

1 HOUSE BILL NO. 206

2 INTRODUCED BY R. MARSHALL, E. BUTTREY, R. FITZGERALD, M. HOPKINS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MILL LEVY ELECTION LAWS; LIMITING THE

5 DURATION OF A VOTED MILL LEVY; REQUIRING VOTER TURNOUT TO EXCEED 50% FOR A VOTED

6 LEVY; REVISING THE INFORMATION THAT MUST BE INCLUDED IN THE RESOLUTION OR PETITION

7 FOR THE MILL LEVY ELECTION; REVISING THE INFORMATION THAT MUST BE PROVIDED TO VOTERS;

8 AND AMENDING SECTIONS 7-6-4431, 7-14-1134, 7-16-2102, 7-16-2109, 7-22-2142, 7-32-235, 15-10-425,

9 20-9-353, 20-9-502, AND 20-9-533, MCA."

10

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

12

13 **Section 1.** Section 7-6-4431, MCA, is amended to read:

14 **"7-6-4431. Authorization to exceed or impose less than maximum mill levy -- election required**

15 **to exceed.** The governing body of a municipality may raise money by taxation for the support of municipal

16 government services, facilities, or other capital projects in excess of the levy allowed by 15-10-420 under the

17 following conditions:

18 (1) The governing body shall pass a resolution indicating its intent to exceed the current statutory

19 mill levy limit on the approval of a majority of the qualified electors voting in an election under subsection (2).

20 The resolution must include:

- 21 (a) the specific purpose for which the additional money will be used;
- 22 (b) the specific dollar amount to be raised; and
- 23 (c) the approximate number of mills required.

24 (2) The governing body shall submit the question of the additional mill levy to the qualified electors

25 of the municipality at an election as provided in 15-10-425. The question may not be submitted more than once

26 in any calendar year. If the majority of voters voting on approve the question is in favor of the additional levy or

27 levies, the governing body is authorized to impose the mill levy in the amount specified in the resolution.

28 (3) An election is not required for a governing body to impose less than the maximum number of

1 **Section 6.** Section 7-32-235, MCA, is amended to read:

2 **"7-32-235. Search and rescue units authorized -- under control of county sheriff -- optional**

3 **funding.** (1) A county may establish or recognize one or more search and rescue units within the county.

4 (2) (a) Except in time of martial rule as provided in 10-1-106, search and rescue units and their
5 officers are under the operational control and supervision of the county sheriff, or the sheriff's designee, having
6 jurisdiction and whose span of control would be considered within reasonable limits.

7 (b) A county sheriff or the sheriff's designee may authorize the participation of members of the civil
8 air patrol, including cadets under 18 years of age, in search and rescue operations.

9 (3) Subject to 15-10-420, a county may, after approval by a majority of the people voting on of the
10 question at an election held throughout the county, levy an annual tax on the taxable value of all taxable
11 property within the county to support one or more search and rescue units established or recognized under
12 subsection (1). The election must be held as provided in 15-10-425.

13 (4) A search and rescue unit established or recognized by a county may possess human remains
14 as defined in 37-19-101 for the purpose of training canines used for search and rescue work.

15 (a) The county sheriff or the sheriff's designee shall keep an inventory of all human remains that
16 are kept for the purpose of training search and rescue canines. The inventory must be updated when the
17 search and rescue unit receives human remains or disposes of human remains that are no longer useful to the
18 search and rescue unit.

19 (b) Each search and rescue unit that possesses human remains for the purpose of training search
20 and rescue canines shall establish policies and standard operating procedures for access to, the inventory of,
21 and the possession and disposal of human remains kept for the purpose of training search and rescue
22 canines."

23

24 **Section 7.** Section 15-10-425, MCA, is amended to read:

25 **"15-10-425. Mill levy election.** (1) A county, consolidated government, incorporated city,
26 incorporated town, school district, or other taxing entity may impose a new mill levy, increase a mill levy that is
27 required to be submitted to the electors, or exceed the mill levy limit provided for in 15-10-420 by conducting an
28 election as provided in this section.

1 (2) An election pursuant to this section must be held in accordance with Title 13, chapter 1, part 4
 2 or 5, or Title 20 for school elections, whichever is appropriate to the taxing entity. ~~The~~ Subject to subsection (4),
 3 the governing body shall pass a resolution, shall amend its self-governing charter, or must receive a petition
 4 indicating an intent to impose a new property tax levy, increase a mill levy, or exceed the current statutory mill
 5 levy provided for in 15-10-420 on the approval of a majority of the qualified electors voting in the election. The
 6 resolution, charter amendment, or petition must include:

- 7 (a) the specific purpose for which the additional money will be used;
- 8 (b) either:
 - 9 (i) the specific amount of money to be raised and the approximate number of mills to be imposed;
 - 10 or
 - 11 (ii) the specific number of mills to be imposed and the approximate amount of money to be raised;
- 12 and
- 13 (c) ~~whether the levy is permanent or the durational limit on the levy, which may not exceed 5 years~~
 14 except as provided in 20-9-308, 20-9-353, 20-9-502(2)(b), and 20-9-533, and except for the county levies
 15 provided for in 7-6-2513 and 7-32-235 or a public safety levy authorized under 7-6-4421; and
 16 (d) a list of expected operating and maintenance expenses if the levy is approved.

17 (3) Notice of the election must be prepared by the governing body and given as provided in 13-1-
 18 108. The form of the ballot must reflect the content of the resolution or charter amendment and must include a
 19 statement of the impact of the election on a home valued at \$100,000, ~~and a home valued at \$200,000, in the~~
 20 district and a home valued at the current average sale price for a home in the county in terms of actual dollars
 21 in additional property taxes that would be imposed on residences with those values if the mill levy were to pass.
 22 The ballot may also include a statement of the impact of the election on homes of any other value in the district,
 23 if appropriate.

24 (4) If voter turnout exceeds 50% of qualified electors and the majority voting on the question are in
 25 favor of the additional levy, the governing body is authorized to impose the levy in either the amount or the
 26 number of mills specified in the resolution or charter amendment. Voter turnout must be determined by dividing
 27 the total number of qualified electors who voted in the election from the tally sheets for the election by the total
 28 number of electors who were qualified to vote in the election.

1 (5) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year
2 without losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills
3 approved in the election. However, nothing in this subsection authorizes a governing body to impose more than
4 the approved levy in any fiscal year or to extend the duration of the approved levy.

5 (6) As used in this section, "public safety levy" means a levy to support law enforcement,
6 firefighting, or emergency medical services."

7

8 **Section 8.** Section 20-9-353, MCA, is amended to read:

9 **"20-9-353. Additional financing for general fund -- election for authorization to impose.** (1) The
10 trustees of a district may propose to adopt an over-BASE budget amount for the district general fund that does
11 not exceed the general fund budget limitations, as provided in 20-9-308.

12 (2) When the trustees of the district propose to adopt an over-BASE budget under subsection (1),
13 any increase in local property taxes authorized by 20-9-308(4) over revenue previously authorized by the
14 electors of the district or imposed by the district in any of the previous 5 years must be submitted to a vote of
15 the qualified electors of the district, as provided in 15-10-425. The trustees are not required to submit to the
16 qualified electors any increase in state funding of the basic or per-ANB entitlements or of the general fund
17 payments established in 20-9-327 through 20-9-330 approved by the legislature. When the trustees of a district
18 determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the
19 proposition to finance the voted amount to the electors who are qualified under 20-20-301 to vote upon the
20 proposition. The election must be called and conducted in the manner prescribed by this title for school
21 elections and must conform to the requirements of 15-10-425. The ballot for the election must conform to the
22 requirements of 15-10-425.

23 (3) If the proposition on any additional financing for the general fund is approved by a majority vote
24 of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the
25 authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy
26 amount authorized by the election on the budget form that is submitted to the county superintendent, and the
27 county commissioners shall levy the authorized number of mills on the taxable value of all taxable property
28 within the district, as prescribed in 20-9-141.