number of mills but may not levy more revenue than the 3-year average of revenue raised for that purpose during 1984, 1985, and 1986;
(c) a levy authorised in 50-2-111 that vas made in 1986 was for less than the number of mills levied in either 1984 or 1985, in which case the taxing unit may, after approval by the voters in the taxing unit, levy each year thereafter an additional number of mills but may not levy more than the 3-year average number of mills levied for that purpose during 1984. 1985, and 1986.
(8) The limitation on the amount of taxes levied does not apply to the following levy or special assescment
categories, whether or not they are based on comitiments made before or after approval of 15-10-401 and 15-10-402:
(a) rural improvement districta;
(b) special improvement districts:
(c) levies pledged for the repayment of bonded indebtednesa, including tax increment bonde;
(d) city street mintenance districta;
(e) tax increment financing districts;
(f) satiafaction of fudgments against a taxing unit;
(g) street lighting assessments;
(h) revolving funds to support any categories specified in this subsection (8):
(i) leviea for economic development authorized pursuant to 90-5-112(4):
(j) levien authorized under 7-6-502 for juvenile detention programs ; and
(k) elementary and high school districts; and
(1) the tax levied pursuant to [section 1] for local economic develorment.
(9) The limitation on the amount of taxes levied does not apply in taxing unit if the voters in the taxing unit approve an increase in tax liability following a resolution of the governing body of the taxing unit containing:
(a) a finding that there are insufficient funds to adequately operate the taxing unit as a result of 15-10-401
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and 15-10-402;
(b) an explanation of the nature of the financial
emergency:
(c) an estimate of the amount of funding shortfall
expected by the taxing unit;
(d) a statement that applicable fund balances are or by
the end of the fiscal year will be depleted;
(e) a finding that there are no alternative sources of
revenue;
(f) a summary of the alternatives that the governing body of the taxing unit has considered; and
(9) atatement of the need for the increased revenue and how it will be used.
(10) (a) The limitation on the amount of taxea levied does not apply to levies required to address the funding of relief of suffering of inhabitants caused by famine,

``` conflagration, or other public calamity.
(b) The limitation set forth in this chapter on the amount of taxes levied does not apply to levies to aupportz
(i) a city-county board of health as provided in Pitie 50, chapter 2, if the governing bodies of the taxing units merved by the board of health determine, after a public hearing, that public health programs require funds to enaure the public health. A levy for the support of a local board of health may not exceed the 5-mill liait eatablished in

\section*{50-2-111.}
(ii) county, city, or town ambulance services authorized by a vote of the electorate under 7-34-102(2).
(11) The limitation on the amount of taxes levied by a taxing jurisdiction subject to a statutory maximum mill levy does not prevent a taxing jurisdiction from increasing its number of mills beyond the statutory maximan mill levy to produce revenue equal to its 1986 revenue.
(12) The limitation on the amount of taxes levied does not apply to a levy increase to repay taxes paid under protest in accordance with 15-1-402."

MEN SECTION. Section 3. Effective date - distribution of proceads. (1) [This act] is effective on passage and approval.
(2) Distribution of the proceeds from the tax levy must begin in December 2993.
-End-

DESCRIPTION OF PROPOSED LEGISLATION:
An act requiring the legislature to levy a statewide property tax to provide state funds to match local economic development funds and to fund the certified communities program administered by the department of commerce; and providing an immediate effective date.

\section*{ASSUMPTIONS :}
1. Tax year 1992 taxable value of all real and personal property within the state is \(\$ 1,632,622,989\). Estimates are \(\$ 1,640,208,000\) for tax year 1993 and \(\$ 1,666,001,000\) for tax year 1994 (HJR3).
2. This proposal will serve certified community organizations representing \(96 \%\) of the state population.
3. The 0.65 mill statewide levy will yield the necessary level of funding.
4. This act takes advantage of a statewide local economic development network that the Department of Commerce has worked to establish since 1985.

FISCAL IMPACT:

Expenditures: (Dept of Commerce) FTE

Personal Services
Operating Expenses
\begin{tabular}{rrr}
\multicolumn{4}{c}{ FY'94 } \\
\hline Current Law & Proposed Law & Difference \\
0 & 1.00 & 1.00 \\
0 & 34,000 & 34,000 \\
0 & 51,000 & 51,000 \\
0 & \(\frac{976,000}{1,061,000}\) & \(\frac{976,000}{1,061,000}\) \\
0 & \(1,061,000\) & \(1,061,000\)
\end{tabular}
\begin{tabular}{rrr}
\multicolumn{3}{c}{ FY '95 } \\
\hline Current Law & Proposed Law & Difference \\
0 & 1,00 & 1.00 \\
0 & 34,000 & 34,000 \\
0 & 51,000 & 51,000 \\
0 & 976,000 & 976,000 \\
\hline 0 & \(1,061,000\) & \(1,061,000\) \\
0 & \(1,061,000\) & \(1,061,000\)
\end{tabular}
(To generate the same amount of revenue in FY94 would require a statewide mill levy of 0.647 mills. To generate the same amount of revenue in FY95 would require a statewide mill levy of 0.637 mills ).

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:
Because required matching funds may be derived from any public or private source, local revenue commitments may be minimal or none at all.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:
The proposed mill levy should enable this effort to be self sustaining without any future increases in subseguent fiscal years.


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


Fiscal Note for HB0639. as introduced

HOUSE BILL NO. 639
INTRODUCED BY DRISCOLL, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
 COMMERCE TO ESTABLISH A PROGRAM TO PROVIDE STATE FUNDS TO MATCH LOCAL ECONOMIC DEVELOPMENT FUNDS CONTINGENT UPON THE AVAILABILITY OF STATE MATCHING MONEY AND TO FUND THE CERTIFIED COMMUNITIES PROGRAM ADMINISTERED BY THE DEPARTMENT
 AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
NEW SECTION. Section 1. TTā̄ \({ }^{--I \bar{e} v ̄ y ~ S T A T E ~ M A T C H I N G ~ F U N D S ~}\) PROGRAM for economic development -- distribution of proceeds -- criteria for grants from--łevy -- local economic development matching funds. (1) As used in this section, the following definitions apply:
(a) "Certified community lead organization" means the entity that has been endorsed by resolution of a local governing body and that meets and maintains requirements for certification established by the department.
(b) "Department" means the department of commerce provided for in 2-15-1801.
(2) The tegistature-shatz-łevy-each-year-a-property-tax

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 personat-property-within-the-state-or-shati-tevy-each-year-a suffieient--mitłage--to-produce-an-amount-equivaient-to-0-65
 property--within--the--stater-proceeds-from-the-tevy-must-be deposited-in-an-aceount-in-the-state--speciat--revenue--fund and--must--be-disbursed DEPARTMENT SHALL CREATE A PROGRAM TO PROVIDE STATE FUNDS TO MATCH LOCAL ECONOMIC DEVELOPMENT FUNDS AND TO FUND THE CERTIFIED COMMUNITIES PROGRAM. THE PROVISION OF STATE MATCHING FUNDS IS CONTINGENT UPON SPECIFIC APPROPRIATIONS TO THE DEPARTMENT FOR THAT PURPOSE. THE DEPARTMENT SHALL DISTRIBUTE THE FUNDS in the following manner:
(a) \(91 \%\) to certified comunity lead organizations, in the form of assistance grants;
(b) 8\% to the department for administration of the certified communities program; and
(c) I\% to the department for certification assistance for noncertified communties. If there are no requests for certification assistance, the if allocation may be used by the department for administration of the certified communities program
(3) An assistance grant to a certified community lead organization is based on an annual \(\$ \pm 5 \theta\) per capita payment for the area served by the organization, according to its
}
population in the last completed federal census．The grant may not exceed \(\$ 75,000\) and may not be less than \(\$ 3,000\) a year．
（4）To be eligible to receive a grant，a certified community lead organization：
（a）must be designated as the lead organization by the local governing body；
（b）shall maintain department requirements for certification；
（c）shall match each \(\$ 1\) of the grant with \(\$ 1\) raised from public or private sources；and
（d）shall participate in regional meetings of certified communities．
（5）Grants under this section must be used to conduct economic development programs consistent with strategic plans that are adopted by the certified communities and that are filed with the department．
（6）The department shall use its portion of the proceeds to：
（a）administer the certified communities program；
（b）assist noncertified communities in seeking certification；and
（c）organize and conduct regional meetings of certified communities．

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unit－that－łevied－a－tax－in－tax－years－ұ983－－through－－ま9日5－－but

> tiabitity-for-an-individuat-property-is-capped-at-the-dotłar amount-due-in-that-taxing-unit-for-the-t985-tax-year=
> +3t-Mhe-timitation-on-the-amount-of-taxes--tevied--does not--mean--that-no-further-increase-may-be-made-in-the-totat taxabłe-vałuation-of-a-taxing-unit-as-a-resutt-of
> tat--anmexation-of-reat-property-and-improvements-into-a taxing-unit;
> tbt--construction \(\boldsymbol{H}_{---e x p a n s i o n 7---o r----r e m o d e t i n g----o f ~}^{\text {- }}\) improvements;
tet－transfer－of－property－into－a－taxing－unit，
tdy－－subdivision－of－reat－propertyt
tet－－reełassification－of－property；
t£t－－increases－－in－the－amount－of－production－or－the－vatue of－－production－－for－－property－－deseribed－－in－－－ 5 5－6－まうł－－－or 45－6－732；
tgt－－transfer－－of－－property－－from－－tax－exempt－to－taxabze stetus；－or
tht－－revatuations－caused－by－
tił－－eyeticat－reappraisałi－or
tít－expansiont－additiont－repłacementr－or－remodeting－of improvements：
t4－－－The－－\(\ddagger\) imitation－－on－the－amount－of－taxes－tevied－does not－mean－that－no－further－inerease－may－be－made－in－the－taxabie vatuation－or－in－－the－－actuat－－tax－－itabitity－－on－－individuat property－in－each－ełass－as－a－resutt－of：
tat－a－revaluation－caused－by－
fif－－constructiont－expansiont－reptacementт－or－remodełing of－improvements－that－adds－vazue－to－the－propertyt－or
titi－eyełieat－reappraisaif，
fbt－－transfer－of－property－into－a－taxing－unity
tef－－reetasaification－of－property，
tdf－－increases－－in－the－amount－of－production－or－the－vaiue of－－production－－for－－property－－deseribed－－in－－－\(\ddagger 5-6-13 \pm--\) or 75－6－ł3z7
tet－－annexation－－of－－the－－individuaz－property－into－a－new taxing－unitt－or
fft－－conversion－－of－－－the－－－individuaz－－－property－－－from tax－exempt－to－taxabte－status－
t5t－－Property－－in－－ctasses－－four－－and－－eteven－－is－vatued according－to－the－procedures－－used－－in－－ \(\mathbf{y 9}\)－
 cyete－beginning－－dantary－－まт－－i9867－－is－－compzeted－－and－－new vatuations－－are－－ptaced－on－the－tax－rotis－and－a－new－base－year designatedt－if－the－property－is：
tat－－new－construction：
†bt－－expanded，－－－dełeted，－－－repłaced\％－－－－or－－－－remodełed improvements
tet－－annexed－property；－or
tdf－－property－－－converted－－from－－tax－exempt－－to－－taxabłe status：
t6t－－Property－described－in－－subsections－－tSttet－－through f5ttdt－－that－－is－－not－ełass－four－or－etass－eteven－property－is vałued－according－to－the－procedures－used－in－t986～but－is－－azso subject－－to－the－dottar－cap－in－each－taxing－untt－based－on－79日6 mìis－zevied．
†7ナ－－The－timitation－on－the－amount－of－eaxest－as－etarified in－this－sectiont－is－intended－to－teave－the－property－appraisat and－vatuation－－methodotegy－－of－－the－－department－－of－－revenue intact－－－Beterminations－－of－eounty－ełessifieationsi－samaries
of－tocat－government－officersp－and－ałł－other－mateers－in－which totaz－taxabłe－vazuation－is－an－－integraz－－component－－are－－not affeeted－－by－－\(\ddagger 5-\ddagger \theta-4 \theta z-\) and \(-\ddagger 5-\ddagger \theta-4 \theta z-e x c e p t-f o r-t h e-a s e-o f ~\) taxabłe－vałuation－－in－－fixing－－tax－－łevies－－－łn－－fixing－－tax fevies；－－the－taxing－units－of－łocai－government－may－anticipate the－－deficiency－－in－－revenues－－－resutting－－－from－－－the－－－tax
 that－regardzess－of－the－amount－of－mitzs－teviedi－a－－taxpayerss łiabitity－－may－－not－－exeeed－－the－－dotiar－－amount－due－in－each taxing－unit－for－the－ 4986 －tax－year－untess
tat－－the－taxing－unit＇s－taxabie－vatuation－decreases－by－5\％
 vałuation－deereases－by－5\％－or－more－from－the－\(\ddagger 986\)－tax－yeart－it may－－tevy－－additionat－－mitzs－to－compensate－for－the－decreased taxabie－vatuationt－but－in－－no－－case－－may－－the－－mitis－－zevied exceed－－a－－number－－－cateutated－－to－－equat－－the－－revenue－－from property－taxes－for－the－i 986 －tax－year－in－that－taxing－unit－
fby－－a－－tevy－－athorized－－under－－仿tte－－Z日－－raised－－zess
 which－case－the－taxing－unit－mayg－after－approvat－by－the－voters in－the－taxing－unitg－raise－each－year－thereafter－an－additionał number－of－mitis－but－may－－not－－zevy－－more－－revenue－－than－the 3－year－－average－－of－－revenue－－raised－for－that－purpose－during

tef－－a－tevy－authorized－in－50－z－ままま－that－was－made－in－\(\ddagger 986\)
was－for－tess－than－the－number－of－mitis－łevied－in－either－－ 4984 or－－ \(\mathbf{4 9 8 5}\) r－－in－which－case－the－taxing－unit－mayt－after－approvat by－the－voters－in－the－taxing－unity－tevy－each－year－－thereafter an－additionat－number－of－mitis－but－may－not－tevy－more－than－the 3－year－－average－－number－－of－－mitis－－łevied－－for－that－purpose during－\(\ddagger 984\)－ 7985 －and－ 4986 －
t8t－－The－timitation－on－the－amount－of－taxes－－tevied－－does not－－appiy－－to－－the－－fotzowing－－zevy－－or－－speciat－assessment categoriest－whether－or－not－they－－are－－based－－on－－commitments made－before－or－after－approvaz－of－z5－\(\ddagger \theta-4 \theta \pm-\) and－\(-15-\ddagger \theta-4 \theta z=\)
tat－－rurat－improvement－districts；
fot－－speciat－improvenent－districts；
tet－－tevies－－－ptedged－－－for－－－the－－repayment－－of－－bonded indebtednessy－inetuding－tax－inerement－bonds；
td－－City－street－maintenanee－districts；
tet－－tax－inerement－financing－distriets；
ffi－－satisfaction－of－judgments－against－a－taxing－unit；
tgt－－street－itighting－assessments；
tht－revotving－funds－to－support－any－categories－speeificed in－this－subsection－t日t；
tit－－Zevies－for－economie－devetopment－authorized－pursuant te－90－5－ままzt4t
tjナ－－zevies－－authorized－－under－－7－6－5日z－－－for－－－juveniłe detention－programs－and
tht－－etementary－and－high－sehoot－distrietsi－and

\section*{tłt－－the－－tax－－Zevied－－pursuant－to－tseetion－tf－for－tocat} economie－devetopment：
t9t－－The－timitation－on－the－amount－of－taxes－－tevied－－does not－appiy－in－a－taxing－unit－if－the－voters－in－the－taxing－unit approve－an－inerease－in－tax－łiabitity－fotzowing－a－－resotution of－the－governing－body－of－the－taxing－unit－containing＊
tat－－a－－finding－－that－－there－－are－－insuffictent－funds－to adequatety－operate－the－taxing－unit－as－a－resute－af－－if5－士日－4日z and－\(\ddagger 5-z \theta-4 \theta z\) ；
fbt－－an－－exptanation－－of－－the－－nature－－of－－the－finaneiat emergeneyt
fet－－an－estimate－of－－the－－amount－－of－－funding－－shortfazz expected－by－the－taxing－unit；
tdt--a-statement-that-apptieabte-fund-batances-are-or-by the－end－of－the－fiscat－year－witit－be－depieted；
tet－－a－－finding－that－there－are－no－atternative－sources－of revenues
f£f－－a－summary－of－the－atternatives－－that－－the－－governing body－of－the－taxing－unte－has－consideredi－and
tgt--a--statement--of-the-need-for-the-inereased-revenue and－how－it－witi－be－used－
\[
t \pm \theta+-t a t-\text { The- itmitation-on-the-amount--of--taxes--łevied }
\] does－－not－apply－to－łevies－requifed－to－address－the－funding－of retief－－of－－suffering－－of－－inhabitants－－caused－－by－－－faminet conftagrationt－or－other－pubitie－catamity
tbt－－The－－ifimitation－－set－－forth－－in－this－chapter－on－the amount－of－taxes－tevied－does－not－eppły－to－tevies－to－support
tit--a-eity-county-board-of-heazth-as-provided-in--Pitze 50；－－ehapter－－zァ－if－the－governing－bodies－of－the－taxing－units served－by－the－board－of－－heatth－－determinef－－after－－a－－pubite hearingt－that－pubitic－heath－programs－require－funds－to－ensure the－－pubtie－－heatth－－A－tevy－for－the－support－of－a－tocat－board of－heatth－may－not－exceed－the－－5－mitz－－timit－－estabitshed－－in 50－z－土まz＝
tít－countyp－eitȳ－or－town－ambutance－serviees－authorised by－a－vote－of－the－etectorate－under－7－34－¥日z＋z＋
†tit－9he－－ímitation－－on－the－amount－of－taxes－tevied－by－a taxing－jurisdiction－subject－to－a－statutory－maximum－mitit－tevy does－not－prevent－a－taxing－jurisdietion－from－－inereasing－－its number－－of－－mitis－－beyond－the－statutory－maximum－mitiz－tevy－to produce－revenue－equat－to－its－ł9日G－revenue－
tizt－The－itmitation－on－the－amount－of－taxes－－tevied－－dees not－－appiy－－to－－a－－łery－－inerease－－to－repay－taxes－paid－under protest－in－accordance－with－ま5－z－4兹－H

NEW SECTION．Section 2．Effective date－＝＝－CíseñibūEĪ̄n
 approval．
fzf－－Bistribution－of－the－proceeds－from－the－tax－zevy－must begin－in－Beeember－ま993－

> -End-

\section*{HOUSE BILL No. 639}

INTRODUCED BY DRISCOLL, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRIMG THE GBOIGEAPGRE--Ye--bBVY-A-STATEWIBE-PROPERTY-YAK DEPARTMENT OF COMMERCE TO ESTABLISH A PROGRAM TO PROVIDE STATE PUNDS TO MATCH LOCAL BCONOMIC DEVELOPMENT FOMDS COMTINGEAT UPON TBE AVATLABILITY OF STATE MATCBING HONEY AND TO FUND THE CERTIFIED COMMUNITIES PROGRAM ADMIHISTERED BY TEE DEPARTMENT
 an innediate effective date."
be it enacted by the legislature of the state of mowtana:
NEW SECTION. Section 1. -Tā̄̄̄-Iē̄y STATE MATCBIMG PUNDS PROGRAM for econciic development -- distribution of proceeds -- criteria for grants from--tevy - local economic developpent matching funds. (1) As used in this section, the following definitions apply:
(a) "Certified comunity lead organization" means the entity that has been endorsed by resolution of a local governing body and that seets and maintains requirements for certification established by the department.
(b) "Department" means the department of commerce provided for in 2-15-1801.
(2) The zegistature-shati-zevy-each-year-a-property-tax1

(a) 91t to certified comminity lead organizations, in the form of assistance grants;
(b) 8s to the department for administration of the certified communities program; and
(c) \(1 t\) to the department for certification assistance for noncertified commaities. If there are no requests for certification assistance, the 1 allocation may be used by the department for administration of the certified commaities progran.
(3) An asgistance grant to a certified commnity lead organization is based on an annual \(\$ \pm \boxed{50}\) per capita payment for the area served by the organization, according to its
population in the last conpleted federal census．The grant
may not exceed \(\$ 75,000\) and may not be less than \(\$ 3,000\) a year．
（4）To be eligible to receive a grant，a certified community lead organization：
（a）must be designated as the lead organisation by the local governing body：
（b）shall maintain departeent requirements for certification；
（c）shall match each \(\$ 1\) of the grant with \(\$ 1\) raised from public or private eources；and
（d）shall participate in regional meetings of certified comunities．
（5）Grants under this mection must be used to conduct econcmic development prograns consistent with strategic plans that are adopted by the certified comunities and that are filed with the department．
（6）The department ihall use its portion of the proceeds to：
（a）adinister the certified comunities program；
（b）assist noncertified comunities in seeking certification；and
（c）organize and conduct regional meetings of certified comanities．


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ckaryfication---mytenaion-to-aiz-property-eiasmesr--8ection

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tジーーThe－－itintution－to－i986－ieveza－is－extended－to－appiy to－ati－ctamses－of－property－described－in－9itze－i5y－chapter－67 part－zt
ti゙サ－Che－idmitetion－on－the－amount－of－tanes－－zevied－－ks interpreted－to－mean－－thatr－except－as－otherwise－provided－in

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``` property－is－－enpped－at－the－dotiar－amount－due－in－ench－tasing unit－for－tbe－i986－tar－years－in－tam－－yeara－－thereaftery－－the property－－mat－－be－tamed－in－ench－taxing－unit－at－the－i906－cap
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t3t－Yhe－timiteatton－on－the－amoant－of－taxea－tevied－－does not－－menn－－that－no－further－inereare－gay－be－made－in－the－totak tamabze－vaiuatton－of－a－tasing－unit－as－a－reautt－of．
t－t－－anmention－of－reat－property－and－improvemente－into－a textag－untty
tbt－－eonatructiony－－－expenaiont－－－or－－－－remodeztng－－－－ef taprevementst
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\begin{aligned}
& \text { tet-tranafer-of-property-inte-a-taxing-unity } \\
& \text { tdt--subdiviston-of-reat-property } \\
& \text { tet--rectassification-of-property } \\
& \text { ffit-inereases--in-the-amount-of-produetion-or-the-vatue }
\end{aligned}
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\begin{aligned}
& \text { tgt--tranafer--of--property--from--tax-exempt-to-taxabłe } \\
& \text { statust-ar } \\
& \text { tht--revazuations-cauaed-byt } \\
& \text { t4t-eycticat-reappraiset-or } \\
& \text { fixi-expanstont-additiony-repzacementr-or-renodeting-of } \\
& \text { improvementer } \\
& \text { f4t--The-Himitation--on-the-amount-of-tares-tevied-doea } \\
& \text { not-mean-that-no-further-inerease-may-be-made-in-the-tarabie } \\
& \text { vazuation-or-in--the--actuaz--tar--kibbizity--on--individuaz } \\
& \text { property-4n-each-cłass-as-a-tesutt-ofs } \\
& \text { tat--a-revazuation-caused-byt }
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of-tmprovemante-thet-adde-vetue-to-the-propertyt-or
fixt-cyeticet-ceapprateats
tbt--transfer-of-property-into-a-taring-units
tet--rnetamaífication-of-propertyt
tdt--increases-in-the-amount-of-production-or-the-vaiue
of--production--for--property--deseribed--in---i5-6-t3z---or
15-6-732;
tet-annexation-of--the--individuat-property-into-n-nem taxing-unity-or
t£f--conversion--of---the---individuaz---property---frem tax-exempt-to-tamabte-statuad
t5t--Property--in--ctamaes--four--and--ezeven--is-vezued according-te-the-procedures--used--in-- $4986_{T-}-$ inezuding-the designation--of-i982-as-the-base-yeart-untiz-the-reappratant eyete-beginning--danuary--łp--z986y--is--compzeted-and-new vatuations--are--ptaced-on-the-tax-rotis-and-a-new-babe-year designatedt-if-the-property-is:
tat--new-constructton;
tot--expandedT---dezeted 7 ---repłaced7----or----renodezed smprovementes
fet--annezed-property;-or
tdt--property--converted--from--tar-exempt--to-tamabie atetaer
t6t-Property-deacribed-in--subaections--t5ttat--through tsttdt--that--is--not-ekass-four-or-ekass-ezeren-property-is vetued-according-to-the-procedures-uecd-in-z986-but-is--azee aubject--to-the-doztar-cap-in-caeh-taxing-unit-based-on-z986

 4n-this-section7-is-intended-to-łeave-the-property-appraisaz and-vaiwation--methodotogy--of--the--department--of-revenue intactr--Beterminations-of-county-cłassificationap-sazarien
of-łocat-governent-officersp-and-ayt-other-antera-in-which totaz-tamabłe-vałuation-is-an--integrai--component--are--not affected--by-- $\mathbf{a 5}-\mathbf{z 0 - 4 6 z - - a n d -} \mathbf{z 5 - z 0 - 4 0 z - e r c e p t - f o r - t h e - u s e - o f ~}$ tamable-vazuation--in--fixing--taz--teviesr--in--fining--tax teviear--the-taxing-units-of-tocet-government-may-anticipate the--deficieney--in--revenues---resuiting---from---the---tax
 that-regardieas-of-the-mount-of-nixig-ieviedt-a-taxpryeris Itabitity--may-not--exceed--the-dokzar--amount-due-in-each tazing-unit-for-the-1906-tam-year-unteast
tat-the-taxing-unit ${ }^{\perp}$ s-taxabie-vatuation-decreases-by-5t or-more-froo-the-3906-tar-yeerェ-if-a-taning-unit^a-tarable vaiuation-deereases-by-5\%-or-more-from-the-1986-tan-yeary-it my--ievy--aditironnt--mitis-to-compensate-for-the-decreased taxabze-vazuationy-but-in--no--case-may--the-mikzs--ievied exceed--a-mumber--cateutated--to--equaz--the--sevenue--from property-tanes-for-the- $\mathbf{1 9 0 6 - t a n - y e a r - i n - t h a t - t a x i n g - u n i t s ~}$
tbt-a--zevy-authorised--under--mitze--ze-raised--zess
 which-tane-the-taning-antt-my-after-arprovaz-by-the-voters in-the-taming-unitr-raiae-ench-year-thereafter-an-additionaz number-of-mitie-but-may-met--itevy---mere--revenue-than-the 3-year-average--of--revenue-ratsed-for-that-purpoae-during $\mathbf{z 9 0 4}$ T-z905T-and- $\mathbf{z 9 0 6 5}$
tet-a-zevy-authorised-in-50-i-iti-that-was-made-in-i996

[^0]tit－－the－－tar－－tevted－－paranant－to－fsection－tt－for－łoeał economie－devetopment：
＋9t－The－timitation－on－the－amount－of－tares－Hevied－－does not－－appiy－in－a－taxing－unit－if－the－votera－in－the－taming－anit epprove－an－increase－in－tax－łiabtitey－fozłowing－a－－resozution of－the－governing－body－of－the－taxing－unit－containingt
taf－－a－－finding－－that－－there－－are－－insufficient－funds－to adequatety－operate－the－taxing－unit－as－a－reanit－of－－75－70－407 and－ $\mathbf{4 5}- \pm 0-4627$
tbt－－an－exptanation－－of－－the－－nature－－of－the－finaneiaz emergencyt
fet－－an－estimate－of－the－－amount－of－－funding－－ahortfaty expected－by－the－tasing－unity
tdf－－a－statement－that－appkitabie－fiand－batances－are－or－by the－end－of－the－fiacat－year－wizi－be－depieted
tet－－a－－finding－that－there－are－no－atternative－sources－of revenuet
fEt－a－aumary－of－the－azternatives－－that－－the－－governing body－of－the－tamtng－unite－has－constilezedz－and
tgt－ia－atatement－of－the－need－for－the－inereamed－revenue and－hew－it－witit－be－usedv
tまot－tat－The－ziniteation－on－the－amount－of－－taxes－－tevied does－mot－appir－to－zevies－requitred－to－address－the－funding－of retief－－of－－anffering－of－－inhabitants－－caused－－by－－fininney confzagretiont－or－other－pubite－cazenityr
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†it－－a－eity－county－board－of－heałth－as－provided－in－－Titie 50\％－－chapter－－Z7－if－the－governing－bodiea－of－the－taxing－unite served－by－the－board－of－heatth－－determiner－－after－－a－－pabife hearingt－that－pubite－heazth－programe－require－funds－to－ensure the－－probtie－－heatthr－h－zevy－for－the－apport－of－a－zoeaz－beari
 50－z－まもまし
fíit－countȳ－eíty才－or－town－ambuzance－aervicea－authorizead by－a－vote－of－the－etectorate－under－7－34－702＋2†t
tyit－she－timittation－on－the－amount－of－tarea－tevied－by－a taxing－jurisadiction－subject－to－a－otatutory－maximun－miti－ievy does－not－prevent－a－tantng－juriadiction－from－－inereasing－－ite number－－of－－mixis－－beyond－the－statutory－maximum－miziz－ievy－to produce－revenue－equaz－to－its－t936－revenuer
tint－The－timitation－on－the－anount－of－tarea－－ievied－－deee not－－appzy－－to－－a－－tevy－－increase－－to－repay－taxes－paid－under protert－in－mecordance－Mith－i5－z－402т

Men spcrion．Section 2．Effective date－＝＝－aIseribueion of－preeeedar－tite［This actl is effective on passage and approval．
tit－－Bietrtbution－of－the－proceeds－from－the－tar－zevy－muet begin－in－Becember－ $\mathbf{7 9 9 3}$
－End－
$-10$

## HOUSE BILL NO. 639

INTRODUCED BY DRISCOLL, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE bEGISbATHRE--TE-GEVY-A-STATENEBE-PROPERTY-TAK DEPARTMENT OF COMMERCE TO ESTABLISH A PROGRAM TO PROVIDE STATE FUNDS TO MATCH LOCAL ECONOMIC DEVELOPMENT FUNDS CONTINGENT UPON TEE AVAILABILITY OF STATE MATCHING MONEY AND TO FUND THE CERTIFIED COMMUNITIES PROGRAM ADMINISTERED BY THE DEPARTMENT
 AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OP THE STATE OF MONTANA:
NEW SECTION. Section 1. TTā̄ - Iē̄̄y STATE MATCBING PUNDS PROGRAM for economic development -- distribution of proceeds -- criteria for grants from--tevy -- local economic development matching funds. (1) As used in this section, the following definitions apply:
(a) "Certified community lead organization" means the entity that has been endorsed by resolution of a local governing body and that meets and maintains requirements for certification established by the department.
(b) "Department" means the department of commerce provided for in 2-15-1801.
(2) The zegiazature-shałt-zevy-each-year-a-property-tax


#### Abstract

-f-0t65-mizz-on-the-z99z--taxabze--qazue--of--azz-reaz--and personaz-property-within-the-atate-or-ahaiz-ievy-each-year-a suffieient--intzage--to-produee-an-anount-equivaient-to-0ヶ65 mizt-on-the-t99z-tamabte-vatue--of--azz-reaz-and--peraonaz property--within--the--wtater-Proceeds-from-the-zevp-mant-be deposited-in-an-account-in-the-state--speciaz--revenue--fund and--must--be-disbursed DEPARTMEAT SHALL CRERTE A PROGRMM TO PROVIDE STATE FUNDS TO MATCH LOCAL ECONOMIC DEVELOPMENT FUNDS AND TO FUND THE CERTIFIED COMMUNITIES PROGRAM. THE PROVISION OF STATE MATCHING FUNDS IS CONTINGENT UPON SPECIFIC APPROPRIATIONS TO THE DEPARTMENT FOR THAT PURPOSE. THE DEPARTMENT SHALL DISTRIBUTE TEE FUNDS in the following


 manner:(a) 91 to certified community lead organizations, in the form of assistance grants;
(b) 8 to the department for administration of the certified communities program; and
(c) 1\% to the department for certification assistance for noncertified communities. If there are no requests for certification assistance, the it allocation may be used by the department for administration of the certified com unities program.
(3) An assistance grant to a certified community lead organization is based on an annual $\$ 4 \% 50$ per capita payment for the area served by the organization, according to its
population in the last completed federal census. The grant may not exceed $\$ 75,000$ and may not be less than $\$ 3,000$ a year.
(4) To be eligible to receive a grant, a certified community lead organization:
(a) must be designated as the lead organization by the local governing body;
(b) shall maintain department requirements for certification;
(c) shall match each $\$ 1$ of the grant with $\$ 1$ raised from public or private sources; and
(d) ahall participate in regional meetings of certified commuities.
(5) Grants under this section must be used to conduct economic development prograns consistent with strategic plans that are adopted by the certified comunities and that are filed with the department.
(6) The department shall use its portion of the proceeds to:
(a) administer the certified comanities program;
(b) assist noncertified commities in seeking certification; and
(c) organize and conduct regional meetings of certified commities.

Section-2--Geetion- $\mathbf{2 5 - 1 0 - 4 2 z _ { 7 } - \text { Men }}$-is-amended-to-readt--

My ckarifteation----axtenaton-to-azt-property-ekaneest--bection 35-i0-40z-is-interpreted-and-ckartited-as-fotzowes
t¥t--The--timitation-to-k986-teveta-4s-emtended-to-appiy to-ati-etasses-of-property-described-in-9tete-i5t-chapter-67 part-ts
tit-The-itimitation-on-the-amount--of--taxes-itevied--te
interpreted--to-mean--thatr-encept-as-otherwise-provided-in
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tat--anneration-of-reat-property-and-improvements-into-a taring-untet
tbt--construetionj----expansiont---or----remodeting----of improvementst
tef－－transfer－of－property－into－a－taxing－unit；
fat－－subdivision－of－reat－propertyt
tet－－reełassification－of－propertyt
fft－increaser－in－the－amount－of－produetion－or－the－vaiue of－production－－for－－property－－described－－in－－－ $\mathbf{4 5 - 6 - 7 3 z - - - o r}$ 45－6－ $\mathbf{4 3}$ ；
tgi－－transfer－－of－－property－－from－tax－erempt－to－taxable status：－or
thy－－revatuations－eaused－by－
tұt－－eyezicat－reappraisaz－or
tixf－expangiont－additiont－replecementr－or－remodezing－－of improvementer
t4t－－The－－timitation－on－the－amount－of－taxes－tevied－does not－mean－that－no－further－increase－may－be－made－in－the－taxabze vatuatton－or－in－－the－－actuaz－－tan－－itiabitity－－on－－individuaz property－in－each－ctass－as－a－resułt－oft
tat－－a－revaination－caused－by：
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ttit－cyezteaz－reapprateatt
fbt－－tranafer－of－property－into－a－taring－units
tef－reeteantifeation－of－propertyt
fat－－inereases－－in－the－amount－of－production－or－the－vałue of－－production－－for－－property－deacribed－－in－－－ $\mathbf{y}$ 5－6－i3z－－－or 45－6－7327
tet－－anneration－of－－the－－individuet－property－into－e－new taxing－unitt－or
tft－－conversion－－of－－－the－－－individuaz－－－property－－－frea tax－exempt－to－tamable－statust
（5t－－Property－in－－ctases－－four－－and－－ekeven－－is－vaiued aceording－to－the－procedurea－－ased－－in－－ $\mathbf{4 9 8 6 7 - \text { inctuding－－the }}$ designetzon－－ot－ $\mathbf{4 9 8 2}-\mathrm{as}-\mathrm{the-base-yeary-untiz-the-reappratanz}$
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 improvementat
tet－－annered－propertyt－or
tdj－－property－－－converted－－from－teax－ertmpt－－to－－tazabte teatus．
＋6t－－Property－deseribed－in－－subsectiona－－t5ttat－－through t5itdt－－that－－ts－not－etase－four－or－ełasa－ezeren－property－ta vizued－aceording－to－the－procedures－used－in－i906－but－ite－sien Bubject－to－the－doziar－eap－in－each－tazing－unit－based－on－z9e6


ナチナ－The－i̇initation－on－the－amount－of－taxesp－as－ełarifted In－this－sectiony－is－intended－to－teave－the－property－appratsat and－vatuation－－methodotogy－－of－－the－－department－－of－－revente Intectr－－Beterminations－－of－county－etessifteationay－satartes
of－tecat－government－officerst－and－ati－other－matters－in－which totaz－taxabte－vałuntion－is－an－－integraz－－component－－are－－not affected－－by－－$\ddagger 5- \pm \theta-4 \theta z--a n d-t 5-\Varangle \theta-4 \theta z-e x c e p t-f o r-t h e-u s e-\theta f$ taxabte－vałuation－－in－－fixing－－tax－－tevies－－－Zn－－fixing－－tax teviesp－－the－taxang－unita－of－tocat－government－may－antifipate the－－defterency－－in－－revenues－－－resutting－－－from－－－the－－－tax
 that－regardtess－of－the－amount－of－mitis－teviedy－a－－taxpayeris łíabiłity－－may－－not－－exceed－－the－－dołłar－－amount－due－in－each taxing－unit－for－the－土906－tax－year－untess：
tat－－the－taxing－unit＋s－taxabie－vałuation－deereases－by－54 or－more－from－the－t986－tan－year－－ff－a－taying－－unitis－－taxabie vatuation－deereases－by－54－or－more－from－the－ $\mathbf{4 9 8 6 - t a x - y e a r i f t ~}$ may－－tevy－－additionat－－miłłs－to－compensate－for－the－decreased carabłe－vałuationt－but－in－－no－－case－－may－－the－－miłts－－łevied exceed－－a－－number－－eałeutated－－to－－equat－－the－－fevenue－－from property－taves－for－the－ $\mathbf{4 9 8 6 - t a x - y e a r - i n - t h a t - t a x i n g - u n i t - ~}$
tbt－－a－－tevy－－arthorized－－under－－Titze－－ze－－raised－－łess revente－－in－－ $\mathbf{t 9 8 6 - t h a n - w a s - r a i s e d - i n - e i t h e r - ~} \mathbf{1 9 8 4 - 0 r - \$ 9 8 5 7 - i n ~}$ which－case－the－taxing－unit－mayp－after－approvat－by－the－voters in－the－taxing－unity－raise－each－year－thereafter－an－additionaz number－of－mitis－but－may－－not－－tevy－－more－－revenue－－than－－the 3－year－－average－－of－－revenue－－raised－for－that－parpose－during 29847－7985t－and－ 2986 ；
fet－－a－tery－authorized－in－50－z－łti－that－vas－made－in－i9日6
was－for－łess－than－the－number－of－nitis－łevied－in－etther－－i984 or－－${ }^{2985 t--i n-w h i c h-c a s e-t h e-t a x i n g-u n i t-m a y t-a f t e r-a p p r o v a z ~}$ by－the－voters－in－the－taring－unity－łevy－each－year－－thereafter an－additionai－number－of－mitis－but－may－not－tevy－more－than－the 3－year－－average－－number－－of－－mitis－－tevited－－for－that－－purpose

t日t－－The－timitation－on－the－amount－of－taxes－－zevied－－does categoriest－whether－or－not－they－－are－based－－on－－eomitments made－before－or－after－approvaz－of－z5－ $\mathbf{y \theta}-4 \theta \pm-a n d- \pm 5- \pm \theta-4 \theta z=$
tat－－rurat－improvement－districts；
tbナ－－speciał－improvement－districts．
tet－－łevies－－－płedged－－－for－－－the－－repaynent－－of－－bonded indebtedneast－inełuding－tax－inerement－bondsif
tdf－－city－street－maintenance－districts；
taf－－city－street－anintenance－districts；
tef－－tax－increment－finaneing－districts；
fft－－satisfaction－of－judgments－againat－a－taxing－unit；
tgt－－street－tighting－assessments；
tht－－revotving－funds－to－support－any－eategories－speeified 4n－this－subsection－$+\theta+$
tit－－tevies－for－economire－devezopment－authorized－pursuane te－90－5－zzzt4t
tjt－－łevies－－authorized－－under－－7－6－5日z－－－for－－－juvenize detention－programs；－and
tkt－－etementary－and－high－schoot－districtsi－and
not--appiy--to--the--fołłowing--łevy--or--speeiaz-assesament
tまt－－the－－tax－－tevied－－pursuant－to－tsection－zt－for－tocat economie－devetopment－
t9t－－The－timitation－on－the－amount－of－taxes－－tevied－－does not－－appty－in－a－taxing－unit－if－the－voters－in－the－taxing－anit approve－an－inerease－in－tax－tiabititty－fotzowing－a－－resotution of－the－governing－body－of－the－taxing－unit－containing：
tat－－a－－finding－－that－－there－－are－－insuffieient－funds－to adequatezy－operate－the－texing－unitt－as－a－resutt－of－－z5－z $\theta-4 \theta z$ and－ $25- \pm \theta-4 \theta z$ ；
tbう－－an－－expianation－－of－－the－－nature－－of－－the－finaneiat emergeneyt
tet－－an－estimate－of－－the－－amount－－of－－funding－－shortfałt expeeted－by－the－taxing－unit；
fdf－－a－statement－that－applicabłe－fund－batanees－are－or－by the－end－of－the－fiscat－year－witit－be－depteted；
tef－－a－－finding－that－there－are－no－atternative－sources－of revenue；
tff－－a－sumary－of－the－atternatives－－that－－the－－governing body－of－the－tazing－unit－has－considered－and
tgt－－a－－statement－－of－the－need－for－the－increased－revenue and－how－it－wiłt－be－used－
$t \pm \theta \dagger-t a t-\Phi h e-z i n i t a t i o n-o n-t h e-a m o u n t--o f--t a x e s--t e v i e d ~$ does－－not－appiy－to－tevies－requitred－to－address－the－funding－of rełifef－－of－－affering－－of－－inhabitants－－caused－－by－－－faminet conftagrationp－or－other－pubtic－catamity
fbt－－The－－timitation－－act－－forth－－in－this－chapter－on－the amount－of－taxes－zevied－does－not－appty－to－tevies－to－supports
fit－－a－eity－county－board－of－heazth－as－provided－in－－yitze S $\boldsymbol{\theta}_{\boldsymbol{T}}$－－chapter－－2t－if－the－governing－bodies－of－the－taxing－unita served－by－the－board－of－－heateh－－determiner－－after－－a－－pubite hearingy－that－pubzie－heatth－programs－require－funda－to－ensure the－－pubtie－heatehr－A－tevy－for－the－support－of－a－tocat－board of－heazth－may－not－exceed－the－－5－mimit－－itmit－－estabitshed－－in 50－2－7¥z
tixt－countyt－cityr－or－town－ambuzance－services－authorized by－a－vote－of－the－ezectorate－under－7－34－z $\theta 2+7 \boldsymbol{f}=$
tま̇f－The－－$\ddagger$ imitation－－on－the－amount－of－taxes－tevied－by－a taxing－jurisdietion－subject－to－a－statutory－maximan－mizu－tevy does－not－prevent－a－taring－jurisadiction－from－－inereasing－－ite number－－of－－miłła－－beyond－the－statutory－marimum－mitit－tery－to produce－revenue－equat－to－its－土9日6－revenuef
$t \pm z \boldsymbol{f}$－The－timitation－on－the－amount－of－taxes－－tevied－－does not－－appiy－－to－－a－－tevy－－inerease－－to－repay－taxes－paid－under proteat－in－accordance－with－ま5－t－4日zin

NEW SECTION．Section 2．Effective date－＝＝－aī̄īibütion of－proceeds－－ttt．（This actl is effective on passage and approval．
fzt－－Bistribution－of－the－proceeds－from－the－tax－tery－mant begin－in－Becember－ $\mathbf{1 9 9 3}$ 7

[^1]
[^0]:    was-for-Zesa-than-the-number-af-mizk-tevied-in-wither--3984 or--is857--in-which-case-the-taxing-unit-mayt-after-apprevad by-the-voters-in-the-tazing-unity-ievy-each-year--thereafter an-additiontz-number-af-mitis-but-may-not-tevy-mere-than-the 3-year--average--namber-of--mitis--tevied--for-that-purpose during- $\mathbf{4 9 8 4}$ - $\mathbf{1 9 8 5 7 - a n d - 1 9 0 6 5}$
    tot-The-iximitation-on-the-anount-of-tames--tevied--does not--appiy-to--the--fotiowing--Ievy--or--apectet-aseasment categeriesp-whether-or-not-ther--are-based--on-commitimente made-before-or-after-approvaz-of-35-70-40z-and-i5-70-402t
    tet--ruraz-tmprovement-districts:
    tbi--apecialitimprovenent-districtos
    tet-iteviea---pzedged---for---the--repayment--of--bonded indebtednessr-inetudithg-tax-inerament-bondat
    for-eitr-atreet-maintenance-distrietst
    tef-tam-imerement-finaneing-distrietsot
    tft--antiofaction-ef-judgaents-against-a-taxing-unitt
    
    tht-revolving-funde-to-support-any-categories-speetfied In-thite-aubection-t8ts
    $t+\dagger-\boldsymbol{k}$-vies-for-ceoncmite-devetopment-authorized-pursuant
    
    fyt-ixevien--authorised--under--7-6-502---for---juventie detention-pregramsi-and
    thy-ezememtary-and-high-seheoz-districtsi-and

[^1]:    －End－

