

SENATE BILL NO. 548

INTRODUCED BY J. TREBAS, C. POPE, E. BUTCHER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROPERTY TAXES; ELIMINATING THE MILL LEVY LIMITATION IMPOSED ON A GOVERNMENT ENTITY WHEN IMPOSING A LEVY OF PROPERTY TAXES; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR BIENNIAL REVIEW BY THE REVENUE INTERIM COMMITTEE; AMENDING SECTIONS 2-9-212, 2-18-703, 7-1-112, 7-1-114, 7-1-2103, 7-1-4123, 7-2-2730, 7-2-2746, 7-2-2807, 7-2-4111, 7-2-4918, 7-3-1104, 7-3-1310, 7-3-1311, 7-3-1313, 7-3-4312, 7-6-502, 7-6-2501, 7-6-2511, 7-6-2512, 7-6-2513, 7-6-2522, 7-6-4035, 7-6-4036, 7-6-4401, 7-6-4406, 7-6-4421, 7-6-4431, 7-6-4438, 7-6-4453, 7-10-115, 7-13-144, 7-13-3027, 7-14-111, 7-14-232, 7-14-1111, 7-14-1131, 7-14-2101, 7-14-2501, 7-14-2502, 7-14-2503, 7-14-2801, 7-14-2807, 7-14-4404, 7-14-4644, 7-14-4703, 7-14-4713, 7-14-4734, 7-15-4281, 7-16-101, 7-16-2102, 7-16-2108, 7-16-2109, 7-16-4105, 7-16-4113, 7-16-4114, 7-21-3203, 7-22-2142, 7-22-2306, 7-22-2512, 7-32-235, 7-32-4117, 7-33-2109, 7-33-2120, 7-33-2209, 7-33-4111, 7-33-4130, 7-34-102, 7-34-2122, 7-34-2133, 7-34-2417, 7-35-2205, 15-7-403, 15-10-202, 15-10-420, 15-10-425, 15-16-101, 15-16-203, 15-23-214, 15-24-1402, 15-24-1501, 15-24-1603, 19-7-404, 19-9-209, 19-13-214, 19-18-504, 19-19-301, 20-7-714, 20-9-331, 20-9-333, 20-9-360, 20-9-404, 20-9-533, 20-15-305, 20-15-311, 20-15-314, 20-15-316, 20-25-439, 22-1-304, 22-1-316, 22-1-702, 22-1-707, 22-1-708, 22-1-711, 23-4-303, 39-71-403, 41-5-1804, 50-2-111, 53-20-208, 53-21-1010, 67-10-402, 67-11-201, 67-11-301, 67-11-302, 67-11-303, 75-10-112, 76-1-111, 76-1-403, 76-1-404, 76-1-406, 76-2-102, 76-5-1116, 76-6-109, 76-15-501, 76-15-505, 76-15-515, 76-15-516, 76-15-518, 76-15-623, 81-8-504, 85-3-412, 85-3-422, 85-7-307, 85-8-601, 85-8-615, 85-8-618, 90-5-112, AND 90-6-403, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 2-9-212, MCA, is amended to read:

**"2-9-212. Political subdivision tax levy to pay contributions.** (1) Subject to ~~15-10-420~~ and subsection (2) ~~of this section~~, a political subdivision, except for a school district, may levy an annual property



1 tax in the amount necessary to fund the contribution for insurance, deductible reserve fund, and self-insurance  
2 reserve fund as authorized in this section and to pay the principal and interest on bonds or notes issued  
3 pursuant to 2-9-211(5). For the purposes of this section, "political subdivision" includes a community college  
4 district created prior to January 1, 2021.

5 (2) (a) If a political subdivision makes contributions for group benefits under 2-18-703, the amount  
6 in excess of the base contribution as determined under 2-18-703(4)(c) for group benefits under 2-18-703 is not  
7 subject to ~~the state mill levy calculation limitation~~ limitations provided for in 15-10-420. ~~Levies implemented~~  
8 ~~under this section must be calculated separately from the mill levies calculated under 15-10-420 and are not~~  
9 ~~subject to the inflation factor described in 15-10-420 (1)(a).~~

10 (i) ~~Contributions for group benefits paid wholly or in part from user charges generated by proprietary~~  
11 ~~funds, as defined by generally accepted accounting principles, are not included in the amount exempted from~~  
12 ~~the mill levy calculation limitation provided for in 15-10-420.~~

13 (ii) ~~If tax-billing software is capable, the county treasurer shall list separately the cumulative mill levy or~~  
14 ~~dollar amount on the tax notice sent to each taxpayer under 15-16-101(2). The amount must also be reported to~~  
15 ~~the department of administration pursuant to 7-6-4003. The mill levy must be described as the permissive~~  
16 ~~medical levy.~~

17 (b) Each year prior to implementing a levy under subsection (2)(a), after notice of the hearing given  
18 under 7-1-2121 or 7-1-4127, a public hearing must be held regarding any proposed increases.

19 (c) ~~A levy under this section in the previous year may not be included in the amount of property taxes~~  
20 ~~that a governmental entity is authorized to levy for the purposes of determining the amount that the~~  
21 ~~governmental entity may assess under the provisions of 15-10-420 (1)(a). When a levy under this section~~  
22 ~~decreases or is no longer levied, the revenue may not be combined with the revenue determined in 15-10-420~~  
23 ~~(1)(a).~~

24 (3) (a) For the purposes of this section, "group benefits" means group hospitalization, health,  
25 medical, surgical, life, and other similar and related group benefits provided to officers and employees of  
26 political subdivisions, including flexible spending account benefits and payments in lieu of group benefits.

27 (b) The term does not include casualty insurance as defined in 33-1-206, marine insurance as  
28 authorized in 33-1-209 and 33-1-221 through 33-1-229, property insurance as defined in 33-1-210, surety

1 insurance as defined in 33-1-211, and title insurance as defined in 33-1-212."

2

3 **Section 2.** Section 2-18-703, MCA, is amended to read:

4 **"2-18-703. Contributions.** (1) Each agency, as defined in 2-18-601, and the state compensation  
5 insurance fund shall contribute the amount specified in this section toward the group benefits cost.

6 (2) (a) Except as provided in subsection (2)(b), for employees defined in 2-18-701 and for  
7 members of the legislature, the employer contribution for group benefits is \$1,054 a month.

8 (b) For employees defined in 2-18-701 and for members of the legislature, beginning January  
9 2020 and for each succeeding month, the cost of group benefits, including both the employer and employee  
10 contributions for group benefits and health flexible spending accounts, may not exceed the monthly amount for  
11 self-only coverage and coverage other than self-only that will trigger the excise tax under 26 U.S.C. 4980I,  
12 including any cost-of-living adjustments under 26 U.S.C. 4980I. This section limits contributions for group  
13 benefits only to the extent needed to avoid triggering the excise tax under 26 U.S.C. 4980I.

14 (c) Except as provided in subsection (2)(d), for employees of the Montana university system, the  
15 employer contribution for group benefits is \$1,054 a month.

16 (d) For employees of the Montana university system, beginning the earlier of July 2020 or the first  
17 month in 2020 in which the excise tax under 26 U.S.C. 4980I applies, and for each succeeding month, the cost  
18 of group benefits, including both the employer and employee contributions for group benefits and health flexible  
19 spending accounts, may not exceed the monthly amount for self-only coverage and coverage other than self-  
20 only that will trigger the excise tax under 26 U.S.C. 4980I, including any cost-of-living adjustments under 26  
21 U.S.C. 4980I. This section limits contributions for group benefits only to the extent needed to avoid triggering  
22 the excise tax under 26 U.S.C. 4980I.

23 (e) If a state employee is terminated to achieve a reduction in force, the continuation of  
24 contributions for group benefits beyond the termination date is subject to negotiation under 39-31-305 and to  
25 the protections of 2-18-1205. Permanent part-time, seasonal part-time, and temporary part-time employees  
26 who are regularly scheduled to work less than 20 hours a week are not eligible for the group benefit  
27 contribution. An employee who elects not to be covered by a state-sponsored group benefit plan may not  
28 receive the state contribution. A portion of the employer contribution for group benefits may be applied to an

1 employee's costs for participation in Part B of medicare under Title XVIII of the Social Security Act, as  
2 amended, if the state group benefit plan is the secondary payer and medicare the primary payer.

3 (3) For employees of elementary and high school districts, the employer's contributions may  
4 exceed but may not be less than \$10 a month.

5 (4) (a) For employees of political subdivisions, as defined in 2-9-101, except school districts, the  
6 employer's contributions may exceed but may not be less than \$10 a month.

7 (b) Subject to the public hearing requirement provided in 2-9-212(2)(b), the amount in excess of  
8 the base contribution of a local government's property tax levy for contributions for group benefits as  
9 determined in subsection (4)(c) is not subject to ~~the a~~ mill levy calculation limitation ~~provided for in 15-10-420~~.

10 (c) (i) Subject to subsections (4)(c)(ii) and (4)(c)(iii), the base contribution is determined by  
11 multiplying the average annual contribution for each employee on July 1, 1999, times the number of employees  
12 for whom the employer makes contributions for group benefits under 2-9-212 on July 1 of each fiscal year.

13 (ii) If a political subdivision did not make contributions for group benefits on or before July 1, 1999,  
14 and subsequently does so, the base contribution is determined by multiplying the average annual contribution  
15 for each employee in the first year the political subdivision provides contributions for group benefits times the  
16 number of employees for whom the employer makes contributions for group benefits under 2-9-212 on July 1 of  
17 each fiscal year.

18 (iii) If a political subdivision has made contributions for group benefits but has not previously levied  
19 for contributions in excess of the base contribution, the political subdivision's base is determined by multiplying  
20 the average annual contribution for each employee at the beginning of the fiscal year immediately preceding  
21 the year in which the levy will first be levied times the number of employees for whom the employer made  
22 contributions for group benefits under 2-9-212 in that fiscal year.

23 (5) Unused employer contributions for any state employee must be transferred to an account  
24 established for this purpose by the department of administration and upon transfer may be used to offset losses  
25 occurring to the group of which the employee is eligible to be a member.

26 (6) Unused employer contributions for any government employee may be transferred to an  
27 account established for this purpose by a self-insured government and upon transfer may be used to offset  
28 losses occurring to the group of which the employee is eligible to be a member or to increase the reserves of

1 the group.

2 (7) The laws prohibiting discrimination on the basis of marital status in Title 49 do not prohibit bona  
3 fide group insurance plans from providing greater or additional contributions for insurance benefits to  
4 employees with dependents than to employees without dependents or with fewer dependents."  
5

6 **Section 3.** Section 7-1-112, MCA, is amended to read:

7 **"7-1-112. Powers requiring delegation.** A local government with self-government powers is  
8 prohibited the exercise of the following powers unless the power is specifically delegated by law:

9 (1) the power to authorize a tax on income or the sale of goods or services, except that, ~~subject to~~  
10 ~~45-10-420~~, this section may not be construed to limit the authority of a local government to levy any other tax or  
11 establish the rate of any other tax;

12 (2) the power to regulate private activity beyond its geographic limits;

13 (3) the power to impose a duty on another unit of local government, except that nothing in this  
14 limitation affects the right of a self-government unit to enter into and enforce an agreement on interlocal  
15 cooperation;

16 (4) the power to exercise any judicial function, except as an incident to the exercise of an  
17 independent self-government administrative power;

18 (5) the power to regulate any form of gambling, lotteries, or gift enterprises."  
19

20 **Section 4.** Section 7-1-114, MCA, is amended to read:

21 **"7-1-114. Mandatory provisions.** (1) A local government with self-government powers is subject to  
22 the following provisions:

23 (a) all state laws providing for the incorporation or disincorporation of cities and towns, for the  
24 annexation, disannexation, or exclusion of territory from a city or town, for the creation, abandonment, or  
25 boundary alteration of counties, and for city-county consolidation;

26 (b) Title 7, chapter 3, part 1;

27 (c) all laws establishing legislative procedures or requirements for units of local government;

28 (d) all laws regulating the election of local officials;

- 1 (e) all laws that require or regulate planning or zoning;
- 2 (f) any law directing or requiring a local government or any officer or employee of a local
- 3 government to carry out any function or provide any service;
- 4 (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing
- 5 procedures and powers of local governments;
- 6 (h) Title 70, chapters 30 and 31.
- 7 (2) These provisions are a prohibition on the self-government unit acting other than as provided.
- 8 (3) ~~(a)~~ Notwithstanding the provisions of subsection (1)(g) ~~and except as provided in subsection~~
- 9 ~~(3)(b)~~, self-governing local government units are not subject to the mill levy limits established by state law.
- 10 ~~(b) The provisions of 15-10-420 apply to self-governing local government units."~~

12 **Section 5.** Section 7-1-2103, MCA, is amended to read:

13 **"7-1-2103. County powers.** A county has power to:

- 14 (1) except as provided in 7-5-103(2)(d)(iv) and 7-5-121(2)(c)(iv), sue and be sued;
- 15 (2) purchase and hold lands within its limits;
- 16 (3) make contracts and purchase and hold personal property that may be necessary to the
- 17 exercise of its powers;
- 18 (4) make orders for the disposition or use of its property that the interests of its inhabitants require;
- 19 (5) ~~subject to 15-10-420~~, levy and collect taxes for public or governmental purposes, as described
- 20 in 7-6-2527, under its exclusive jurisdiction unless prohibited by law."

22 **Section 6.** Section 7-1-4123, MCA, is amended to read:

23 **"7-1-4123. Legislative powers.** A municipality with general powers has the legislative power, subject

24 to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

- 25 (1) preserve peace and order and secure freedom from dangerous or noxious activities;
- 26 (2) secure and promote the general public health and welfare;
- 27 (3) provide any service or perform any function authorized or required by state law;
- 28 (4) exercise any power granted by state law;

- 1           (5)       ~~subject to 15-10-420~~, levy any tax authorized by state law for public or governmental purposes
- 2 as described in 7-6-2527;
- 3           (6)       appropriate public funds;
- 4           (7)       impose a special assessment reasonably related to the cost of any special service or special
- 5 benefit provided by the municipality or impose a fee for the provision of a service;
- 6           (8)       grant franchises; and
- 7           (9)       provide for its own organization and the management of its affairs."

8

9           **Section 7.** Section 7-2-2730, MCA, is amended to read:

10           **"7-2-2730. Establishment of special warrant district or special funding bond district in**

11 **continuing county.** (1) After all warrants have been drawn and issued against the funds of the adjoining

12 county, referred to in 7-2-2729, to pay the claims and demands existing against the adjoining county on the

13 date when the territory of the abandoned and abolished county was attached to the adjoining county, all money

14 in the funds of the adjoining county must be used and applied in payment of the warrants drawn against its

15 respective funds. If that money is not sufficient to pay all of the warrants, with the interest on the warrants, then

16 the board of county commissioners shall make an order creating a special warrant district and shall include

17 within the district all of the territory of the adjoining county but may not include in the district any of the territory

18 of the abandoned and abolished county. The board of county commissioners shall, ~~subject to 15-10-420~~, at the

19 time of making levies for county purposes, levy a special tax against all taxable property in the district to pay the

20 warrants, with interest on the warrants, outstanding against the funds of the adjoining county. The board may

21 extend the tax levy over a period of not more than 3 years.

22           (2)       (a) If it appears to the board that it will require too large a tax levy to pay the warrant

23 indebtedness, with interest, within 3 years, the board, instead of creating a special warrant district, shall create

24 and establish a special funding bond district and shall include within the boundaries of the district all of the

25 territory within the adjoining county but may not include in the district any of the territory of the abandoned and

26 abolished county attached to the adjoining county. After all money in the several funds of the adjoining county

27 applicable to payment of the warrants has been applied in payment of the outstanding warrants and interest on

28 the warrants, the board may issue bonds in an amount sufficient to pay and redeem all warrants remaining

1 outstanding, with interest on the warrants. An election is not required to issue the bonds.

2 (b) The bonds must be issued in the name of the adjoining county and must contain recitals to the  
3 effect that the principal and interest of the bonds will be paid by tax levies against the property situated within  
4 the boundaries of the adjoining county as the boundaries existed before the territory of the abandoned and  
5 abolished county was attached to the adjoining county and that none of the property within the territory of the  
6 abandoned and abolished county will be subjected to the levies. Except as otherwise provided in this section,  
7 the bonds must be issued and sold and tax levies must be fixed and made to pay the principal and interest on  
8 the bonds in the manner provided by 7-7-107, 7-7-108, 7-7-123, 7-7-124, 7-7-2104, 7-7-2106, and parts 22 and  
9 23 of chapter 7, as far as applicable, apply to the bonds.

10 ~~(3) For the purposes of 15-10-420, the adjoining county and the abandoned and abolished county are~~  
11 ~~considered separate taxing jurisdictions with relation to the warrants or bonds described in this section."~~

12

13 **Section 8.** Section 7-2-2746, MCA, is amended to read:

14 **"7-2-2746. Details relating to special warrant district.** (1) The board of county commissioners  
15 creating a special warrant district shall, at the time of making and fixing tax levies for county purposes, ~~subject~~  
16 ~~to 15-10-420,~~ make and fix a levy against all taxable property within the special warrant district for the payment  
17 of the warrants and the interest on the warrants. The proceeds of the levy, when collected, must be deposited  
18 by the county treasurer in a separate fund that must be used for the payment of the warrants and interest on  
19 the warrants.

20 (2) The tax levy is not required to be made at a rate that will pay all of the warrants, with interest, in  
21 1 year, but if the board considers it in the best interests of the taxpayers owning property within the special  
22 warrant district, the levy may be spread over a term of not more than 3 years."

23

24 **Section 9.** Section 7-2-2807, MCA, is amended to read:

25 **"7-2-2807. Transfer of certified copies -- costs to be reimbursed -- tax levy authorized.** (1) Upon  
26 a resolution adopted as provided in 7-2-2806, the county clerk in the county from which property will be  
27 transferred shall prepare certified copies of the indexes to recorded documents maintained by the county clerk  
28 pursuant to 7-4-2619.



1           (2)     (a) The clerk shall contract with a land title company that maintains a geographical tract index  
 2 of the recorded documents in the county to prepare an abstract of the property to be transferred. The abstract  
 3 must include deeds, mortgages, assignments of mortgages, leases, mining claims, and any other documents  
 4 recorded from the date that the county was created to the date of the boundary change implementation as  
 5 provided in 7-2-2806.

6           (b)     The land title company with which the clerk contracts must be a member in good standing of  
 7 the Montana land title association.

8           (3)     The clerk shall certify each copy of the recorded documents included in the abstract and shall  
 9 transfer all copies of indexes and recorded documents certified pursuant to this section to the county clerk of  
 10 the county to which the property will be transferred. The clerk of the county to which the property will be  
 11 transferred shall record the documents pursuant to 7-4-2617 and shall maintain an index of the documents  
 12 pursuant to 7-4-2619.

13           (4)     Actual or customary costs incurred by a county in complying with subsections (1) through (3)  
 14 must be reimbursed to the county from which certified copies are transferred. ~~Subject to 15-10-420, the~~ The  
 15 county to which records are transferred may levy a property tax against the property that has been transferred  
 16 in the amount necessary to reimburse the county that incurred the costs. The property tax levied as provided in  
 17 this subsection may be collected over a period of up to 5 years."

18

19           **Section 10.** Section 7-2-4111, MCA, is amended to read:

20           **"7-2-4111. Tax base -- maintenance agreements.** When a city or town is incorporated, a county  
 21 may, ~~subject to 15-10-420,~~ retain the property within the city or town as a part of the tax base of the county for  
 22 purposes of levying taxes against the property for the maintenance of property within the city or town until the  
 23 city or town imposes and collects a levy for maintenance of the property for which the county mill levy is  
 24 imposed. The city or town and the county may enter into an agreement for maintenance of property pending an  
 25 election on a city or town levy."

26

27           **Section 11.** Section 7-2-4918, MCA, is amended to read:

28           **"7-2-4918. Tax levy in event of insolvency.** (1) If, at any time after the disincorporation of a city or

1 town, there is insufficient money in the treasury to the credit of the special fund provided for in 7-2-4912 with  
 2 which to pay any indebtedness of the corporation, the board of county commissioners shall, ~~subject to 15-10-~~  
 3 ~~420,~~ levy and collect from the territory formerly included within the city or town a tax or taxes sufficient in  
 4 amount to pay the indebtedness of the corporation as the indebtedness becomes due.

5 (2) The tax or taxes, assessments, and collections must be made in the same manner and at the  
 6 same time that other taxes of the county are levied and collected and are an additional tax upon the property  
 7 included within the territory or portions of territory of the disincorporated city or town for the payment of the  
 8 debts. ~~For the purposes of 15-10-420, the levy is considered a levy on the property in the city or town until the~~  
 9 ~~debt is paid.~~

10 (3) All money paid into the county treasury under the provisions of this part must be credited to the  
 11 special fund."

12

13 **Section 12.** Section 7-3-1104, MCA, is amended to read:

14 **"7-3-1104. General powers of consolidated local governments.** A consolidated local government  
 15 has and may exercise all powers that are conferred on counties, cities, or towns by the constitution and laws of  
 16 the state. ~~Subject to 15-10-420, the~~ The consolidated local government may levy all taxes that counties, cities,  
 17 and towns are authorized to levy."

18

19 **Section 13.** Section 7-3-1310, MCA, is amended to read:

20 **"7-3-1310. Limitation on tax levy.** (1) An ordinance, ~~conforming to 15-10-420,~~ making the annual tax  
 21 levy must be passed fixing the rate to be levied upon all property within the municipality to defray current  
 22 expenses.

23 (2) ~~Subject to 15-10-420, taxes~~ Taxes required to be levied on account of the debt of the  
 24 municipality or any district are not affected by the limits."

25

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

27 **"7-3-1311. Authority for special taxes and special service districts.** (1) ~~Subject to 15-10-420, a~~ A  
 28 municipality may levy special taxes for all purposes that counties, cities, and towns are authorized to levy by

1 general laws of the state, and all of the provisions of those laws are applicable to and govern and control the  
2 municipality in the levying and collection of the special taxes.

3 (2) ~~Subject to 15-10-420, the~~The commission may by ordinance designate clearly specified  
4 districts in or for which special services are to be performed and may levy upon the property in the district a tax,  
5 in addition to any taxes authorized by 7-3-1310(1), as may be necessary with other available funds and grants  
6 to pay the cost of the special service or services. The boundaries of special service districts must be regularly  
7 reviewed by the commissioners and may be adjusted upon recommendation by an authorized planning body in  
8 response to changing population patterns."  
9

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

11 **"7-3-1313. Special taxing districts for indebtedness existing prior to consolidation.** (1) A district  
12 comprised within the boundaries of any city, town, or district existing within the county at the time of the  
13 adoption of part 12 and this part by the electors of the consolidated government is, for the purpose of paying  
14 the interest and principal of any debt incurred by the city, town, or district prior to the adoption of the  
15 consolidated government, continued as a special district until the debt has been paid. ~~Subject to 15-10-420, the~~  
16 The commission shall, in the annual tax levy ordinance, levy upon the property within each district a tax, in  
17 addition to all other taxes, that the director of finance reports to be necessary to provide for paying the interest  
18 on each debt as it falls due and the principal of the debt as it matures, and no other property within the  
19 municipality is taxable or liable for the payment of any district debt.

20 (2) ~~Subject to 15-10-420, the~~The commission shall provide in the annual tax levy ordinance  
21 adopted for the levy of a tax upon all property within the municipality that the director of finance reports to be  
22 necessary to provide for paying the interest as it falls due and the principal as it matures of any debt of the  
23 municipality as a whole.

24 (3) The tax levy for the debt of the municipality as a whole and the tax levy for the debt of each  
25 district must be a separate levy and must be distinct from and in addition to all other tax levies. The proceeds of  
26 each tax levy must be placed in a separate fund for the payment of the interest and principal of the debt for  
27 which the tax was levied, and the fund may not be used for any other purpose."  
28

1           **Section 16.** Section 7-3-4312, MCA, is amended to read:

2           **"7-3-4312. Effect of organization of communities into single municipal district.** (1) Whenever  
3 any group of communities becomes a single municipal district under the provisions of this part, the  
4 commissioners elected at the first election have the same functions and authority and municipal procedure  
5 must be the same as is provided in this part when single communities, cities, or towns adopt the commission-  
6 manager form of government. The terms of all municipal officers in any prior city or town that is included in the  
7 new municipal district cease and terminate as soon as the commissioners adopt a resolution terminating the  
8 terms, and the corporate functions and existence of any prior municipal corporation may be terminated by the  
9 commissioners when the need for the further existence of the prior corporation has ended.

10           (2) Whenever any group of communities, including one or more incorporated cities or towns,  
11 becomes a single municipal district under this part, the municipal district has the same name as the principal  
12 incorporated city or town in the district.

13           (3) Whenever any group of communities, including one or more incorporated cities or towns,  
14 becomes a single municipal district under this part, the corporate property of each city or town becomes the  
15 property of the new municipality, but improvements paid for in whole or in part by special assessments upon  
16 abutting property within special improvement districts may not be considered municipal property within the  
17 meaning of this part to the extent of the special assessment payments. If a prior city or town has an unpaid  
18 indebtedness, the commissioners of the new municipality elected at the first municipal election shall inventory  
19 and appraise or cause to be inventoried and appraised all of the property, and if the amount of the  
20 indebtedness of the prior city or town exceeds the inventory value of the property surrendered to the new  
21 municipality by the prior city or town, then the excess of the indebtedness over the inventory value of the  
22 property is a charge only against the taxable property within the limits of the prior city or town and, ~~subject to~~  
23 ~~15-10-420,~~ must be paid by levy upon the property located within the prior city or town."

24

25           **Section 17.** Section 7-6-502, MCA, is amended to read:

26           **"7-6-502. Levy for juvenile detention programs.** (1) ~~Subject to 15-10-420, a~~ A local government  
27 may impose a levy on the taxable value of all property within its jurisdiction in an amount determined by the  
28 governing body for the purpose of financing the establishment and operation of juvenile detention programs.

1           (2)     Local governments may use the funds derived from a levy authorized in subsection (1) to  
 2 contract with other units of local government to purchase services from available juvenile detention programs  
 3 consistent with the purposes of the levy as stated in subsection (1)."

4

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

6           **"7-6-2501. Authorization for county mill levy.** ~~Subject to 15-10-420, the~~ The board of county  
 7 commissioners may levy a tax annually on the taxable property of the county for county public or governmental  
 8 purposes that is necessary to defray current expenses and may levy taxes that are required to be levied by  
 9 special or local statutes."

10

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

12           **"7-6-2511. County levy for certain court expenses.** (1) ~~Subject to 15-10-420, the~~ The governing  
 13 body of each county may each year levy and collect a tax on the taxable property of the county for certain  
 14 county district court costs, as provided in subsection (2).

15           (2)     District court costs for which a tax may be levied under subsection (1) are the:

16           (a)     costs of the office of the clerk of district court;

17           (b)     costs of providing office, courtroom, and other space for district court operations under 3-1-125;

18           and

19           (c)     contracted costs of supplementing a district court budget, as provided in 3-1-126, if incurred in  
 20 the discretion of the county commissioners.

21           (3)     Costs of the office of the clerk of district court include but are not limited to salary and benefits  
 22 for clerks of district court, deputy clerks of district court, and other employees of the office of the clerk of district  
 23 court and expenses of the office.

24           (4)     If remaining funds are available after paying the costs provided for in subsection (2), the county  
 25 commissioners, in their discretion, may use the remaining funds to pay the expenses of the office of county  
 26 attorney.

27           (5)     This section may not be construed as a limitation on the authority or ability of a county or  
 28 district court to apply for, receive, or administer grants from state, federal, or private funds."

1

2           **Section 20.** Section 7-6-2512, MCA, is amended to read:

3           **"7-6-2512. County tax levy for health care facilities.** (1) ~~Subject to 15-10-420, the~~ The board of  
4 county commissioners may, annually at the time of levying county taxes, fix and levy a tax upon all property  
5 within the county to erect, furnish, equip, expand, improve, maintain, and operate county-owned or county-  
6 operated health care facilities created under 7-8-2102, 7-34-2201, and 7-34-2502. "Health care facilities" as  
7 used in this section has the meaning as defined in 7-34-2201. If a hospital district is created under Title 7,  
8 chapter 34, part 21, the mill levy authorized by this section may not be imposed on property within that hospital  
9 district.

10           (2) If a county issues bonds under 7-34-2411 to finance or refinance the costs of a health care  
11 facility, the board of county commissioners may covenant to levy the tax authorized by this section during the  
12 term of the bonds, to the extent necessary, and to apply the collections of the tax to the costs of erecting,  
13 furnishing, equipping, expanding, improving, maintaining, and operating the health care facility or facilities of the  
14 county or the payment of principal of or interest on the bonds. The pledge of the taxes to the payment of the  
15 bonds may not cause the bonds to be considered indebtedness of the county for the purpose of any statutory  
16 limitation or restriction. The pledge may be made by the board only upon authorization of a majority of the  
17 electors of the county voting on the pledge at a general or special election as provided in 7-34-2414."  
18

19           **Section 21.** Section 7-6-2513, MCA, is amended to read:

20           **"7-6-2513. County public safety levy -- purpose.** ~~Subject to 15-10-420, the~~ The board of county  
21 commissioners may, annually at the time of levying county taxes, fix and levy a tax on all property within the  
22 county for the purpose of providing for the public safety of citizens. The tax must be used to support county law  
23 enforcement services and to maintain county detention centers. Money received from the tax must be placed in  
24 a special account to be used for the purposes of this section."  
25

26           **Section 22.** Section 7-6-2522, MCA, is amended to read:

27           **"7-6-2522. All-purpose levy.** ~~Subject to 15-10-420, the~~ The all-purpose levy is an annual levy upon  
28 the taxable value of all property in the county subject to taxation for county public or governmental purposes."

1

2 **Section 23.** Section 7-6-4035, MCA, is amended to read:

3 **"7-6-4035. Tax levies for boards and commissions -- bond exemption.** (1) The proposed budget  
4 and mill levy for each board, commission, or other governing entity are subject to approval by the governing  
5 body.

6 (2) Except for a port authority created under Title 7, chapter 14, part 11, the taxes, revenue, or  
7 fees legally pledged for the payment of debt or for the operations of a regional resource authority are not  
8 subject to approval by the governing body.

9 ~~(3) Except for judgment levies under 2-9-316 or 7-6-4015, all tax levies are subject to 15-10-420."~~

10

11 **Section 24.** Section 7-6-4036, MCA, is amended to read:

12 **"7-6-4036. Fixing tax levy.** (1) The governing body shall fix the tax levy for each taxing jurisdiction  
13 within the county or municipality:

14 (a) by the later of the first Thursday after the first Tuesday in September or within 30 calendar days  
15 after receiving certified taxable values;

16 (b) after the approval and adoption of the final budget; and

17 (c) at levels that will balance the budgets as provided in 7-6-4034.

18 (2) Each levy:

19 ~~(a) must be made in the manner provided by 15-10-201; and~~

20 ~~(b) is subject to 15-10-420."~~

21

22 **Section 25.** Section 7-6-4401, MCA, is amended to read:

23 **"7-6-4401. General taxing power of municipalities.** ~~Subject to 15-10-420, the~~ The city or town  
24 council may levy and collect taxes for general and special public or governmental purposes on all property  
25 within the city or town subject to taxation under the laws of the state."

26

27 **Section 26.** Section 7-6-4406, MCA, is amended to read:

28 **"7-6-4406. Authority to levy special taxes and assessments.** ~~Subject to 15-10-420, the~~ The

1 council may assess and levy the special taxes or assessments provided for in this title."

2

3 **Section 27.** Section 7-6-4421, MCA, is amended to read:

4 **"7-6-4421. Authorization for tax levy and collection by municipality.** (1) ~~Subject to 15-10-420, the~~  
5 The council has power to annually levy and collect taxes on all the property in the city or town taxable for state  
6 and county public or governmental purposes and may by ordinance provide for the levy and collection of the  
7 taxes.

8 (2) Until the passage of the ordinance, the levy and collection of municipal taxes are and the  
9 proceedings for those purposes must be as provided in this part."

10

11 **Section 28.** Section 7-6-4431, MCA, is amended to read:

12 **"7-6-4431. Authorization to exceed or impose less than maximum mill levy -- election required**  
13 **to exceed.** The governing body of a municipality may raise money by taxation for the support of municipal  
14 government services, facilities, or other capital projects ~~in excess of the levy allowed by 15-10-420~~ under the  
15 following conditions:

16 (1) The governing body shall pass a resolution indicating its intent to exceed the current statutory  
17 mill levy limit on the approval of a majority of the qualified electors voting in an election under subsection (2).

18 The resolution must include:

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

22 (2) The governing body shall submit the question of the additional mill levy to the qualified electors  
23 of the municipality at an election as provided in 15-10-425. The question may not be submitted more than once  
24 in any calendar year. If the majority of voters voting on the question is in favor of the additional levy or levies,  
25 the governing body is authorized to impose the mill levy in the amount specified in the resolution.

26 ~~(3) An election is not required for a governing body to impose less than the maximum number of mills~~  
27 ~~or to carry forward authorization to impose the maximum number of mills in a subsequent tax year as provided~~  
28 ~~in 15-10-420 (1)(b)."~~



1

2           **Section 29.** Section 7-6-4438, MCA, is amended to read:

3           **"7-6-4438. Tax levy and expenditures for municipal and administrative purposes when limits**

4 **on municipal indebtedness exceeded.** (1) ~~Subject to 15-10-420, taxes~~ Taxes levied and collected for  
5 municipal and administrative purposes by any city or town in which the indebtedness equals or exceeds the  
6 limit allowed by statute may be used in payment of current expenses during the fiscal year for which the taxes  
7 were levied as if a special levy had been made for each of the purposes. The council of the city or town may  
8 designate the amount of the general levy applicable to each of the purposes. The amount designated  
9 constitutes a special fund for the special purpose of paying the expenses incurred for the purpose. The  
10 expenses are payable only out of the fund.

11           (2) ~~Subject to 15-10-420, a~~ A city, the indebtedness of which equals or exceeds the limit allowed  
12 by statute, may levy and collect special taxes for municipal and administrative purposes, and the city council in  
13 making special levies shall designate the amount for each of the purposes. Each tax, when collected,  
14 constitutes a fund out of which the expenses incurred for the purpose for which the tax was levied must be paid.  
15 The expenses incurred for any particular purpose may be paid only out of the specified fund."  
16

17           **Section 30.** Section 7-6-4453, MCA, is amended to read:

18           **"7-6-4453. Certain special mill levies also available.** (1) The all-purpose mill levy does not include  
19 the levies imposed for bonded indebtedness, to pay judgments or tax protest refunds, or for special  
20 improvement district revolving funds of municipalities. ~~Subject to 15-10-420, additional~~ Additional levies may be  
21 made in addition to the all-purpose mill levy, as provided in subsection (2). Sections 7-6-4451, 7-6-4454, 7-6-  
22 4455, and this section may not be construed as repealing those statutes providing for multiple separate levies.

23           (2) Extraordinary levies otherwise authorized to pay for bonded indebtedness, judgments, tax  
24 protest refunds, or special improvement district revolving funds may be made by municipalities in addition to the  
25 all-purpose mill levy provided for in 7-6-4451, 7-6-4454, 7-6-4455, and this section."  
26

27           **Section 31.** Section 7-10-115, MCA, is amended to read:

28           **"7-10-115. Regional resource authority -- powers -- limits.** (1) A regional resource authority has

- 1 power to:
- 2 (a) sue and be sued;
- 3 (b) purchase and hold lands within its limits;
- 4 (c) make contracts and purchase and hold personal property that may be necessary to the
- 5 exercise of its powers;
- 6 (d) make orders for the disposition or use of its property that the interests of its inhabitants require;
- 7 and
- 8 (e) ~~subject to 15-10-420, levy~~ levy and collect taxes for public or governmental purposes, as
- 9 described in 7-6-2527, under its exclusive jurisdiction unless prohibited by law;
- 10 (f) impose fees or assessments for services provided;
- 11 (g) pay debts and expenses;
- 12 (h) solicit and accept bequests, donations, or grants of money, property, services, or other
- 13 advantages and comply with any condition that is not contrary to the public interest;
- 14 (i) execute documents necessary to receive money, property, services, or other advantages from
- 15 the state government, the federal government, or any other source;
- 16 (j) make grants and loans of money, property, and services for public purposes;
- 17 (k) require the attendance of witnesses and production of documents relevant to matters being
- 18 considered by the governing body;
- 19 (l) hire, direct, and discharge employees and appoint and remove members of boards;
- 20 (m) ratify any action of the regional resource authority or its officers or employees that could have
- 21 been approved in advance;
- 22 (n) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a
- 23 public use authorized by law;
- 24 (o) initiate a civil action to restrain or enjoin an action adverse to the regional resource authority;
- 25 (p) enter private property, obtaining warrants when necessary, for the purpose of enforcing its
- 26 authority that affects the general welfare and public safety;
- 27 (q) conduct preparatory studies;
- 28 (r) purchase insurance and establish self-insurance plans;

1 (s) exercise powers not inconsistent with law necessary for effective administration of authorized  
2 services and functions;

3 (t) enter into interlocal agreements or other agreements with the federal government or its  
4 agencies; and

5 (u) issue bonds and notes for the purpose of funding projects as provided in part 2 of this chapter.

6 (2) A regional resource authority may not:

7 (a) authorize a tax on income or the sale of goods or services;

8 (b) regulate private activity beyond its geographic limits;

9 (c) impose a duty on another unit of local government, except that nothing in this limitation affects  
10 the right of a regional resource authority to enter into and enforce an agreement on interlocal cooperation;

11 (d) exercise any judicial function, except as an incident to the exercise of an administrative power;

12 or

13 (e) exercise any power enumerated in 7-1-111."  
14

15 **Section 32.** Section 7-13-144, MCA, is amended to read:

16 **"7-13-144. Resolution to establish service charges -- hearing -- limitations and tax levy.** The  
17 board of county commissioners may, subject to the provisions of Title 69, chapter 7, by resolution and after  
18 public hearing:

19 (1) fix and establish the sewer rates, charges, and rentals at amounts sufficient in each year to  
20 provide income and revenue adequate for the payment of the reasonable expense of operation and  
21 maintenance of the system;

22 (2) fix and establish an additional charge for the operation and maintenance of a sanitary and  
23 storm sewer system and of a sewage treatment plant; and

24 (3) ~~subject to 15-10-420, levy~~ levy and assess a tax upon the taxable valuation of each and every  
25 lot or parcel of land and improvements on the parcel or lot in the district in order to provide sufficient revenue for  
26 the reserve fund in an amount necessary to meet the financial requirements of the fund as described in 7-13-  
27 151 through 7-13-156."  
28

1           **Section 33.** Section 7-13-3027, MCA, is amended to read:

2           **"7-13-3027. Resolution to establish service charges -- hearing -- limitations and tax levy.** The  
3 governing body may, subject to the provisions of Title 69, chapter 7, by resolution and after public hearing:

4           (1)       establish the rates, charges, and rentals in amounts sufficient in each year to provide income  
5 and revenue adequate for the payment of the reasonable expense of operation and maintenance of the system;

6           (2)       establish an additional charge for the operation and maintenance of a system and a plant; and

7           (3)       ~~subject to 15-10-420, levy~~ levy and assess a tax upon the taxable valuation of each and every  
8 lot or parcel of land and improvements in the district to provide sufficient revenue for the reserve fund in an  
9 amount necessary to meet the financial requirements of the fund as described in 7-13-3034 through 7-13-  
10 3039."

11

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

13           **"7-14-111. Transportation for senior citizens and persons with disabilities.** (1) ~~Subject to 15-10-~~  
14 ~~420, a~~ A county, urban transportation district, or municipality may levy property taxes to fund special  
15 transportation services for senior citizens and persons with disabilities.

16           (2)       The proceeds of the levy may be used to:

17           (a)       contract with public or private transportation providers for services to senior citizens and  
18 individuals with disabilities; or

19           (b)       augment or subsidize provisions for the transportation of senior citizens and individuals with  
20 disabilities provided by public transportation providers.

21           (3)       If the taxing jurisdiction determines that it is not in the best interest of senior citizens and  
22 individuals with disabilities to use the tax levy as provided for in subsection (2), the taxing jurisdiction may use  
23 the proceeds of the levy to establish and operate an independent transportation system for senior citizens and  
24 individuals with disabilities.

25           (4)       Counties, urban transportation districts, and municipalities are encouraged to enter into  
26 interlocal agreements to provide regional transportation services to senior citizens and persons with disabilities  
27 and may create regional advisory committees to coordinate regional transportation services."  
28

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

2           "**7-14-232. Mill levy authorized.** ~~Subject to 15-10-420, the~~ The commissioners shall annually, at the  
3 time of levying county taxes, fix and levy a tax in mills upon all property within the transportation district  
4 sufficient to operate the district, taking into account the amount requested by the board."

5

6           **Section 36.** Section 7-14-1111, MCA, is amended to read:

7           "**7-14-1111. General powers of authority.** An authority has all the powers necessary or convenient  
8 to carry out the purposes of this part, including but not limited to the power to:

9           (1)     ~~subject to 15-10-420,~~ request annually the amount of tax to be levied by the governing body  
10 for port purposes, which request the governing body may in its discretion approve for port purposes;

11           (2)     sue and be sued, have a seal, and have perpetual succession;

12           (3)     execute contracts and other instruments and take other action that may be necessary or  
13 convenient to carry out the purposes of this part;

14           (4)     plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip,  
15 operate, regulate, and protect transportation, storage, or other facilities. For these purposes an authority may,  
16 by purchase, gift, devise, lease, or otherwise, acquire real or personal property or any interest in property,  
17 including easements.

18           (5)     establish comprehensive port zoning regulations in accordance with the laws of this state;

19           (6)     acquire, by purchase, gift, devise, lease, or otherwise, existing transportation, storage, or other  
20 facilities that may be necessary or convenient to carry out the purposes of this part. However, an authority may  
21 not acquire or take over any transportation, storage, or other facility owned or controlled by another authority,  
22 county, municipality, or public agency without the consent of the authority, county, municipality, or public  
23 agency.

24           (7)     provide financial and other support to organizations in its jurisdiction, including corporations  
25 organized under the provisions of the development corporation act in Title 32, chapter 4, whose purpose is to  
26 promote, stimulate, develop, and advance the general welfare, economic development, and prosperity of its  
27 jurisdiction and of the state and its citizens by stimulating, assisting in, and supporting the growth of all kinds of  
28 economic activity, including the creation, expansion, modernization, retention, and relocation of new and

1 existing businesses and industry in the state, all of which will tend to promote business development, maintain  
 2 the economic stability and prosperity of the state, and thus provide maximum opportunities for employment and  
 3 improvement in the standards of living of citizens of the state; and

4 (8) for an authority with a truck/train transloading facility, receive grants pursuant to 80-11-105 to  
 5 enhance the transportation of agricultural goods and to meet the purposes of this part."

6

7 **Section 37.** Section 7-14-1131, MCA, is amended to read:

8 **"7-14-1131. Municipal tax levy.** ~~Subject to 15-10-420, the~~ The port authority may request annually  
 9 from the governing bodies the amount of tax to be levied by each municipality participating in the creation of the  
 10 port authority, and the municipality may levy the amount requested, pursuant to provisions of law authorizing  
 11 cities and other political subdivisions of this state to levy taxes. The municipality shall collect the taxes  
 12 requested by a port authority that it has authorized in the same manner as other taxes are levied and collected  
 13 and make payment to the port authority. The proceeds of the taxes when and as paid to the port authority must  
 14 be deposited in a special account or accounts in which other revenue of the authority is deposited and may be  
 15 expended by the authority as provided for in this part. Prior to the issuance of bonds under 7-14-1133 and 7-14-  
 16 1134, the port authority or the municipality may by resolution covenant and agree that the total amount of taxes  
 17 then authorized by law, or the portion of the taxes that may be specified by the resolution, will be requested,  
 18 levied, and deposited annually as provided in this section until the bonds and interest are fully paid."

19

20 **Section 38.** Section 7-14-2101, MCA, is amended to read:

21 **"7-14-2101. General powers of county relating to roads and bridges -- definitions.** (1) The board  
 22 of county commissioners, under the limitations and restrictions that are prescribed by law, may:

23 (a) (i) lay out, maintain, control, and manage county roads and bridges within the county;

24 (ii) ~~subject to 15-10-420,~~ levy taxes for the laying out, maintenance, control, and management of  
 25 the county roads and bridges within the county as provided by law;

26 (b) (i) in the exercise of sound discretion, jointly with other counties, lay out, maintain, control,  
 27 manage, and improve county roads and bridges in adjacent counties, wholly or in part as agreed upon between  
 28 the boards of the counties concerned;

1           (ii)       ~~subject to 15-10-420,~~ levy taxes for the laying out, maintenance, control, management, and  
2 improvement of county roads and bridges in adjacent counties or shared jointly with other counties, as agreed  
3 upon between the boards of the counties concerned and as provided by law;

4           (c)       (i) enter into agreements for adjusted annual contributions over not more than 6 years toward  
5 the cost of joint highway or bridge construction projects entered into in cooperation with other counties, the  
6 state, or the United States;

7           (ii)       ~~subject to 15-10-420,~~ place a joint project in the budget and levy taxes for a joint project as  
8 provided by law.

9           (2)       (a) Following a public hearing, a board of county commissioners may accept by resolution a  
10 road that has not previously been considered a county road but that has been laid out, constructed, and  
11 maintained with state department of transportation or county funds.

12           (b)       A survey is not required of an existing county road that is accepted by resolution by a board of  
13 county commissioners.

14           (c)       A road that is abandoned by the state may be designated as a county road upon the  
15 acceptance and approval by resolution of a board of county commissioners.

16           (d)       A road on a final subdivision plat that is dedicated to public use is not considered a county road  
17 until the board of county commissioners approves by resolution the adoption of the road as a county road as  
18 provided in subsection (4)(b)(ii).

19           (3)       The board of county commissioners may adopt regulations for unincorporated areas within a  
20 county governing:

21           (a)       the assignment of numerical physical addresses except for roads under the jurisdiction of a  
22 federal, state, or tribal entity if that entity objects to the assignment; and

23           (b)       the naming of roads except roads under the jurisdiction of a federal, state, or tribal entity unless  
24 that entity consents to the naming.

25           (4)       Unless the context requires otherwise, for the purposes of this chapter, the following definitions  
26 apply:

27           (a)       "Bridge" includes rights-of-way or other interest in land, abutments, superstructures, piers, and  
28 approaches except dirt fills.

- 1 (b) "County road" means:
- 2 (i) a road that is petitioned by freeholders, approved by resolution, and opened by a board of
- 3 county commissioners in accordance with this title;
- 4 (ii) a road that is dedicated for public use in the county and approved by resolution by a board of
- 5 county commissioners;
- 6 (iii) a road that has been acquired by eminent domain pursuant to Title 70, chapter 30, and
- 7 accepted by resolution as a county road by a board of county commissioners;
- 8 (iv) a road that has been gained by the county in an exchange with the state as provided in 60-4-
- 9 201; or
- 10 (v) a road that has been the subject of a request under 7-14-2622 and for which a legal route has
- 11 been recognized by a district court as provided in 7-14-2622."

12

13 **Section 39.** Section 7-14-2501, MCA, is amended to read:

14 **"7-14-2501. General road tax authorized.** (1) ~~Subject to 15-10-420 and to~~ To raise revenue for the  
15 construction, maintenance, or improvement of public highways, each board of county commissioners may levy  
16 a tax upon the taxable property in the county. The tax must be collected the same as other taxes as the board  
17 may direct.

18 (2) This section does not apply to incorporated cities and towns that by ordinance provide for the  
19 levy of a tax for road, street, or alley purposes.

20 (3) All money collected under this section must be deposited in the county road fund."

21

22 **Section 40.** Section 7-14-2502, MCA, is amended to read:

23 **"7-14-2502. Special bridge tax authorized -- combined ferry and bridge fund.** (1) ~~Subject to 15-~~  
24 ~~10-420, a~~ A board may levy a special tax on all taxable property in the county for the purpose of constructing,  
25 maintaining, and repairing free public bridges, which includes those bridges within the municipalities.

26 (2) For the purposes of this section, a free public bridge is defined as any drainage structure  
27 located on, over, or through any road or highway.

28 (3) These taxes must be levied and collected in the same manner as other taxes. Except that



1 when the county has a combined ferry and bridge fund, the money must be kept as a special bridge fund,  
2 subject to the order of the board for use as provided in this section and may not be transferable to any other  
3 fund.

4 (4) If a county owns or operates a public ferry, the board may combine into a single fund the  
5 revenue from the county public ferry tax levy authorized in 7-14-2807, the revenue from the special municipal  
6 bridge levy authorized in 7-14-2503, and the revenue from the levy authorized by this section. The fund may be  
7 used for any lawful purpose authorized for bridges in this part or in Title 7, chapter 14, part 22, or for public  
8 ferries in Title 7, chapter 14, part 28."

9

10 **Section 41.** Section 7-14-2503, MCA, is amended to read:

11 **"7-14-2503. Special municipal bridge tax authorized.** ~~Subject to 15-10-420, a~~ A board may levy a  
12 special tax on the taxable property in the county to defray the costs of any bridge required to be constructed  
13 and maintained by the county in any city or town."

14

15 **Section 42.** Section 7-14-2801, MCA, is amended to read:

16 **"7-14-2801. General powers of county relating to ferries.** The board of county commissioners,  
17 under limitations and restrictions as are prescribed by law, may:

18 (1) lay out, maintain, control, and manage county ferries within the county and, ~~subject to 15-10-~~  
19 ~~420,~~ levy taxes for county ferries as provided by law;

20 (2) in the exercise of sound discretion, jointly with other counties, lay out, maintain, control,  
21 manage, and improve county ferries in adjacent counties, wholly or in part as may be agreed upon between the  
22 boards of the counties concerned, ~~and subject to 15-10-420,~~ levy taxes as provided by law."

23

24 **Section 43.** Section 7-14-2807, MCA, is amended to read:

25 **"7-14-2807. Tax levy for public ferry -- combined ferry and bridge fund.** (1) ~~Subject to 15-10-420,~~  
26 ~~#~~ If a county owns or operates a public ferry, the board of county commissioners may levy a tax on the taxable  
27 value of all taxable property of the county for the purpose of constructing, maintaining, and repairing public  
28 ferries.

1 (2) The board may combine the revenue from the tax authorized in this section with revenue from  
2 taxes to support bridges as provided in 7-14-2502."

3

4 **Section 44.** Section 7-14-4404, MCA, is amended to read:

5 **"7-14-4404. Tax levy for contracts to operate bus service.** For the purpose of raising the  
6 necessary money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant to a  
7 contract, lease, or lease and operating agreement with an independent carrier or carriers, the city or town  
8 council may annually levy a tax on the taxable value of all taxable property within the limits of the city or town.  
9 Whenever the council of the city or town considers it necessary to raise money by taxation for transportation  
10 services ~~in excess of the levy allowed by 15-10-420~~, the council of the city or town shall in the manner  
11 prescribed by law submit the question of the additional levy to the qualified electors of the city or town at an  
12 election held pursuant to 15-10-425."

13

14 **Section 45.** Section 7-14-4644, MCA, is amended to read:

15 **"7-14-4644. Restrictions on use of reserve to make payments on revenue bonds.** The funds from  
16 which the transfers authorized by 7-14-4643(2)(g) are made must be reimbursed from the next collections of  
17 other revenue enumerated in 7-14-4643 that is not needed for full compliance with provisions of indentures  
18 securing all outstanding obligations of the commission. This section does not permit the levy of taxes at any  
19 time in excess of the deficiency existing in the reserve, but ~~subject to 15-10-420~~, a tax as may be needed, with  
20 other funds determined by the legislative body to be available to meet the deficiency, may be levied."

21

22 **Section 46.** Section 7-14-4703, MCA, is amended to read:

23 **"7-14-4703. Provision for payment of damages due to creation of pedestrian mall.** When the  
24 public interest or convenience requires, the governing body of a municipality may pay, from general funds of the  
25 municipality or other available money or from the proceeds of assessments levied on lands benefited by the  
26 establishment of a pedestrian mall, the damages, if any, allowed or awarded to any property owner by reason  
27 of the establishment of a pedestrian mall. The resolution of intention must contain a statement that, ~~subject to~~  
28 ~~15-10-420~~, an assessment will be levied to pay the whole or a stated portion of damages, if any, allowed or

1 awarded to any property owner by reason of the establishment of the pedestrian mall."

2

3 **Section 47.** Section 7-14-4713, MCA, is amended to read:

4 **"7-14-4713. Estimates of expenses -- tax levy.** (1) The governing body shall:

5 (a) make annual statements and estimates of the expenses of the district that are provided for by  
6 the levy and collection of ad valorem taxes upon the taxable value of all the real and personal property in the  
7 district;

8 (b) publish notice of the estimates; and

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

11 (2) ~~Subject to 15-10-420, the~~The governing body, on or before the second Monday in August of  
12 each year, shall fix, levy, and assess the amount to be raised by ad valorem taxes upon all of the property of  
13 the district. All statutes providing for the levy and collection of state and county taxes, including the collection of  
14 delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes provided for  
15 under this section."

16

17 **Section 48.** Section 7-14-4734, MCA, is amended to read:

18 **"7-14-4734. Expense estimate -- assessments and tax levy.** (1) The governing body shall:

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

22 (b) publish notice of the estimates; and

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

25 (2) ~~Subject to 15-10-420, the~~The governing body, on or before the second Monday in August of  
26 each year, shall fix, levy, and assess the amount to be raised by ad valorem taxes upon all of the property of  
27 the district. All statutes providing for the levy and collection of state and county taxes, including the collection of  
28 delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes provided for

1 under this section."

2

3 **Section 49.** Section 7-15-4281, MCA, is amended to read:

4 **"7-15-4281. Financial authority in connection with urban renewal.** (1) A municipality shall have  
5 power to:

6 (a) borrow money and apply for and accept advances, loans, grants, contributions, and any other  
7 form of financial assistance for the purposes of this part and enter into and carry out contracts in connection  
8 with the financial assistance from:

9 (i) the federal government;

10 (ii) the state, a county, or any other public body; or

11 (iii) any sources, public or private;

12 (b) (i) appropriate funds and make expenditures as may be necessary to carry out the purposes of  
13 this part; and

14 (ii) ~~subject to 15-10-420 and~~ in accordance with state law, levy taxes and assessments for the  
15 purposes of this part;

16 (c) invest any urban renewal project funds held in reserves or sinking funds or any funds that are  
17 not required for immediate disbursement in property or securities in which mutual savings banks may legally  
18 invest funds subject to their control;

19 (d) adopt, in accordance with state law, annual budgets for the operation of an urban renewal  
20 agency, department, or office vested with urban renewal project powers under 7-15-4231;

21 (e) enter, in accordance with state law, into agreements, which may extend over any period, with  
22 agencies or departments vested with urban renewal project powers under 7-15-4231 respecting action to be  
23 taken by the municipality pursuant to any of the powers granted by part 43 or this part;

24 (f) close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and plan or  
25 replan, zone or rezone any part of the municipality in accordance with state law.

26 (2) A municipality may include in any application or contract for financial assistance with the  
27 federal government for an urban renewal project the conditions imposed pursuant to federal laws that the  
28 municipality may consider reasonable and appropriate and that are not inconsistent with the purposes of part

1 43 and this part."

2

3 **Section 50.** Section 7-16-101, MCA, is amended to read:

4 **"7-16-101. Creation of funds for recreational and other activities of elderly by local**

5 **governments.** (1) ~~Subject to 15-10-420, the~~The governing body of a city, county, town, or municipality may in  
6 its discretion establish a fund to promote, establish, and maintain recreational, educational, and other activities  
7 of the elderly by a levy on taxable property. The tax levy is in addition to all other tax levies.

8 (2) The governing body may, by resolution, make expenditures from the fund as it may from time  
9 to time determine. Expenditures must be made for the promotion and development of recreational, educational,  
10 and other activities of the elderly, including motivation of the use of the talents of the elderly.

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

13

14 **Section 51.** Section 7-16-2102, MCA, is amended to read:

15 **"7-16-2102. Authorization for tax levy for parks and certain cultural, social, and recreational**

16 **facilities.** (1) ~~Subject to 15-10-420, the~~The board of county commissioners may annually levy on the taxable  
17 property of the county, in the same manner and at the same time as other county taxes are levied, a tax for the  
18 purpose of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center,  
19 youth center, recreation center, recreational complex, or any combination of purposes, parks, and facilities.

20 (2) (a) The board of county commissioners shall submit the question of imposing or the continued  
21 imposition of the property tax mill levy provided in subsection (1) to the electors of the county if a petition  
22 requesting an election, signed by at least 15% of the resident taxpayers of the county, is filed with the county  
23 clerk. The petition must be filed with the county clerk at least 90 days prior to the date of the election.

24 (b) The question must be submitted as provided in 15-10-425.

25 (c) The board of county commissioners shall levy the tax if the question for the imposition of the  
26 tax is approved by a majority of the electors voting on the question.

27 (3) All laws applicable to the collection of county taxes apply to the collection of the tax provided  
28 for in this section."

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**Section 52.** Section 7-16-2108, MCA, is amended to read:

**"7-16-2108. Authorization to levy tax and establish fund for establishment and maintenance of programs and employee training for day-care facilities.** (1) ~~Subject to 15-10-420, the~~ The governing body of a county, city, town, or municipality may establish a fund to establish and maintain programs for the operation of licensed day-care centers and homes within the geographic boundaries of the governing body by a levy on the taxable property within the county, city, town, or municipality. The tax levy is in addition to all other tax levies.

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

**Section 53.** Section 7-16-2109, MCA, is amended to read:

**"7-16-2109. Single assessment for county fair activities, county parks, and certain cultural, social, and recreational facilities -- restriction.** (1) ~~Subject to 15-10-420 and except~~ Except as provided in subsection (2) of this section, the county commissioners of a county that has levied taxes pursuant to 7-16-2102 may combine that levy with any fees assessed in accordance with 7-11-1024 into a single assessment for the purpose of maintaining, operating, and equipping county fair activities, county parks, cultural facilities, and any county-owned civic center, youth center, recreation center, recreational complex, or any combination of purposes, activities, and facilities. The money collected may be distributed among the activities and facilities as determined by the county commissioners.

(2) (a) The board of county commissioners shall submit the question of imposing or continuing the imposition of the single assessment provided for in subsection (1) to the electors of the county if a petition requesting a vote on the single assessment, signed by at least 15% of the resident taxpayers of the county, is filed with the county clerk and recorder at least 90 days prior to the date of the election.

(b) The question must be submitted as provided in 15-10-425.

(c) The board of county commissioners shall collect the assessment if the imposition or continued imposition of the single assessment is approved by a majority of the electors voting on the question."

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**Section 54.** Section 7-16-4105, MCA, is amended to read:

**"7-16-4105. Authorization to levy tax for various cultural, social, and recreational facilities.**

~~Subject to 15-10-420 and for~~ For the purpose of procuring, equipping, and maintaining public parks, swimming pools, skating rinks, playgrounds, civic centers, youth centers, museums, and combination of purposes and facilities, the council or commission in any city or town may levy, in addition to the levy for general municipal or administrative purposes, a tax on the taxable value of all taxable property in the city or town."

**Section 55.** Section 7-16-4113, MCA, is amended to read:

**"7-16-4113. Tax levy for band concerts.** ~~Subject to 15-10-420 and for~~ For the purpose of providing band concerts, the council or other governing body in any city of the first, second, or third class or of any incorporated town may assess and levy, in addition to the levy for general municipal or administrative purposes, a tax on the taxable value of all taxable property of the city or town."

**Section 56.** Section 7-16-4114, MCA, is amended to read:

**"7-16-4114. Authorization to levy tax and establish fund for establishment and maintenance of programs and employee training for day-care facilities.** (1) ~~Subject to 15-10-420, the~~ The governing body of a county, city, town, or municipality may establish a fund to establish and maintain programs for the operation of licensed day-care centers and homes within the geographic boundaries of the governing body by a levy on the taxable property in the county, city, town, or municipality. The tax levy is in addition to all other tax levies.

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

**Section 57.** Section 7-21-3203, MCA, is amended to read:

**"7-21-3203. Support of extension work in agriculture and home economics.** (1) The county commissioners of any county may appropriate money from the general funds of the county treasury or from funds provided by a levy for the purpose of carrying on extension work in agriculture and home economics

1 within the county in cooperation with Montana state university-Bozeman and the United States department of  
 2 agriculture. ~~Subject to 15-10-420, the~~ The county commissioners may impose the levy for the purpose of this  
 3 section at the same time as other levies for county purposes are imposed.

4 (2) The amount of an appropriation in any county, its method of expenditure, the responsibility for  
 5 the direction of the work, and the procedure of appointing agents and the compensation and conditions of  
 6 service of agents must be covered in memoranda of agreement between the county commissioners and  
 7 Montana state university-Bozeman."

8

9 **Section 58.** Section 7-22-2142, MCA, is amended to read:

10 **"7-22-2142. Sources of money for noxious weed fund.** (1) The commissioners may provide  
 11 sufficient money in the noxious weed fund for the board to fulfill its duties, as specified in 7-22-2109, by:

12 (a) appropriating money from any source in an amount not less than \$100,000 or an amount  
 13 equivalent to 1.6 mills levied on the taxable value of all property; and

14 (b) ~~subject to 15-10-420 and~~ at any time fixed by law for levy and assessment of taxes, levying a  
 15 tax of not less than 1.6 mills on the taxable value of all taxable property in the county. The tax levied under this  
 16 subsection must be identified on the assessment as the tax that will be used for noxious weed control.

17 (2) The proceeds of the noxious weed control tax or other contribution must be used solely for the  
 18 purpose of managing noxious weeds in the county and must be deposited in the noxious weed fund.

19 (3) Any proceeds from work or herbicide sales must revert to the noxious weed fund and must be  
 20 available for reuse within that fiscal year or any subsequent year.

21 (4) The commissioners may accept any private, state, or federal gifts, grants, contracts, or other  
 22 funds to aid in the management of noxious weeds within the district. These funds must be placed in the noxious  
 23 weed fund.

24 (5) ~~Subject to 15-10-420, the~~ The commissioners may impose a tax for weed control within a  
 25 special management zone as provided in 7-22-2121(4). For the purposes of imposing the tax, the special  
 26 management zone boundaries must be established by the board and approved by a majority of the voters  
 27 within the special management zone. Pursuant to an election held in accordance with 15-10-425, the amount of  
 28 the tax must be approved by a majority of the voters within the special management zone, and approval of the



1 zone and the tax may occur simultaneously. Revenue received from a special management zone tax must be  
2 spent on weed management projects within the boundaries of the special management zone."  
3

4 **Section 59.** Section 7-22-2306, MCA, is amended to read:

5 **"7-22-2306. Financing of insect pest control program.** (1) The governing body of the county shall  
6 annually determine the amount of the warrants drawn on the general fund for the purposes of controlling insect  
7 pests under a control program approved by the department of agriculture.

8 (2) ~~Subject to 15-10-420, in~~ In the succeeding year, the governing body shall levy a tax for the  
9 purpose of insect pest extermination sufficient to reimburse the general fund for the money paid out on the  
10 warrants. The tax must be levied on all taxable property in the county.

11 (3) If there is no money in the general fund with which to pay the warrants, they must be registered  
12 and bear interest in the same manner as other county warrants. In this case, the interest must be computed  
13 and added to the amount for which the tax is levied."  
14

15 **Section 60.** Section 7-22-2512, MCA, is amended to read:

16 **"7-22-2512. Financing of vertebrate pest management program -- tax.** (1) A governing body may:

17 (a) appropriate from the county general fund an amount to fund vertebrate pest management and  
18 transfer it to the county vertebrate pest management fund; and

19 (b) ~~subject to 15-10-420,~~ levy a vertebrate pest management tax on the taxable valuation of all  
20 agricultural, horticultural, grazing, and timber lands and their improvements. Land within a rodent control district  
21 may not be taxed in any given year under both 7-11-1024 and this section for the control of rodents. Land within  
22 a rodent control district may be taxed under this section only in a dollar amount that is proportional to the part of  
23 the vertebrate pest program's projected fiscal year budget that is allocated to the management and suppression  
24 of vertebrate pests other than rodents.

25 (2) The tax provided for in subsection (1) must be collected as other county taxes and credited to  
26 the county vertebrate pest management fund."  
27

28 **Section 61.** Section 7-32-235, MCA, is amended to read:

1           **"7-32-235. Search and rescue units authorized -- under control of county sheriff -- optional**

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

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

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

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

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

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

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

22

23           **Section 62.** Section 7-32-4117, MCA, is amended to read:

24           **"7-32-4117. Group insurance for police officers -- funding.** (1) Cities of all classes, if they provide  
25 insurance for other city employees under Title 2, chapter 18, part 7, shall:

26           (a)     provide the same insurance to their respective police officers;

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

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

3 (2) ~~Subject to 15-10-420, the~~The administration of this section is declared a public purpose of a  
4 city, which may be paid out of the general fund of the governing body and financed by a levy on the taxable  
5 value of all taxable property within the city or town."  
6

7 **Section 63.** Section 7-33-2109, MCA, is amended to read:

8 **"7-33-2109. Tax levy, debt incurrence, and bonds authorized -- voted levy for volunteer**  
9 **firefighters' disability income or workers' compensation coverage.** (1) At the time of the annual levy of  
10 taxes, the board of county commissioners may, ~~subject to 15-10-420,~~ levy a tax upon all property within a rural  
11 fire district for the purpose of buying or maintaining fire protection facilities, including real property, and  
12 apparatus, including emergency response apparatus, for the district or for the purpose of paying to a city, town,  
13 or private fire service the consideration provided for in any contract with the council of the city, town, or private  
14 fire service for furnishing fire protection service to property within the district. The tax must be collected as are  
15 other taxes.

16 (2) Subject to 15-10-425, the board of county commissioners may levy a tax upon all taxable  
17 property within a rural fire district for the purpose of purchasing disability income insurance coverage or  
18 workers' compensation coverage for the volunteer firefighters of the district as provided in 7-6-621.

19 (3) The board of county commissioners or the trustees, if the district is governed by trustees, may  
20 pledge the income of the district, subject to the requirements and limitations of 7-33-2105(1)(d), to secure  
21 financing necessary to procure equipment and buildings, including real property, to house the equipment.

22 (4) In addition to the levy authorized in subsection (1), a district may borrow money by the  
23 issuance of bonds to provide funds for the payment of all or part of the cost of buying or maintaining fire  
24 protection facilities, including real property, and apparatus, including emergency response apparatus, for the  
25 district.

26 (5) The amount of debt incurred pursuant to subsection (3) and the amount of bonds issued  
27 pursuant to subsection (4) and outstanding at any time may not exceed 1.1% of the total assessed value of  
28 taxable property, determined as provided in 15-8-111, within the district, as ascertained by the most recent

1 assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

2 (6) The bonds must be authorized, sold, and issued and provisions must be made for their  
3 payment in the manner and subject to the conditions and limitations prescribed for the issuance of bonds by  
4 counties under Title 7, chapter 7, part 22."

5

6 **Section 64.** Section 7-33-2120, MCA, is amended to read:

7 **"7-33-2120. Consolidation of fire districts and fire service areas -- mill levy limitations.** (1) Two  
8 or more rural fire districts or rural fire districts and fire service areas established pursuant to 7-33-2401 may  
9 consolidate to form a single rural fire district or fire service area upon an affirmative vote of each consolidating  
10 rural fire district's or fire service area's governing board.

11 (2) (a) At the time they vote to consolidate, the governing boards shall also adopt a consolidation  
12 plan. The plan must contain:

13 (i) a timetable for consolidation, including the effective date of consolidation, which must be after  
14 the time allowed for protests to the creation of the new rural fire district or fire service area under subsection (4);

15 (ii) the name of the new rural fire district or fire service area;

16 (iii) a boundary map of the new rural fire district or fire service area; and

17 (iv) the estimated financial impact of consolidation on the average taxpayer within the proposed  
18 district or area.

19 (b) The consolidation plan must state if the consolidation is to be made with or without the mutual  
20 assumption of the warrant or bonded indebtedness of each district or fire service area. Without agreement  
21 among the governing boards on the assumption of warrant or bonded indebtedness, the consolidation may not  
22 occur.

23 (3) (a) Within 14 days of the date that the governing boards vote to consolidate, notice of the  
24 consolidation must be:

25 (i) published as provided in 7-1-2121 or as provided in 7-1-4127 if a district involved in the  
26 consolidation or part of the district is in an incorporated second-class or third-class city or town in each county  
27 in which any part of a consolidated fire district will be located; and

28 (ii) mailed as provided in 7-1-2122 or as provided in 7-1-4129 if a district involved in the

1 consolidation or part of the district is in an incorporated second-class or third-class city or town to each  
2 registered voter and real property owner residing in a proposed new district.

3 (b) A public hearing on the consolidation must be held within 14 days of the first publication and  
4 mailing of notice. The hearing must be held before the joint governing boards at a time and place set forth in the  
5 notice.

6 (4) Real property owners in each affected rural fire district or fire service area may submit written  
7 protests opposing consolidation to the governing board of their district or fire service area. If within 30 days of  
8 the first publication of notice the owners of 40% or more of the real property in an existing district or fire service  
9 area and owners of property representing 40% or more of the taxable value of property in an existing district or  
10 fire service area protest the consolidation, it is void.

11 (5) After consolidation, the former rural fire districts and fire service areas constitute a single rural  
12 fire district or fire service area governed under the provisions of 7-33-2104 through 7-33-2106 or under the  
13 provisions of part 24 of this chapter.

14 (6) (a) Subject to the provisions of subsections (6)(b) and (6)(c), when the consolidation of two or  
15 more rural fire districts or rural fire districts and fire service areas pursuant to this section results in the creation  
16 of a rural fire district, it must be considered to be a new rural fire district for the purposes of determining mill levy  
17 limitations.

18 ~~(b) The mill levy authority under 15-10-420 for each former rural fire district that is consolidated under~~  
19 ~~this section must be aggregated to establish the base mill levy authority for the new district in the year following~~  
20 ~~consolidation.~~

21 ~~(e)(b)~~ If the electors of a former rural fire district have approved mill levy authority for the district in  
22 excess of the limit established in 15-10-420 pursuant to an election held under 15-10-425, the authority applies  
23 to the new district under the limitations established by the electors.

24 (7) For the purposes of this section, "governing board" means the board of trustees of a rural fire  
25 district or fire service area or a board of county commissioners that governs a fire service area as provided in 7-  
26 33-2403(1)(a)."

27

28 **Section 65.** Section 7-33-2209, MCA, is amended to read:

1           **"7-33-2209. Finance of fire control activities -- voted levy for volunteer firefighters' disability**  
 2 **income insurance or workers' compensation coverage.** (1) The county governing body may appropriate  
 3 funds for the purchase, care, and maintenance of firefighting equipment or for the payment of wages in  
 4 prevention, detection, and suppression of fires.

5           (2) ~~Subject to 15-10-420, if~~ If the general fund is budgeted to the full limit, the county governing  
 6 body may, at any time fixed by law for levy and assessment of taxes, levy a tax for the purposes of subsection  
 7 (1).

8           (3) Subject to 15-10-425, the county governing body may levy a tax for the purpose of purchasing  
 9 disability income insurance coverage or workers' compensation coverage for volunteer firefighters of volunteer  
 10 rural fire control crews and county volunteer fire companies as provided in 7-6-621."

11

12           **Section 66.** Section 7-33-4111, MCA, is amended to read:

13           **"7-33-4111. Tax levy for volunteer fire departments -- voted levy for volunteer firefighters'**  
 14 **disability income insurance or workers' compensation coverage.** (1) For the purpose of supporting  
 15 volunteer fire departments in any city or town that does not have a paid fire department and for the purpose of  
 16 purchasing the necessary equipment for them, the council in any city or town may, ~~subject to 15-10-420,~~ levy,  
 17 in addition to other levies permitted by law, a tax on the taxable value of all taxable property in the city or town.

18           (2) Subject to 15-10-425, a city or town may levy a tax on the taxable value of all taxable property  
 19 in the city or town for the purpose of purchasing disability income insurance coverage or workers' compensation  
 20 coverage for volunteer firefighters of volunteer fire departments as provided in 7-6-621."

21

22           **Section 67.** Section 7-33-4130, MCA, is amended to read:

23           **"7-33-4130. Group insurance for firefighters -- funding.** (1) Cities of the first and second class, if  
 24 they provide insurance for other city employees under Title 2, chapter 18, part 7, shall:

- 25           (a) provide the same insurance to their respective firefighters;
- 26           (b) pay no less than the premium rate in effect as of July 1, 1980, for insurance coverage for
- 27 firefighters and their dependents notwithstanding the provisions of Title 2, chapter 18, part 7;
- 28           (c) provide for collective bargaining or other agreement processes to negotiate additional premium

1 payments beyond the amount guaranteed by subsection (1)(b).

2 (2) ~~Subject to 15-10-420, these~~Those incorporated cities and towns that require additional funds  
3 to finance the provisions of this section may levy, by the amount required to meet these provisions, a tax on the  
4 taxable value of all taxable property in the respective city or town. This levy must be collected in the same  
5 manner and at the same time as other taxes are levied."

6

7 **Section 68.** Section 7-34-102, MCA, is amended to read:

8 **"7-34-102. Ambulance service mill levy permitted.** ~~Subject to 15-10-420 and in~~ In addition to all  
9 other levies authorized by law, each county, city, or town may levy an annual tax on the taxable value of all  
10 taxable property within the county, city, or town to defray the costs incurred in providing ambulance service.  
11 These costs may include workers' compensation coverage for emergency care providers on volunteer duty with  
12 the ambulance service or members of a paid or volunteer nontransporting medical unit defined in 50-6-302."

13

14 **Section 69.** Section 7-34-2122, MCA, is amended to read:

15 **"7-34-2122. Powers of district.** A hospital district has all powers necessary and convenient to the  
16 acquisition, betterment, operation, maintenance, and administration of hospital facilities that its board of  
17 trustees considers necessary and expedient. In addition to the general grant of powers, a hospital district,  
18 acting by its board of trustees, may:

19 (1) employ nursing, administrative, and other personnel, legal counsel, engineers, architects,  
20 accountants, and other qualified persons, who may be paid for their services by monthly salaries, hourly wages,  
21 and pension benefits or by fees that may be agreed upon;

22 (2) cause reports, plans, studies, and recommendations to be prepared;

23 (3) lease, purchase, and contract for the purchase of real and personal property by option, contract  
24 for deed, or otherwise and acquire real or personal property by gift;

25 (4) lease or construct, equip, furnish, and maintain necessary buildings and grounds;

26 (5) adopt, by resolution, rules for the operation and administration of hospital facilities under its  
27 control and for the admission of persons to the facilities;

28 (6) impose by resolution and collect charges for all services and facilities provided and made

1 available by it;

2 (7) ~~subject to 15-10-420,~~ levy taxes as prescribed in this part;

3 (8) borrow money by the issuance of its bonds as prescribed in this part;

4 (9) borrow money by the issuance of notes;

5 (10) procure insurance against liability of the district or its officers and employees, or both, for torts  
6 committed within the scope of their official duties, whether governmental or proprietary, and against damage to  
7 or destruction of any of its facilities, equipment, or other property;

8 (11) sell or lease any of its facilities or equipment as may be considered expedient;

9 (12) cause audits to be made of its accounts, books, vouchers, and funds by competent public  
10 accountants; and

11 (13) provide educational benefits to qualified individuals, including the payment of tuition, room and  
12 board, educational materials, and stipends and the repayment of student loans in return for an agreement by  
13 those persons to provide services to the district."  
14

15 **Section 70.** Section 7-34-2133, MCA, is amended to read:

16 **"7-34-2133. Levy of district taxes.** ~~Subject to 15-10-420, the~~The board of county commissioners  
17 shall, annually at the time of levying county taxes, fix and levy a tax on the taxable value of all taxable property  
18 within the hospital district clearly sufficient to raise the amount certified by the board of hospital trustees under  
19 7-34-2132."  
20

21 **Section 71.** Section 7-34-2417, MCA, is amended to read:

22 **"7-34-2417. Health care facility tax levy authorized.** If the bonds are not paid or are not expected to  
23 be paid from ordinary revenue of the facility, a county that has issued bonds under 7-34-2411 for a health care  
24 facility may, ~~subject to 15-10-420,~~ levy taxes on the taxable value of all taxable property within the county in the  
25 manner provided for public hospital districts under 7-34-2133."  
26

27 **Section 72.** Section 7-35-2205, MCA, is amended to read:

28 **"7-35-2205. Veterans' cemetery.** (1) Pursuant to Article II, section 35, of the Montana constitution, a



1 county may provide for the construction, maintenance, and administration of a veterans' cemetery, set the  
 2 standards by which the cemetery must be constructed and maintained, and determine qualifications for burial in  
 3 the cemetery.

4 (2) ~~Subject to 15-10-420, to~~To fund the cemetery, the county may impose a property tax levy,  
 5 accept gifts, grants, or donations, and receive allowances and collect charges authorized by state or federal law  
 6 regarding burial of a veteran or a veteran's spouse."

7

8 **Section 73.** Section 15-7-403, MCA, is amended to read:

9 **"15-7-403. Rollback tax -- computation.** (1) (a) ~~Subject to 15-10-420, if~~ If land and improvements  
 10 appraised as residential as a result of an application filed under 15-7-402 are changed to industrial or  
 11 commercial use, the property is subject to a rollback tax in addition to the property tax levied on the property.  
 12 The rollback tax is a lien on the property and is due and payable by the owner of the property at the time of the  
 13 change in use.

14 (b) As used in this section, "rollback" means the period preceding the change in use, not to exceed  
 15 5 years, during which the property was appraised as residential.

16 (2) The department shall determine the amount of rollback tax due on the property by:

17 (a) determining the taxable value of the property as industrial or commercial property;

18 (b) multiplying this value by the sum of the annual mill levies applied in the taxing jurisdiction in  
 19 which the land is located during the rollback period; and

20 (c) subtracting from this figure the actual property tax paid on the property during this period."

21

22 **Section 74.** Section 15-10-202, MCA, is amended to read:

23 **"15-10-202. Certification of taxable values.** (1) Subject to subsection (2), by the first Monday in  
 24 August, the department shall certify to each taxing authority the total taxable value within the jurisdiction of the  
 25 taxing authority. ~~The department shall also send to each taxing authority a written statement of its best estimate~~  
 26 ~~of the total taxable value of newly taxable property, as described in 15-10-420(3).~~ Upon the request of a taxing  
 27 authority, the department shall provide an estimate of the total taxable value within the jurisdiction of the taxing  
 28 authority by the second Monday in July.

1           (2) ~~For tax years beginning after December 31, 2000, if~~ If the ownership of centrally assessed  
 2 property has been transferred in whole or in part to a different owner and the transferred property has a market  
 3 value of \$1 million or more as determined by the department, the department shall determine separately ~~the~~  
 4 ~~taxable value of newly taxable property and~~ the taxable value associated with reappraisal of centrally assessed  
 5 property that is transferred to a different owner. The department shall certify to each taxing authority, at the time  
 6 specified in subsection (1), ~~the taxable value of newly taxable property and the~~ total taxable value of centrally  
 7 assessed property, ~~exclusive of newly taxable property,~~ that has been transferred to a different owner."  
 8

9           **Section 75.** Section 15-10-420, MCA, is amended to read:

10           "**15-10-420. Procedure for calculating levy**Statement of purpose -- elimination of state  
 11 restrictions on levy authority -- interim committee review. (1) ~~(a) Subject to the provisions of this section,~~  
 12 Prior to January 1, 2024, a governmental entity ~~that is authorized to impose mills may impose~~ was limited to  
 13 imposing a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus  
 14 one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental  
 15 entity ~~may impose~~ is imposed was established by calculating the number of mills required to generate the  
 16 amount of property tax actually assessed in the governmental unit in the prior year based on the current year  
 17 taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the  
 18 prior 3 years.

19           ~~(b)~~—A governmental entity that ~~does~~ did not impose the maximum number of mills ~~authorized under~~  
 20 ~~subsection (1)(a) may~~ was authorized by law to carry forward the authority ~~to impose the number of mills equal~~  
 21 ~~to the difference between the actual number of mills imposed and the maximum number of mills authorized to~~  
 22 ~~be imposed. The mill authority carried forward may be imposed in a subsequent tax year.~~

23           ~~(c)~~—For the purposes of subsection (1)(a), ~~the department shall calculate one-half of the average rate~~  
 24 ~~of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers,~~  
 25 ~~using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of~~  
 26 ~~labor.~~

27           ~~(2)~~—A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any  
 28 additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit,

1 including newly taxable property.

2 ~~(3) (a) For purposes of this section, newly taxable property includes:~~

3 ~~(i) annexation of real property and improvements into a taxing unit;~~

4 ~~(ii) construction, expansion, or remodeling of improvements;~~

5 ~~(iii) transfer of property into a taxing unit;~~

6 ~~(iv) subdivision of real property; and~~

7 ~~(v) transfer of property from tax-exempt to taxable status.~~

8 ~~(b) Newly taxable property does not include an increase in value:~~

9 ~~(i) that arises because of an increase in the incremental value within a tax increment financing district;~~

10 or

11 ~~(ii) caused by the termination of an exemption that occurs due to the American Rescue Plan Act,~~

12 ~~Public Law 117-2, and section 14, Chapter 506, Laws of 2021.~~

13 ~~(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the~~  
14 ~~release of taxable value from the incremental taxable value of a tax increment financing district because of:~~

15 ~~(i) a change in the boundary of a tax increment financing district;~~

16 ~~(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287 ; or~~

17 ~~(iii) the termination of a tax increment financing district.~~

18 ~~(b) If a tax increment financing district terminates prior to the certification of taxable values as required~~  
19 ~~in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment~~  
20 ~~financing district terminates. If a tax increment financing district terminates after the certification of taxable~~  
21 ~~values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax~~  
22 ~~year.~~

23 ~~(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was~~  
24 ~~constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current~~  
25 ~~year market value of that property less the previous year market value of that property.~~

26 ~~(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of~~  
27 ~~real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified~~  
28 ~~agricultural land as described in 15-6-133 (1)(c).~~

1 ~~(5) Subject to subsection (8), subsection (1)(a) does not apply to:~~

2 ~~(a) school district levies established in Title 20; or~~

3 ~~(b) a mill levy imposed for a newly created regional resource authority.~~

4 ~~(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes~~  
 5 ~~received under 15-6-131 and 15-6-132.~~

6 ~~(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:~~

7 ~~(a) may increase the number of mills to account for a decrease in reimbursements; and~~

8 ~~(b) may not increase the number of mills to account for a loss of tax base because of legislative action~~  
 9 ~~that is reimbursed under the provisions of 15-1-121 (7).~~

10 ~~(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for~~  
 11 ~~purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated~~  
 12 ~~by the department may not exceed the mill levy limits established in those sections. The mill calculation must~~  
 13 ~~be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the~~  
 14 ~~calculation must be rounded up to the nearest tenth of a mill.~~

15 ~~(9) (a) The provisions of subsection (1) do restrictions did not prevent or restrict:~~

16 ~~(i)(a) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;~~

17 ~~(ii)(b) a levy to repay taxes paid under protest as provided in 15-1-402;~~

18 ~~(iii)(c) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;~~

19 ~~(iv)(d) a levy for the support of a study commission under 7-3-184;~~

20 ~~(v)(e) a levy for the support of a newly established regional resource authority;~~

21 ~~(vi)(f) the portion that is the amount in excess of the base contribution of a governmental entity's~~  
 22 ~~property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;~~

23 ~~(vii)(g) a levy for reimbursing a county for costs incurred in transferring property records to an~~  
 24 ~~adjoining county under 7-2-2807 upon relocation of a county boundary;~~

25 ~~(viii)(h) a levy used to fund the sheriffs' retirement system under 19-7-404(2)(b); or~~

26 ~~(ix)(i) a governmental entity from levying mills for the support of an airport authority in existence prior~~  
 27 ~~to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past.~~

28 ~~The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.~~

1 (b) ~~A levy authorized under subsection (9)(a) may not be included in the amount of property taxes~~  
2 ~~actually assessed in a subsequent year.~~

3 (10) ~~A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-~~  
4 ~~301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport~~  
5 ~~authority in either of the previous 2 years and the airport or airport authority has not been appropriated~~  
6 ~~operating funds by a county or municipality during that time.~~

7 (11) ~~The department may adopt rules to implement this section. The rules may include a method for~~  
8 ~~calculating the percentage of change in valuation for purposes of determining the elimination of property, new~~  
9 ~~improvements, or newly taxable value in a governmental unit~~

10 (2) The legislatively imposed restrictions in this section were enacted in 1999, and the legislature  
11 finds that governmental entities must be allowed to levy local property taxes without the need for further  
12 complexities and limitations. For property tax years beginning after December 31, 2023, a governmental entity  
13 is not subject to the levy restrictions that were imposed by this section. The legislature reserves the right to  
14 enact future levy restrictions in this section or other provisions of law.

15 (3) The department shall report to the revenue interim committee biennially, in accordance with 5-  
16 11-210, regarding the amount of levy authority that each governmental entity would have had prior to [this act],  
17 and the amount of levy authority that each governmental entity has based on [this act]. The committee shall,  
18 based on information contained in the report, make recommendations to the next legislature on the continuation  
19 or structure of the elimination of state-imposed levy restrictions. (Subsection (3)(b)(ii) terminates December 31,  
20 2025--sec. 13(5), Ch. 506, L. 2021.)"

21

22 **Section 76.** Section 15-10-425, MCA, is amended to read:

23 **"15-10-425. Mill levy election.** (1) A county, consolidated government, incorporated city,  
24 incorporated town, school district, or other taxing entity may impose a new mill levy, or increase a mill levy that  
25 is required to be submitted to the electors, ~~or exceed the mill levy limit provided for in 15-10-420~~ by conducting  
26 an election as provided in this section.

27 (2) An election pursuant to this section must be held in accordance with Title 13, chapter 1, part 4  
28 or 5, or Title 20 for school elections, whichever is appropriate to the taxing entity. The governing body shall

1 pass a resolution, shall amend its self-governing charter, or must receive a petition indicating an intent to  
 2 impose a new levy, or increase a mill levy, ~~or exceed the current statutory mill levy provided for in 15-10-420~~ on  
 3 the approval of a majority of the qualified electors voting in the election. The resolution, charter amendment, or  
 4 petition must include:

5 (a) the specific purpose for which the additional money will be used;

6 (b) either:

7 (i) the specific amount of money to be raised and the approximate number of mills to be imposed;

8 or

9 (ii) the specific number of mills to be imposed and the approximate amount of money to be raised;

10 and

11 (c) whether the levy is permanent or the durational limit on the levy.

12 (3) Notice of the election must be prepared by the governing body and given as provided in 13-1-

13 108. The form of the ballot must reflect the content of the resolution or charter amendment and must include a

14 statement of the impact of the election on a home valued at \$100,000 and a home valued at \$200,000 in the

15 district in terms of actual dollars in additional property taxes that would be imposed on residences with those

16 values if the mill levy were to pass. The ballot may also include a statement of the impact of the election on

17 homes of any other value in the district, if appropriate.

18 (4) If the majority voting on the question are in favor of the additional levy, the governing body is

19 authorized to impose the levy in either the amount or the number of mills specified in the resolution or charter

20 amendment.

21 (5) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year

22 without losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills

23 approved in the election. However, nothing in this subsection authorizes a governing body to impose more than

24 the approved levy in any fiscal year or to extend the duration of the approved levy."

25

26 **Section 77.** Section 15-16-101, MCA, is amended to read:

27 **"15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the

28 receipt of the property tax record, the county treasurer shall publish a notice specifying:

1 (a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next  
 2 November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount  
 3 then due will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency  
 4 until paid and 2% will be added to the delinquent taxes as a penalty;

5 (b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on  
 6 the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the  
 7 rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes  
 8 as a penalty; and

9 (c) the time and place at which payment of taxes may be made.

10 (2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice,  
 11 postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due  
 12 and delinquent for other years. The written notice must include:

- 13 (i) the taxable value of the property;
- 14 (ii) the total mill levy applied to that taxable value;
- 15 (iii) itemized city services and special improvement district assessments collected by the county;
- 16 (iv) the number of the school district in which the property is located;
- 17 (v) the amount of the total tax due itemized by mill levy that is levied as city tax, county tax, state  
 18 tax, school district tax, and other tax;

19 (vi) an indication of which mill levies are voted levies, including voted levies to impose a new mill  
 20 levy, to increase a mill levy that is required to be submitted to the electors, ~~or to exceed the mill levy limit~~  
 21 ~~provided for in 15-10-429~~; and

22 (vii) a notice of the availability of all the property tax assistance programs available to property  
 23 taxpayers, including the intangible land value assistance program provided for in 15-6-240, the property tax  
 24 assistance programs under Title 15, chapter 6, part 3, and the residential property tax credit for the elderly  
 25 under 15-30-2337 through 15-30-2341.

26 (b) If a tax lien is attached to the property, the notice must also include, in a manner calculated to  
 27 draw attention, a statement that a tax lien is attached to the property, that failure to respond will result in loss of  
 28 property, and that the taxpayer may contact the county treasurer for complete information.

1 (3) The municipality shall, upon request of the county treasurer, provide the information to be  
2 included under subsection (2)(a)(iii) ready for mailing.

3 (4) The notice in every case must be given as provided in 7-1-2121. Failure to publish or post  
4 notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the  
5 current year or of delinquent tax will not affect the legality of the tax.

6 (5) If the department revises an assessment that results in an additional tax of \$5 or less, an  
7 additional tax is not owed and a new tax bill does not need to be prepared."

8

9 **Section 78.** Section 15-16-203, MCA, is amended to read:

10 **"15-16-203. Assessment of property previously exempt.** (1) ~~Subject to 15-10-420, real~~ Real  
11 property or improvements exempt from taxation under Title 15, chapter 6, that during a tax year become the  
12 property of a person subject to taxation must be assessed and taxed from the date of change from a  
13 nontaxable status to a taxable status.

14 (2) As provided in subsection (3), the county treasurer shall adjust the tax that would have been  
15 due and payable for the current year on the property under 15-16-102 if the property was not exempt.

16 (3) To determine the amount of tax due for previously exempt property, the county treasurer shall  
17 multiply the amount of tax levied and assessed on the original taxable value of the property for the year by the  
18 ratio that the number of days in the year that the property will be in taxable status bears to 365.

19 (4) If the property has not been assessed and taxed during the taxable year because of  
20 exemption, the department shall prepare a special assessment for the property and the county treasurer shall  
21 determine the amount of taxes that would have been due under subsection (2).

22 (5) Upon determining the amount of tax due, the county treasurer shall notify the person to whom  
23 the tax is assessed, in the same manner as notification is provided under 15-16-101(2), of the amount due and  
24 the date or dates on which the taxes due are payable as provided in 15-16-102."

25

26 **Section 79.** Section 15-23-214, MCA, is amended to read:

27 **"15-23-214. Determination of tax -- payment -- penalty and interest.** (1) ~~Subject to 15-10-420 and~~  
28 ~~on~~ On or before the third Monday in October, the department shall compute the tax on railroad car company



1 property by multiplying the taxable value of the property by the average levy.

2 (2) After determining the tax, the department shall send to the last-known address of each railroad  
3 car company subject to taxation a written notice, postage prepaid, showing the amount of taxes due for the  
4 current year and any delinquent amount for prior years. The notice must include the taxable value of the  
5 property and the average levy used to compute the tax.

6 (3) The tax is due and payable to the department under the provisions of 15-16-102. A tax not  
7 received by the department within the time requirements of 15-16-102 is delinquent and subject to penalty and  
8 interest as provided in 15-1-216."

9

10 **Section 80.** Section 15-24-1402, MCA, is amended to read:

11 **"15-24-1402. New or expanding industry -- assessment -- notification.** (1) In the first 5 years after  
12 commencement of construction, qualifying improvements or modernized processes that represent new industry  
13 or expansion of an existing industry, as designated in the approving resolution, must be taxed at 25% or 50% of  
14 their taxable value. ~~Subject to 15-10-420, each~~ Each year thereafter, the percentage must be increased by  
15 equal percentages until the full taxable value is attained in the 10th year. In subsequent years, the property  
16 must be taxed at 100% of its taxable value.

17 (2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the taxpayer  
18 may submit an application for a project with a project plan and receive approval for an abatement prior to  
19 commencement of construction. A taxpayer that does not seek approval prior to commencing construction must  
20 have applied by March 1 of the year during which the benefit is first applicable. The governing body of the  
21 affected county or the incorporated city or town must have approved by separate resolution for each project,  
22 following due notice as provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town and a public  
23 hearing, the use of the schedule provided for in subsection (1) for its respective jurisdiction. The governing body  
24 may not grant approval for the project until all of the applicant's taxes have been paid in full. Taxes paid under  
25 protest do not preclude approval. If a taxpayer receives approval of a tax abatement prior to commencement of  
26 construction, the abatement does not extend to property that is outside the scope of the project plan that was  
27 submitted to the governing body with the application.

28 (b) The governing body shall:

1 (i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax  
2 treatment provided for in this section; and

3 (ii) conduct a public hearing regarding an application for the tax treatment provided for in this  
4 section and deny or approve it within 120 days of receiving the application as provided in subsection (2)(b)(i).

5 (c) If the governing body fails to hold a hearing or deny or approve the application within 120 days  
6 of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county,  
7 city, or town is located a writ of mandamus to compel the governing body to make a determination.

8 (d) Subject to ~~15-10-420~~ and subsection (2)(f) of this section, a tax benefit may not be denied once  
9 approved.

10 (e) The resolution provided for in subsection (2)(a) must include a definition of the improvements  
11 or modernized processes that qualify for the tax treatment that is to be allowed in the taxing jurisdiction. The  
12 resolution may provide that real property other than land, personal property, improvements, or any combination  
13 thereof is eligible for the tax benefits described in subsection (1).

14 (f) Property taxes abated from the reduction in taxable value allowed by this section are subject to  
15 termination or recapture by the local governing body if the ownership or use of the property does not meet the  
16 requirements of 15-24-1401, this section, or the resolution required by subsections (2)(a) and (2)(e) of this  
17 section. The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of  
18 property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this  
19 section was in effect. The amount recaptured, including penalty and interest, must be distributed by the  
20 treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated. A  
21 recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the  
22 abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or  
23 in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of  
24 circumstances beyond the control of the taxpayer.

25 (3) The taxpayer shall apply to the department for the tax treatment allowed under subsection (1).  
26 The application by the taxpayer must first be approved by the governing body of the appropriate local taxing  
27 jurisdiction, and the governing body shall indicate in its approval that the property of the applicant qualifies for  
28 the tax treatment provided for in this section. Upon receipt of the form with the approval of the governing body

1 of the affected taxing jurisdiction, the department shall make the assessment change pursuant to this section.

2 (4) The tax benefit described in subsection (1) applies only to the number of mills levied and  
3 assessed for local high school district and elementary school district purposes and to the number of mills levied  
4 and assessed by the governing body approving the benefit over which the governing body has sole discretion.  
5 The benefit described in subsection (1) may not apply to levies or assessments required under Title 15, chapter  
6 10, 20-9-331, 20-9-333, or 20-9-360 or otherwise required under state law.

7 (5) Prior to approving the resolution under this section, the governing body shall notify by certified  
8 mail all taxing jurisdictions affected by the tax benefit."  
9

10 **Section 81.** Section 15-24-1501, MCA, is amended to read:

11 **"15-24-1501. Remodeling, reconstruction, or expansion of buildings or structures --**  
12 **assessment provisions -- levy limitations.** (1) Subject to ~~15-10-420~~ and the authority contained in subsection  
13 (5) of this section, remodeling, reconstruction, or expansion of existing buildings or structures, which increases  
14 their taxable value by at least 2 1/2% as determined by the department, may receive tax benefits during the  
15 construction period and for the following 5 years in accordance with subsections (2), (4), and (5) and the  
16 following schedule. The percentages must be applied as provided in subsections (4) and (5) and are limited to  
17 the increase in taxable value caused by remodeling, reconstruction, or expansion:

|                                       |      |
|---------------------------------------|------|
| Construction period                   | 0%   |
| First year following<br>construction  | 20%  |
| Second year following<br>construction | 40%  |
| Third year following<br>construction  | 60%  |
| Fourth year following<br>construction | 80%  |
| Fifth year following                  | 100% |

construction

Following years 100%

1 (2) In order for a taxpayer to receive the tax benefits described in subsection (1), the taxpayer  
 2 must have applied by March 1 of the year during which the benefit is first applicable. The governing body of the  
 3 affected county or, if the construction will occur within an incorporated city or town, the governing body of the  
 4 incorporated city or town shall, following due notice as provided in 7-1-2121 if a county or 7-1-4127 if an  
 5 incorporated city or town and a public hearing, approve by resolution for each remodeling, reconstruction, or  
 6 expansion project the use of the schedule provided for in subsection (1) or a schedule adopted pursuant to  
 7 subsection (5).

8 (3) (a) The governing body shall:

9 (i) publish due notice within 60 days of receiving a taxpayer's complete application for the tax  
 10 treatment provided for in this section; and

11 (ii) conduct a public hearing regarding an application for the tax treatment provided for in this  
 12 section and deny or approve it within 120 days of receiving the application as provided in subsection (3)(a)(i).

13 (b) If the governing body fails to hold a hearing or deny or approve the application within 120 days  
 14 of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county,  
 15 city, or town is located a writ of mandamus to compel the governing body to make a determination.

16 (4) The tax benefit described in subsection (1) applies only to the number of mills levied and  
 17 assessed for high school district and elementary school district purposes and to the number of mills levied and  
 18 assessed by the local governing body approving the benefit. The benefit described in subsection (1) may not  
 19 apply to statewide levies.

20 (5) A local government may, in the resolution required by subsection (2), modify the percentages  
 21 contained in subsection (1) that apply to the first year following construction through the fourth year following  
 22 construction. A local government may not modify the percentages contained in subsection (1) that apply to the  
 23 fifth year following construction or years following the fifth year. A local government may not modify the time  
 24 limits contained in subsection (1). The modifications to the percentages in subsection (1) adopted by a local  
 25 government apply uniformly to each remodeling, reconstruction, or expansion project approved by the  
 26 governing body.

1           (6)     Property taxes abated from the reduction in property taxes allowed by this section are subject  
 2 to recapture by the local governing body if the ownership or use of the property does not meet the requirements  
 3 of this section or the resolution required by subsection (2). The recapture is equal to the amount of taxes  
 4 avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period  
 5 in which an abatement under the provisions of this section was in effect. The amount recaptured, including  
 6 penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the  
 7 same ratio as the property tax was abated. A recapture of taxes abated by this section is not allowed with  
 8 regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of  
 9 abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's  
 10 failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."  
 11

12           **Section 82.** Section 15-24-1603, MCA, is amended to read:

13           "**15-24-1603. Historic property tax abatement -- levy limitations.** (1) ~~Subject to 15-10-420, a~~ A  
 14 historic property undergoing rehabilitation, restoration, expansion, or new construction that meets criteria  
 15 established by the review process described in 15-24-1605 or 15-24-1606 may receive a tax abatement during  
 16 the construction period, not to exceed 12 months, and for up to 5 years following completion of the construction  
 17 in accordance with subsections (2) and (4). The tax abatement is limited to 100% of the increase in taxable  
 18 value caused by the rehabilitation, restoration, expansion, or new construction.

19           (2)     In order to confer the tax benefits described in subsection (1), the governing body of the county  
 20 or incorporated city or town where the improvement occurs shall establish by resolution the process for the use  
 21 of the tax abatement provisions described in subsection (1). In order for a taxpayer to receive the tax benefits  
 22 described in subsection (1), the taxpayer must have applied by March 1 of the year during which the benefit is  
 23 first applicable. The governing body must have approved by separate resolution for each project, following due  
 24 notice as provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town and a public hearing, the  
 25 use of the property tax abatement.

26           (3)     (a) The governing body shall:

27           (i)     publish due notice within the lesser of:

28           (A)     60 days of receiving a taxpayer's complete application for the tax treatment provided for in this

1 section; or

2 (B) 30 days of receiving the board's recommendation under 15-24-1605(3); and

3 (ii) conduct a public hearing regarding an application for the tax treatment provided for in this  
4 section and deny or approve it within 120 days of receiving the application as provided in subsection (3)(a)(i).

5 (b) If the governing body fails to hold a hearing or deny or approve the application within 120 days  
6 of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county,  
7 city, or town is located a writ of mandamus to compel the governing body to make a determination.

8 (4) Property that receives a tax benefit under this part is not entitled to any other exemption or  
9 special valuation provided by Montana law during the period of the abatement.

10 (5) (a) The tax abatement applies only to the number of mills levied:

11 (i) for high school and elementary school district purposes; and

12 (ii) by the local governing body approving the abatement.

13 (b) The abatement may not apply to statewide levies."  
14

15 **Section 83.** Section 19-7-404, MCA, is amended to read:

16 **"19-7-404. Employer contributions.** (1) Each employer shall pay 9.535% of the compensation paid  
17 to all of the employer's employees plus any additional contribution under subsection (3), except for those  
18 employees properly excluded from membership.

19 (2) (a) If the required contributions under subsections (1) and (3)(a) exceed the funds available to  
20 a county from general revenue sources, a county may, ~~subject to 15-10-420,~~ budget, levy, and collect annually  
21 a tax on the taxable value of all taxable property within the county that is sufficient to raise the amount of  
22 revenue needed to meet the county's obligation.

23 (b) (i) A county may impose a mill levy to fund the employer contribution required under subsection  
24 (3)(b). The mill levy is not subject to ~~15-10-420 (1)~~ or to approval at an election under 15-10-425.

25 (ii) Each year prior to implementing a levy under subsection (2)(b)(i), after notice of the hearing  
26 given under 7-1-2121, a public hearing must be held regarding any proposed increase.

27 (iii) ~~If a levy pursuant to this subsection (2)(b) is decreased or ceases to be levied, the revenue may  
28 not be combined with the revenue determined in 15-10-420 (1)(a).~~

1 (3) Subject to subsection (4), each employer shall contribute to the system additional employer  
2 contributions equal to:

3 (a) 0.58% of the compensation paid to all of the employer's employees, except for those  
4 employees properly excluded from membership; and

5 (b) 3% of the compensation paid to all of the employer's employees, except for those employees  
6 properly excluded from membership.

7 (4) (a) The board shall periodically review the additional employer contributions provided for under  
8 subsection (3) and recommend adjustments to the legislature as needed to maintain the amortization schedule  
9 set by the board for payment of the system's unfunded liabilities.

10 (b) The employer contributions required under subsection (3) terminate on July 1 following the  
11 board's receipt of the system's actuarial valuation if:

12 (i) the actuarial valuation determines that the period required to amortize the system's unfunded  
13 liabilities, including adjustments made for any benefit enhancements that become effective after the valuation,  
14 is less than 25 years; and

15 (ii) terminating the additional employer contributions and reducing the member contributions  
16 pursuant to 19-7-403(1)(b) would not cause the amortization period to exceed 25 years."

17

18 **Section 84.** Section 19-9-209, MCA, is amended to read:

19 **"19-9-209. Taxing authority of employers.** For the purpose of making contributions required of a city  
20 under this chapter, the appropriate authority of the city may, ~~subject to 15-10-420,~~ levy a tax that along with  
21 other revenue available for that purpose is sufficient to meet the demand."

22

23 **Section 85.** Section 19-13-214, MCA, is amended to read:

24 **"19-13-214. Taxing authority of employers.** For the purpose of making contributions required of a  
25 city under this chapter, the appropriate authority of the city may, ~~subject to 15-10-420,~~ levy a tax that along with  
26 other revenue available for that purpose is sufficient to meet the demand."

27

28 **Section 86.** Section 19-18-504, MCA, is amended to read:

1           **"19-18-504. Special tax levy for fund required.** (1) The fund must be reviewed on an annual basis  
2 to determine whether the fund is soundly funded pursuant to 19-18-503.

3           (2) Based on the annual review:

4           (a) if the fund contains an amount that is less than the minimum amount required to keep the fund  
5 soundly funded pursuant to 19-18-503, the city or town council shall, ~~subject to 15-10-420,~~ levy an annual tax  
6 on the taxable value of all taxable property within the city or town;

7           (b) if the fund contains an amount that is less than the maximum but more than the minimum  
8 required to keep the fund soundly funded pursuant to 19-18-503(1)(a), the city or town council may, if  
9 authorized by the voters as provided in 15-10-425, levy an annual tax.

10           (3) All revenue from the tax must be deposited in the fund."  
11

12           **Section 87.** Section 19-19-301, MCA, is amended to read:

13           **"19-19-301. City's contribution to fund.** Each city, other than one of the first or second class, that  
14 has a police retirement fund and that did not elect to join the statewide police reserve fund provided for in  
15 Chapter 335, Laws of 1974, and has not elected to participate in the plan under 19-9-207 shall deposit in its  
16 fund monthly an amount equal to 11% of the total salaries for the preceding month paid to active police officers  
17 of the city, exclusive of overtime and payments in lieu of sick leave and annual leave. If the demand against a  
18 city for deposits in its fund cannot be met, the city, ~~subject to 15-10-420,~~ may impose an additional levy in an  
19 amount that is sufficient to meet the demand."  
20

21           **Section 88.** Section 20-7-714, MCA, is amended to read:

22           **"20-7-714. County adult literacy programs -- authorization to levy tax and establish fund.** (1) (a)  
23 ~~Subject to 15-10-420, the~~ The governing body of a county may, in its discretion, establish a fund and levy a tax  
24 on the taxable value of all taxable property in the county for the support of county literacy programs that give  
25 first priority to providing direct instruction to adults. The tax levy is in addition to all other tax levies and is  
26 subject to limitations on property taxes set forth in 15-10-402.

27           (b) The fund may be used only for the support of adult literacy programs within the county.

28           (2) (a) If a county levies a property tax for adult literacy programs, the county governing body shall



1 appoint a county adult literacy board to administer the expenditure of funds from the county adult literacy fund  
2 established in subsection (1).

3 (b) The county adult literacy board shall coordinate all adult literacy programs receiving county  
4 adult literacy funds. The board may adopt policies concerning program standards and financial accountability  
5 for organizations receiving adult literacy funds. The board may require that adult literacy programs match adult  
6 literacy funds with federal, state, or private money. The board may, with the concurrence of the appropriate  
7 county officials, arrange for county in-kind services to support adult literacy programs.

8 (c) County adult literacy funding may be expended only on literacy programs for persons who are  
9 16 years of age or older and who are not regularly enrolled, full-time pupils for the purposes of ANB  
10 computation."  
11

12 **Section 89.** Section 20-9-331, MCA, is amended to read:

13 **"20-9-331. Basic county tax for elementary equalization and other revenue for county**  
14 **equalization of elementary BASE funding program.** (1) ~~Subject to 15-10-420, the~~ The county commissioners  
15 of each county shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable  
16 property within the county, except for property subject to a tax or fee under 61-3-321(2) or (3), 61-3-529, 61-3-  
17 537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding  
18 program support. The revenue collected from this levy must be apportioned to the support of the elementary  
19 BASE funding programs of the school districts in the county and to the state general fund in the following  
20 manner:

21 (a) In order to determine the amount of revenue raised by this levy that is retained by the county,  
22 the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE  
23 funding programs of all elementary districts of the county.

24 (b) If the basic levy and other revenue prescribed by this section produce more revenue than is  
25 required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to  
26 the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon  
27 occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June  
28 20 of the fiscal year for which the levy has been set.

1 (2) The revenue realized from the county's portion of the levy prescribed by this section and the  
2 revenue from the following sources must be used for the equalization of the elementary BASE funding program  
3 of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county  
4 treasurer in accordance with 20-9-212(1):

5 (a) the portion of the federal Taylor Grazing Act funds designated for the elementary county  
6 equalization fund under the provisions of 17-3-222;

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

9 (c) all money paid into the county treasury as a result of fines for violations of law, except money  
10 paid to a justice's court, and the use of which is not otherwise specified by law;

11 (d) any money remaining at the end of the immediately preceding school fiscal year in the county  
12 treasurer's accounts for the various sources of revenue established or referred to in this section;

13 (e) any federal or state money distributed to the county as payment in lieu of property taxation,  
14 including federal forest reserve funds allocated under the provisions of 17-3-213;

15 (f) gross proceeds taxes from coal under 15-23-703; and

16 (g) oil and natural gas production taxes."  
17

18 **Section 90.** Section 20-9-333, MCA, is amended to read:

19 **"20-9-333. Basic county tax for high school equalization and other revenue for county  
20 equalization of high school BASE funding program.** (1) ~~Subject to 15-10-420, the~~ The county

21 commissioners of each county shall levy an annual basic county tax of 22 mills on the dollar of the taxable  
22 value of all taxable property within the county, except for property subject to a tax or fee under 61-3-321(2) or  
23 (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-204, for the purposes of high school equalization and  
24 state BASE funding program support. The revenue collected from this levy must be apportioned to the support  
25 of the BASE funding programs of high school districts in the county and to the state general fund in the  
26 following manner:

27 (a) In order to determine the amount of revenue raised by this levy that is retained by the county,  
28 the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the county's

1 high school tuition obligation and the total of the BASE funding programs of all high school districts of the  
2 county.

3 (b) If the basic levy and other revenue prescribed by this section produce more revenue than is  
4 required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to  
5 the department of revenue, as provided in 15-1-504, for deposit to the state general fund immediately upon  
6 occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June  
7 20 of the fiscal year for which the levy has been set.

8 (2) The revenue realized from the county's portion of the levy prescribed in this section and the  
9 revenue from the following sources must be used for the equalization of the high school BASE funding program  
10 of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county  
11 treasurer in accordance with 20-9-212(1):

12 (a) any money remaining at the end of the immediately preceding school fiscal year in the county  
13 treasurer's accounts for the various sources of revenue established in this section;

14 (b) any federal or state money distributed to the county as payment in lieu of property taxation,  
15 including federal forest reserve funds allocated under the provisions of 17-3-213;

16 (c) gross proceeds taxes from coal under 15-23-703; and

17 (d) oil and natural gas production taxes."  
18

19 **Section 91.** Section 20-9-360, MCA, is amended to read:

20 **"20-9-360. State equalization aid levy.** ~~Subject to 15-10-420, there~~ There is a levy of 40 mills  
21 imposed by the county commissioners of each county on all taxable property within the state, except property  
22 for which a tax or fee is required under 61-3-321(2) or (3), 61-3-529, 61-3-537, 61-3-562, 61-3-570, and 67-3-  
23 204. Proceeds of the levy must be remitted to the department of revenue, as provided in 15-1-504, and must be  
24 deposited to the credit of the state general fund for state equalization aid to the public schools of Montana."  
25

26 **Section 92.** Section 20-9-404, MCA, is amended to read:

27 **"20-9-404. Contracts and bonds for joint construction.** (1) The trustees of a school district may  
28 enter into a contract with the trustees of any school district within the county, with any school district in an

1 adjoining county, with the governing body of another political subdivision within the county in which the school  
 2 district is located, or with the governing body of a political subdivision of a county adjoining the school district to  
 3 provide for the joint construction of a facility upon terms and conditions mutually agreed upon between the  
 4 districts.

5 (2) The trustees of any district executing a contract in accordance with this section may, ~~subject to~~  
 6 ~~15-10-420,~~ levy taxes and issue bonds for the purpose of constructing the facilities authorized by this section."

7

8 **Section 93.** Section 20-9-533, MCA, is amended to read:

9 **"20-9-533. Technology acquisition and depreciation fund -- limitations.** (1) The trustees of a  
 10 district may establish a technology acquisition and depreciation fund for school district expenditures incurred  
 11 for:

12 (a) the purchase, rental, repair, and maintenance of technological equipment, including computers  
 13 and computer network access;

14 (b) cloud computing services for technology infrastructure, platform, software, network, storage,  
 15 security, data, database, test environment, curriculum, or desktop virtualization purposes, including any  
 16 subscription or any license-based or pay-per-use service that is accessed over the internet or other remote  
 17 network to meet the district's information technology and other needs; and

18 (c) associated technical training for school district personnel.

19 (2) Any expenditures from the technology acquisition and depreciation fund must be made in  
 20 accordance with the financial administration requirements for a budgeted fund pursuant to this title. The  
 21 trustees of a district shall fund the technology acquisition and depreciation fund with:

22 (a) the state money received under 20-9-534; and

23 (b) other local, state, private, and federal funds received for the purpose of funding technology or  
 24 technology-associated training.

25 (3) In depreciating the technological equipment of a school district for levies approved prior to July  
 26 1, 2013, the trustees may include in the district's budget, contingent upon voter approval of a levy under  
 27 subsection (6) and pursuant to the school budgeting requirements of this title, an amount each fiscal year that  
 28 does not exceed 20% of the original cost of any technological equipment, including computers and computer

1 network access, that is owned by the district. The amount budgeted pursuant to levies approved prior to July 1,  
2 2013, may not, over time, exceed 150% of the original cost of the equipment.

3 (4) The annual revenue requirement for each district's technology acquisition and depreciation  
4 fund determined within the limitations of this section must be reported by the county superintendent of schools  
5 to the board of county commissioners on or before the later of the first Tuesday in September or within 30  
6 calendar days after receiving certified taxable values as the technology acquisition and depreciation fund levy  
7 requirement for that district, and a levy must be made by the county commissioners in accordance with 20-9-  
8 142.

9 (5) Any expenditure of technology acquisition and depreciation fund money must be within the  
10 limitations of the district's final technology acquisition and depreciation fund budget and the school financial  
11 administration provisions of this title.

12 (6) In addition to the funds received pursuant to subsection (2), the trustees of a school district  
13 may submit a proposition to the qualified electors of the district to approve an additional levy to fund costs of  
14 providing the technologies included in subsection (1). The election must be called and conducted in the manner  
15 prescribed by this title for school elections and in the manner prescribed by 15-10-425. A technology levy  
16 authorization approved after July 1, 2013, may not exceed 10 years.

17 (7) The technology proposition is approved if a majority of those electors voting at the election  
18 approve the levy. ~~Notwithstanding any other provision of law, the levy under subsection (6) is subject to 15-10-~~  
19 ~~420.~~

20 (8) A district whose qualified electors have previously approved a technology levy of perpetual  
21 duration prior to July 1, 2013, may submit a proposition to the qualified electors on or after July 1, 2013, for an  
22 increase in the amount of the levy to cover the costs of providing technologies under subsections (1)(b) and  
23 (1)(c) or to seek relief from the obligation of tracking depreciation of equipment under a levy approved prior to  
24 July 1, 2013. In seeking approval of the proposition, the district shall specify a proposed revised duration of the  
25 underlying perpetual levy previously approved and a proposed duration for the proposed increase in the  
26 amount of the levy, neither of which may exceed 10 years. If the proposition is approved by the qualified  
27 electors, both the underlying levy previously approved for a perpetual duration and the increase in the amount  
28 of the levy are subject to the revised durational limit specified on the ballot.

1           (9)     The trustees of a district may not use revenue in the technology acquisition and depreciation  
 2 fund to finance contributions to the teachers' retirement system, the public employees' retirement system, or the  
 3 federal social security system or for unemployment compensation insurance."  
 4

5           **Section 94.** Section 20-15-305, MCA, is amended to read:

6           **"20-15-305. Adult education tax levy.** A community college district created prior to January 1, 2021,  
 7 is considered a district for the purposes of adult education and under the provisions for adult education may,  
 8 ~~subject to 15-10-420,~~ levy a tax for the support of its adult education program when the superintendent of public  
 9 instruction approves the program."  
 10

11          **Section 95.** Section 20-15-311, MCA, is amended to read:

12          **"20-15-311. Funding sources.** (1) The annual current fund budget of a community college district  
 13 created on or after January 1, 2021, may be financed from the following sources:

14           (a)     the estimated revenue to be realized from student tuition and fees, except revenue related to  
 15 community service courses, as defined by the board of regents;

16           (b)     the state general fund appropriation pursuant to 20-15-310;

17           (c)     the operating levy pursuant to 20-15-316;

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

20           (e)     income, revenue, balances, or reserves restricted by a source outside the community college  
 21 district to a specific purpose. Student fees paid for community service courses, as defined by the board of  
 22 regents, are considered restricted to a specific purpose.

23           (f)     income from a political subdivision that is designated a community college service region under  
 24 20-15-241.

25          (2)     The annual current fund budget of a community college district created prior to January 1,  
 26 2021, may be financed from the following sources:

27           (a)     the estimated revenue to be realized from student tuition and fees, except revenue related to  
 28 community service courses, as defined by the board of regents;

- 1 (b) the state general fund appropriation pursuant to 20-15-310;
- 2 (c) ~~subject to 15-10-420~~, a mandatory mill levy on the community college district;
- 3 (d) pursuant to 20-9-501, a retirement levy;
- 4 (e) pursuant to 2-9-212, a levy for employer contributions to group benefits plans;
- 5 (f) ~~subject to 15-10-420~~, the adult education levy authorized under 20-15-305;
- 6 (g) an optional voted levy on the community college district that must be submitted to the
- 7 electorate in accordance with general school election laws and 15-10-425;
- 8 (h) all other income, revenue, balances, or reserves not restricted by a source outside the
- 9 community college district to a specific purpose;
- 10 (i) income, revenue, balances, or reserves restricted by a source outside the community college
- 11 district to a specific purpose. Student fees paid for community service courses, as defined by the board of
- 12 regents, are considered restricted to a specific purpose.
- 13 (j) income from a political subdivision that is designated a community college service region under
- 14 20-15-241."

15  
16 **Section 96.** Section 20-15-314, MCA, is amended to read:

17 **"20-15-314. Tax levy for community college service region.** ~~Subject to 15-10-420, a~~ governing  
18 body designating a community college service region as provided in 20-15-241 may levy a tax on all real and  
19 personal property within the region at a rate required to finance the services offered by a community college  
20 district for the region. The levy is in addition to any other levies allowed by law and is not subject to any  
21 statutory or charter limitations on levies ~~other than 15-10-420~~. The levy must be made at the same time and in  
22 the same manner as the general levy of the political subdivision designating the region is made, and the  
23 revenue generated must be collected at the same time and in the same manner. Within 30 days of collection,  
24 the appropriate revenue must be transmitted to the participating community college district."  
25

26 **Section 97.** Section 20-15-316, MCA, is amended to read:

27 **"20-15-316. Operating levy for community college districts created on or after January 1, 2021.**  
28 (1) This section applies only to community college districts created on or after January 1, 2021. The legislature

1 intends that a newly created community college district have a single unified operating district levy to support  
2 the district's current fund.

3 (2) ~~Subject to 15-10-420, a~~ A community college district may impose an operating levy to support  
4 the district's current unrestricted subfund under the provisions of this section.

5 (3) A newly created community college district may impose an operating levy under this section  
6 only after voter approval for a new mill levy as described in 15-10-425.

7 ~~(4) A community college district may exceed the mill levy limit under 15-10-420 for the operating levy  
8 only after voter approval for increasing a mill levy as described in 15-10-425."~~

9

10 **Section 98.** Section 20-25-439, MCA, is amended to read:

11 **"20-25-439. Vocational-technical education -- mill levy required.** (1) ~~Subject to 15-10-420, the~~ The  
12 boards of county commissioners of Cascade, Lewis and Clark, Missoula, Silver Bow, and Yellowstone Counties  
13 shall in each calendar year levy a tax of 1 1/2 mills on the dollar value of all taxable property, real and personal,  
14 located within the respective county.

15 (2) The funds from the mill levy must be deposited in the general fund and must be distributed for  
16 vocational-technical education on the basis of budgets approved by the board of regents."

17

18 **Section 99.** Section 22-1-304, MCA, is amended to read:

19 **"22-1-304. Tax levy -- special library fund -- bonds.** (1) ~~Subject to 15-10-420, the~~ The governing  
20 body of a city or county that has established a public library may levy in the same manner and at the same time  
21 as other taxes are levied a tax in the amount necessary to maintain adequate public library service.

22 (2) (a) The governing body of a city or county may by resolution submit the question of imposing a  
23 tax levy to a vote of the qualified electors at an election as provided in 15-10-425. The resolution must be  
24 adopted at least 85 days prior to the election at which the question will be voted on, and, pursuant to the  
25 deadline in 13-1-504, the election may not be held less than 85 days after the resolution is adopted.

26 (b) Upon a petition being filed with the governing body and signed by not less than 5% of the  
27 resident taxpayers of any city or county requesting an election for the purpose of imposing a mill levy, the  
28 governing body shall submit to a vote of the qualified electors at an election conducted as provided in 15-10-



1 425 the question of imposing the mill levy. The petition must be delivered to the governing body at least 85  
2 days prior to the election at which the question will be voted on.

3 (3) The proceeds of the tax constitute a separate fund called the public library fund and may not be  
4 used for any purpose except those of the public library.

5 (4) Money may not be paid out of the public library fund by the treasurer of the city or county  
6 except by order or warrant of the board of library trustees.

7 (5) Bonds may be issued by the governing body in the manner prescribed by law for the following  
8 purposes:

9 (a) building, altering, repairing, furnishing, or equipping a public library or purchasing land for the  
10 library;

11 (b) buying a bookmobile or bookmobiles; and

12 (c) funding a judgment against the library."  
13

14 **Section 100.** Section 22-1-316, MCA, is amended to read:

15 **"22-1-316. Joint city-county library.** (1) A county and any city or cities within the county, by action of  
16 their respective governing bodies, may join in establishing and maintaining a joint city-county library under the  
17 terms of a contract agreed upon by all parties.

18 (2) The expenses of a joint city-county library must be apportioned between or among the county  
19 and cities on the basis agreed upon in the contract.

20 (3) ~~Subject to 15-10-420, the~~The governing body of any city or county entering into a contract may  
21 levy a special tax as provided in 22-1-304 for the establishment and operation of a joint city-county library.

22 (4) The treasurer of the county or of a participating city within the county, as provided in the  
23 contract, has custody of the funds of the joint city-county library, and the other treasurers of the county or cities  
24 joining in the contract shall transfer quarterly to the designated treasurer all money collected for the joint city-  
25 county library.

26 (5) The contract must provide for the disposition of property upon dissolution of the joint city-county  
27 library."  
28

1           **Section 101.** Section 22-1-702, MCA, is amended to read:

2           **"22-1-702. Creation or enlargement of public library district.** (1) Proceedings for the creation or  
3 enlargement of a public library district or the conversion of a public library to a public library district may be  
4 initiated by:

5           (a) a petition signed by not less than 15% of the qualified electors who reside within the proposed  
6 district or the area to be added to an existing district; or

7           (b) a resolution of intent adopted by the county governing body, calling for the creation of a district.

8           (2) The petition must contain:

9           (a) the boundaries of the proposed public library district;

10           (b) a map showing the boundaries;

11           (c) ~~subject to 15-10-420,~~ the proposed maximum property tax mill levy that could be levied on  
12 property owners within the district for the operation of the district; and

13           (d) the proposed number of members on the board of trustees. The number of members must be  
14 five or seven.

15           (3) When the territory to be included in the proposed public library district lies in more than one  
16 county, a petition must be presented to the governing body of each county in which the territory lies. Each  
17 petition must be signed by not less than 15% of the qualified electors of the territory within the county proposed  
18 for inclusion in the district.

19           (4) Upon receipt of a petition to create a public library district, the county clerk shall examine the  
20 petition and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2),  
21 or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.

22           (5) The text of the petition must be published as provided in 7-1-2121 in each county in which  
23 territory of the proposed public library district lies.

24           (6) At a hearing on the proposed public library district, the county governing body shall hear  
25 testimony:

26           (a) of all interested persons on whether a district should be created;

27           (b) regarding the proposed boundary, the property tax mill levy, and the number of members of the  
28 board of trustees; and

1 (c) on any other matter relating to the petition.

2 (7) After the hearing, if the county governing body determines that the proposed public library  
3 district should be created, it shall by resolution:

4 (a) set the boundaries of the proposed district;

5 (b) set the maximum mill levy for the proposed district;

6 (c) set the number of members to be on the board of trustees; and

7 (d) call for an election on the question of whether to create the district. The election may be:

8 (i) held in conjunction with a regular or primary election; or

9 (ii) conducted by mail ballot in accordance with the provisions of Title 13, chapter 19."

10

11 **Section 102.** Section 22-1-707, MCA, is amended to read:

12 **"22-1-707. Duties and powers of board of trustees.** (1) The board of trustees of a public library  
13 district shall:

14 (a) operate and maintain library property within the district and may conduct programs relating to  
15 libraries and make improvements to district property as the board considers appropriate;

16 (b) prepare annual budgets as required by the county governing body or bodies;

17 (c) pay necessary expenses of district staff members when on business of the district; and

18 (d) prepare and submit any records required by the Montana state library.

19 (2) The board has all powers necessary for the betterment, operation, and maintenance of library  
20 property within the territory of the public library district, including establishing library locations. In the exercise of  
21 this general grant of powers, the board may:

22 (a) (i) employ or contract with administrative, professional, or other personnel necessary for the  
23 operation of the district; or

24 (ii) contract with other entities to provide or receive library services and to pay out or receive funds  
25 for those library services;

26 (b) lease, purchase, or contract for the purchase of personal property, including property that after  
27 purchase constitutes a fixture on real property;

28 (c) (i) lease, purchase, or contract for the purchase of buildings and facilities on lands controlled by

1 the district and may own and hold title to the buildings and facilities and equip, operate, and maintain the  
2 buildings and facilities; or

3 (ii) receive by transfer, conditionally or otherwise, from a county or city, the ownership or control of  
4 a library building, with all or any part of its property, provided that any existing debt of the governing body  
5 transferring the interest tied to the property must remain an obligation of the governing body and may not  
6 become an obligation of the district;

7 (d) adopt by resolution bylaws and rules for the operation and administration of the district;

8 (e) ~~subject to 15-10-420,~~ establish a property tax mill levy for the operation of the district as  
9 provided in 22-1-708;

10 (f) with the concurrence of the county governing body or bodies, accept donations of land or  
11 facilities within the district to be used for district purposes;

12 (g) accept donations and devises of money or personal property;

13 (h) establish a library depreciation reserve fund as authorized and described in 22-1-716; and

14 (i) exercise other powers, not inconsistent with the law, necessary for the operation and  
15 management of the district."  
16

17 **Section 103.** Section 22-1-708, MCA, is amended to read:

18 **"22-1-708. Public library district budget -- property tax levy.** (1) The board of trustees shall  
19 annually prepare a budget for the ensuing fiscal year and present the budget to the governing body of each  
20 county with territory in the public library district at the regular budget meetings as prescribed in Title 7, chapter  
21 6, part 40, and certify the amount of money necessary for the operation of the district for the ensuing fiscal year.

22 (2) ~~Subject to 15-10-420, the~~The county governing body shall, annually at the time of levying  
23 county taxes, fix and levy a tax on all taxable property within the public library district sufficient to raise the  
24 amount certified by the board of trustees and approved by the electors. The tax levied may not in any year  
25 exceed the maximum amount approved by the electorate pursuant to 22-1-703 or 22-1-709."  
26

27 **Section 104.** Section 22-1-711, MCA, is amended to read:

28 **"22-1-711. Effect of dissolution.** (1) If dissolution of a public library district is authorized by a majority

1 of the electorate of the district, the county governing body shall order the dissolution and file the order with the  
2 county clerk. The dissolution is effective upon the earlier of the following:

- 3 (a) 6 months after the date of the filing of the order; or
- 4 (b) certification by the board of trustees that all debts and obligations of the district have been paid,  
5 discharged, or irrevocably settled.

6 (2) (a) If debts or obligation of the public library district remain unsatisfied after the dissolution of  
7 the district, the county governing body shall, ~~subject to 15-10-420~~ and for as long as necessary, levy a property  
8 tax in an amount not to exceed the amount authorized for the district, on all taxable property that is in the  
9 territory formerly comprising the district, to be used to discharge the debts of the former district.

10 (b) If the electors of the district lowered the maximum amount to be levied for the operation of the  
11 district within 2 calendar years prior to the election authorizing the dissolution, the county governing body may,  
12 ~~subject to 15-10-420~~, levy a property tax not to exceed the levy authorized prior to the reduction of the  
13 maximum levy for the discharge of the district's obligations.

14 (3) Any asset of the public library district remaining after all debts and obligations have been  
15 discharged becomes the property of the county in which the asset is located."  
16

17 **Section 105.** Section 23-4-303, MCA, is amended to read:

18 **"23-4-303. Licensee's right to withhold deposits.** ~~Subject to 15-10-420, if~~ If a government or  
19 governmental agency imposes a levy on a licensee by a special tax on the money deposited under the  
20 parimutuel system or upon or against a licensee's receipts, the licensee may withhold in addition to the percent  
21 and breakage provided for in 23-4-302 the amount of the tax levied."  
22

23 **Section 106.** Section 39-71-403, MCA, is amended to read:

24 **"39-71-403. Plan three exclusive for state agencies -- election of plan by public corporations --**  
25 **financing of self-insurance fund -- exemption for university system -- definitions -- rulemaking.** (1) (a)  
26 Except as provided in subsection (5), if a state agency is the employer, the terms, conditions, and provisions of  
27 compensation plan No. 3, state fund, are exclusive, compulsory, and obligatory upon both employer and  
28 employee. Any sums necessary to be paid under the provisions of this chapter by a state agency are

1 considered to be ordinary and necessary expenses of the agency. The agency shall pay the sums into the state  
2 fund at the time and in the manner provided for in this chapter, notwithstanding that the state agency may have  
3 failed to anticipate the ordinary and necessary expense in a budget, estimate of expenses, appropriations,  
4 ordinances, or otherwise.

5 (b) (i) Subject to subsection (5), the department of administration, provided for in 2-15-1001, shall  
6 manage workers' compensation insurance coverage for all state agencies.

7 (ii) The state fund shall provide the department of administration with all information regarding the  
8 state agencies' coverage.

9 (iii) Notwithstanding the status of a state agency as employer in subsection (1)(a) and contingent  
10 upon mutual agreement between the department of administration and the state fund, the state fund shall issue  
11 one or more policies for all state agencies.

12 (iv) In any year in which the workers' compensation premium due from a state agency is lower than  
13 in the previous year, the appropriation for that state agency must be reduced by the same amount that the  
14 workers' compensation premium was reduced and the difference must be returned to the originating fund  
15 instead of being applied to other purposes by the state agency submitting the premium.

16 (2) A public corporation, other than a state agency, may elect coverage under compensation plan  
17 No. 1, plan No. 2, or plan No. 3, separately or jointly with any other public corporation, other than a state  
18 agency. A public corporation electing compensation plan No. 1 may purchase reinsurance or issue bonds or  
19 notes pursuant to subsection (3)(b). A public corporation electing compensation plan No. 1 is subject to the  
20 same provisions as a private employer electing compensation plan No. 1.

21 (3) (a) A public corporation, other than a state agency, that elects plan No. 1 may establish a fund  
22 sufficient to pay the compensation and benefits provided for in this chapter and to discharge all liabilities that  
23 are reasonably incurred during the fiscal year for which the election is effective. Proceeds from the fund must  
24 be used only to pay claims covered by this chapter and for actual and necessary expenses required for the  
25 efficient administration of the fund, including debt service on any bonds and notes issued pursuant to  
26 subsection (3)(b).

27 (b) (i) A public corporation, other than a state agency, separately or jointly with another public  
28 corporation, other than a state agency, may issue and sell its bonds and notes for the purpose of establishing,

1 in whole or in part, the self-insurance workers' compensation fund provided for in subsection (3)(a) and to pay  
 2 the costs associated with the sale and issuance of the bonds. Bonds and notes may be issued in an amount not  
 3 exceeding 0.18% of the total assessed value of taxable property, determined as provided in 15-8-111, of the  
 4 public corporation as of the date of issue. The bonds and notes must be authorized by resolution of the  
 5 governing body of the public corporation and are payable from an annual property tax levied in the amount  
 6 necessary to pay principal and interest on the bonds or notes. This authority to levy an annual property tax  
 7 exists despite any provision of law or maximum levy limitation, ~~including 15-10-420~~, to the contrary. The  
 8 revenue derived from the sale of the bonds and notes may not be used for any other purpose.

9 (ii) The bonds and notes:

10 (A) may be sold at public or private sale;

11 (B) do not constitute debt within the meaning of any statutory debt limitation; and

12 (C) may contain other terms and provisions that the governing body determines.

13 (iii) Two or more public corporations, other than state agencies, may agree to exercise their  
 14 respective borrowing powers jointly under this subsection (3)(b) or may authorize a joint board to exercise the  
 15 powers on their behalf.

16 (iv) The fund established from the proceeds of bonds and notes issued and sold under this  
 17 subsection (3)(b) may, if sufficient, be used in lieu of a surety bond, reinsurance, specific and aggregate excess  
 18 insurance, or any other form of additional security necessary to demonstrate the public corporation's ability to  
 19 discharge all liabilities as provided in subsection (3)(a). Subject to the total assessed value limitation in  
 20 subsection (3)(b)(i), a public corporation may issue bonds and notes to establish a fund sufficient to discharge  
 21 liabilities for periods greater than 1 year.

22 (4) All money in the fund established under subsection (3)(a) not needed to meet immediate  
 23 expenditures must be invested by the governing body of the public corporation or the joint board created by two  
 24 or more public corporations as provided in subsection (3)(b)(iii), and all proceeds of the investment must be  
 25 credited to the fund.

26 (5) For the purposes of subsection (1)(b), the judicial branch or the legislative branch may choose  
 27 not to have the department of administration manage its workers' compensation policy.

28 (6) The department of administration may adopt rules to implement subsection (1)(b)(i).

1 (7) As used in this section, the following definitions apply:

2 (a) "Public corporation" includes the Montana university system.

3 (b) (i) "State agency" means:

4 (A) the executive branch and its departments and all boards, commissions, committees, bureaus,  
5 and offices;

6 (B) the judicial branch; and

7 (C) the legislative branch.

8 (ii) The term does not include the Montana university system."  
9

10 **Section 107.** Section 41-5-1804, MCA, is amended to read:

11 **"41-5-1804. Regional detention facilities.** (1) Two or more counties may, by contract, establish and  
12 maintain a regional detention facility.

13 (2) For the purpose of establishing and maintaining a regional detention facility, a county may:

14 (a) issue general obligation bonds for the acquisition, purchase, construction, renovation, and  
15 maintenance of a regional detention facility;

16 (b) ~~subject to 45-10-420,~~ levy and appropriate taxes, as permitted by law, to pay its share of the  
17 cost of equipping, operating, and maintaining the facility; and

18 (c) exercise all powers, under the limitations prescribed by law, necessary and convenient to carry  
19 out the purposes of 41-5-1803 and this section.

20 (3) Contracts authorized under subsection (1) must be made pursuant to the Interlocal  
21 Cooperation Act, Title 7, chapter 11, part 1.

22 (4) Contracts between counties participating in a regional detention facility must:

23 (a) specify the responsibilities of each county participating in the agreement;

24 (b) designate responsibility for operation of the regional detention facility;

25 (c) specify the amount of funding to be contributed by each county toward payment of the cost of  
26 establishing, operating, and maintaining the regional detention facility, including the necessary expenditures for  
27 the transportation of youth to and from the facility but excluding the education costs funded by a school district  
28 pursuant to 41-5-1807;



1 (d) include the applicable per diem charge for the detention of youth in the facility, as well as the  
2 basis for any adjustment in the charge;

3 (e) specify the number of beds to be reserved for the use of each county participating in the  
4 regional detention facility; and

5 (f) provide an educational program for youth held in the detention facility and in need of that  
6 service."  
7

8 **Section 108.** Section 50-2-111, MCA, is amended to read:

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

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

13 (b) The county's part of the total expenses is financed by an appropriation from the general fund of  
14 the county after approval of a budget in the way provided for other county offices and departments under Title  
15 7, chapter 6, part 40.

16 (c) Each participating city's part of the total expenses is financed by an appropriation from the  
17 general fund of the city after approval of a budget in the way provided for other city offices and departments  
18 under Title 7, chapter 6, part 40.

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

21 (2) (a) The county commissioners and governing body of each participating city may mutually  
22 agree upon the division of the expenses.

23 (b) ~~Subject to 15-10-420, the~~The county's part of the total expenses is financed by a levy on the  
24 taxable value of all taxable property outside the incorporated limits of each participating city after approval of a  
25 budget in the way provided for other county offices and departments under Title 7, chapter 6, part 40. If the levy  
26 is not sufficient to fund the county's share, the county commissioners may supplement it with an appropriation  
27 from the county general fund.

28 (c) ~~Subject to 15-10-420, each~~Each participating city's part of the total expenses is financed by a

1 levy on the taxable value of all taxable property within the incorporated limits of the city after approval of a  
2 budget in the way provided for other city offices and departments under Title 7, chapter 6, part 40.

3 (d) All money must be deposited with the county treasurer who shall disburse the money as county  
4 funds."

5

6 **Section 109.** Section 53-20-208, MCA, is amended to read:

7 **"53-20-208. Contributions of counties and municipalities.** (1) The boards of county commissioners  
8 of the several counties and the governing bodies of municipalities of this state may contribute to any  
9 developmental disabilities facility approved by the department, without regard to whether the facility is within or  
10 outside of their respective jurisdictions. ~~Subject to 15-10-420, the~~ The boards of county commissioners of the  
11 counties may levy a tax on the taxable value of all taxable property within the county. The tax is in addition to all  
12 other county tax levies. All proceeds of the tax, if levied, must be used for the sole purpose of support of  
13 developmental disabilities services.

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

17

18 **Section 110.** Section 53-21-1010, MCA, is amended to read:

19 **"53-21-1010. County commissioners -- community mental health centers -- licensed mental**  
20 **health centers.** (1) The county commissioners in each of the counties in the region or service area that are  
21 designated as participating counties pursuant to subsection (4) may appoint, upon request, a person from their  
22 respective county to serve as a representative of the county on a community mental health center board or  
23 other licensed mental health center board.

24 (2) A community mental health center board or other licensed mental health center board may  
25 establish a recommended proportionate level of financial participation for each of the counties within the region  
26 for the provision of mental health services within the limits of financial participation authorized by this section.

27 (3) Prior to June 10 of each year, the board of a community mental health center or other licensed  
28 mental health center may submit an annual budget to the board of county commissioners of each of the

1 counties within their mental health region or service area, specifying each county's recommended proportionate  
2 share.

3 (4) If a board of county commissioners includes in the county budget the county's proportionate  
4 share of the community mental health center or other licensed mental health center board's budget, the county  
5 must be designated as a participating county. Funds for each participating county's proportionate share for the  
6 operation of mental health services within the region must be derived from the county's general fund. ~~Subject to~~  
7 ~~15-10-420, if~~ If the general fund is insufficient to meet the approved budget, a levy may be made on the taxable  
8 valuation of the county.

9 (5) Each board of county commissioners, after determining the amount of county general fund  
10 money to be used for mental health services, may contract with a community mental health center or another  
11 licensed mental health center or provider for mental health services in the county."  
12

13 **Section 111.** Section 67-10-402, MCA, is amended to read:

14 **"67-10-402. Tax levy.** (1) ~~Subject to 15-10-420 and for~~ For the purpose of establishing, constructing,  
15 equipping, maintaining, and operating airports and ports under the provisions of this chapter and as provided in  
16 Title 7, chapter 14, part 11, the county commissioners or the city or town council may each year assess and  
17 levy a tax on the taxable value of all taxable property in the county, city, or town for airports and ports.

18 (2) In the event of a jointly established airport or port, the county commissioners and the city or  
19 town council or councils involved shall determine in advance the levy necessary for those purposes and the  
20 proportion that each political subdivision joining in the venture is required to pay.

21 (3) If the levy is insufficient for the purposes enumerated in subsection (1), the commissioners and  
22 councils are authorized and empowered to contract an indebtedness on behalf of the county, city, or town by  
23 borrowing money or issuing bonds for those purposes. However, bonds may not be issued until the proposition  
24 has been submitted to the qualified electors and approved by a majority vote, except as provided in subsection

25 (4).

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

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

1 (b) the necessity to resurface or improve runways by overlays or similar methods periodically is  
2 based upon competent engineering estimates; and

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

4 (5) The reserve fund may not exceed at any time a competent engineering estimate of the cost of  
5 resurfacing or overlaying the existing runways, taxiways, and ramps of any one airport for each fund. The  
6 governing body of the airport or port, if in its judgment it considers it advantageous, may invest the fund in any  
7 interest-bearing deposits in a state or national bank insured by the FDIC or obligations of the United States of  
8 America, either short-term or long-term. Interest earned from the investments must be credited to the  
9 operations and maintenance budget of the airport or port governing body."  
10

11 **Section 112.** Section 67-11-201, MCA, is amended to read:

12 **"67-11-201. General powers of authority.** An authority has all the powers necessary or convenient  
13 to carry out the purposes of this chapter, including, ~~subject to 15-10-420,~~ the power to certify annually to the  
14 governing bodies creating it the amount of tax to be levied by the governing bodies for airport purposes.

15 Authority powers include but are not limited to the power to:

16 (1) sue and be sued, have a seal, and have perpetual succession;

17 (2) execute contracts, including alternative project delivery contracts as provided for in Title 18,  
18 chapter 2, part 5, and other instruments and take other action that may be necessary or convenient to carry out  
19 the purposes of this chapter;

20 (3) plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip,  
21 operate, regulate, and protect airports and air navigation facilities, within this state and within any adjoining  
22 state, including the acquisition, construction, installation, equipment, maintenance, and operation at the airports  
23 or buildings and other facilities for the servicing of aircraft or for comfort and accommodation of air travelers and  
24 the purchase and sale of supplies, goods, and commodities that are incident to the operation of its airport  
25 properties. For the authorized purposes, an authority may, by purchase, gift, devise, lease, eminent domain  
26 proceedings pursuant to Title 70, chapter 30, or otherwise, acquire property, real or personal, or any interest in  
27 property, including easements in airport hazards or land outside the boundaries of an airport or airport site, that  
28 is necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards or

1 to prevent the establishment of airport hazards.

2 (4) establish airport affected area regulations in accordance with this title;

3 (5) acquire, by purchase, gift, devise, lease, eminent domain proceedings, or otherwise, existing  
4 airports and air navigation facilities. However, an authority may not acquire or take over any airport or air  
5 navigation facility owned or controlled by another authority, a municipality, or a public agency of this or any  
6 other state without the consent of the authority, municipality, or public agency.

7 (6) establish or acquire and maintain airports in, over, and upon any public waters of this state or  
8 any submerged lands under public waters, provided that the authority has obtained the approval of the owner or  
9 agency that controls the water, and construct and maintain terminal buildings, landing floats, causeways,  
10 roadways, and bridges for approaches to or connecting with any airport and landing floats and breakwaters for  
11 the protection of the airport."  
12

13 **Section 113.** Section 67-11-301, MCA, is amended to read:

14 **"67-11-301. Municipal tax levy.** The airport authority may certify annually to the governing bodies the  
15 amount of tax requested to be levied by each municipality participating in the creation of the airport authority,  
16 and ~~subject to 15-10-420,~~ the municipality shall levy the amount certified, pursuant to provisions of law  
17 authorizing cities and other political subdivisions of this state to levy taxes for airport purposes. The levy may  
18 not exceed the maximum levy that may have been established by the municipality or municipalities in the  
19 resolution creating the authority. The municipality shall collect the taxes certified by an airport authority in the  
20 same manner as other taxes are levied and collected and make payment to the airport authority. The proceeds  
21 of the taxes paid to the airport authority must be deposited in a special account or accounts in which other  
22 revenue of the authority is deposited and may be expended by the authority as provided for in this chapter.  
23 Prior to the issuance of bonds under 67-11-303, the airport authority or the municipality may by resolution  
24 covenant that the total amount of the taxes authorized by law or the portion of the taxes specified by the  
25 resolution will, ~~subject to 15-10-420,~~ be certified, levied, and deposited annually until the bonds and interest are  
26 fully paid."  
27

28 **Section 114.** Section 67-11-302, MCA, is amended to read:

1           **"67-11-302. County tax levy.** ~~Subject to 15-10-420,~~ in In counties supporting airports or airport  
2 authorities, a levy as provided for in 67-10-402 may be made for airport authority purposes."

3

4           **Section 115.** Section 67-11-303, MCA, is amended to read:

5           **"67-11-303. (Temporary) Bonds and obligations.** (1) An authority may borrow money for any of its  
6 corporate purposes and issue its bonds for those purposes, including refunding bonds, in the form and upon the  
7 terms that it may determine, payable out of any revenue of the authority, including revenue derived from:

8           (a) an airport or air navigation facility or facilities;

9           (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;

10          (c) grants or contributions from the federal government; or

11          (d) other sources.

12          (2) The bonds may be issued by resolution of the authority, without an election and without any  
13 limitation of amount, except that bonds may not be issued at any time if the total amount of principal and  
14 interest to become due in any year on the bonds and on any then-outstanding bonds for which revenue from  
15 the same source or sources is pledged exceeds the amount of revenue to be received in that year as estimated  
16 in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and  
17 possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any is pledged, sufficient to make  
18 the revenue from the pledged source in the year at least equal to the amount of principal and interest due in  
19 that year.

20          (3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102.  
21 Except as otherwise provided in this section, any bonds issued pursuant to this chapter by an authority may be  
22 payable as to principal and interest solely from revenue of the authority and must state on their face the  
23 applicable limitations or restrictions regarding the source from which the principal and interest are payable.

24          (4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are  
25 declared to be issued for an essential public and governmental purpose by a political subdivision within the  
26 meaning of 15-30-2110(2)(a).

27          (5) For the security of bonds, the authority or municipality may by resolution make and enter into  
28 any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by

1 a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal  
2 and interest and to create and maintain a reserve for the bonds may be paid from any revenue referred to in  
3 this chapter, prior to the payment of current costs of operation and maintenance of the facilities.

4 (6) Subject to the conditions stated in this subsection, the governing body of any municipality  
5 having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the  
6 municipality or by an authority in which the municipality is included, may by resolution covenant that in the  
7 event that at any time all revenue, including taxes, appropriated and collected for the bonds is insufficient to pay  
8 principal or interest then due, it shall, ~~subject to 15-10-420,~~ levy a general tax upon all of the taxable property in  
9 the municipality for the payment of the deficiency. The governing body may further covenant that at any time a  
10 deficiency is likely to occur within 1 year for the payment of principal and interest due on the bonds, it shall,  
11 ~~subject to 15-10-420,~~ levy a general tax upon all the taxable property in the municipality for the payment of the  
12 deficiency, and the taxes are limited to a rate estimated to be sufficient to produce the amount of the deficiency.  
13 In the event that more than one municipality having a population in excess of 10,000 is included in an authority  
14 issuing bonds pursuant to this chapter, the municipalities may apportion the obligation to levy taxes for the  
15 payment of, or in anticipation of, a deficiency in the revenue appropriated for the bonds in a manner that the  
16 municipalities may determine. The resolution must state the principal amount and purpose of the bonds and the  
17 substance of the covenant respecting deficiencies. A resolution may not be effective until the question of its  
18 approval has been submitted to the qualified electors of the municipality at a special election called for that  
19 purpose by the governing body of the municipality and a majority of the electors voting on the question have  
20 voted in favor of the resolution. The special election must be held in conjunction with a regular or primary  
21 election. The notice and conduct of the election is governed, to the extent applicable, as provided for municipal  
22 general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns and as provided  
23 for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by counties. If a majority  
24 of the electors voting on the issue vote against approval of the resolution, the municipality may not make the  
25 covenant or levy a tax for the payment of deficiencies pursuant to this section, but the municipality or authority  
26 may issue bonds under this chapter payable solely from the sources referred to in subsection (1).

27 **67-11-303. (Effective January 1, 2024) Bonds and obligations.** (1) An authority may borrow money  
28 for any of its corporate purposes and issue its bonds for those purposes, including refunding bonds, in the form

1 and upon the terms that it may determine, payable out of any revenue of the authority, including revenue  
2 derived from:

- 3 (a) an airport or air navigation facility or facilities;
- 4 (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;
- 5 (c) grants or contributions from the federal government; or
- 6 (d) other sources.

7 (2) The bonds may be issued by resolution of the authority, without an election and without any  
8 limitation of amount, except that bonds may not be issued at any time if the total amount of principal and  
9 interest to become due in any year on the bonds and on any then-outstanding bonds for which revenue from  
10 the same source or sources is pledged exceeds the amount of revenue to be received in that year as estimated  
11 in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and  
12 possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any is pledged, sufficient to make  
13 the revenue from the pledged source in the year at least equal to the amount of principal and interest due in  
14 that year.

15 (3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102.  
16 Except as otherwise provided in this section, any bonds issued pursuant to this chapter by an authority may be  
17 payable as to principal and interest solely from revenue of the authority and must state on their face the  
18 applicable limitations or restrictions regarding the source from which the principal and interest are payable.

19 (4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are  
20 declared to be issued for an essential public and governmental purpose by a political subdivision.

21 (5) For the security of bonds, the authority or municipality may by resolution make and enter into  
22 any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by  
23 a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal  
24 and interest and to create and maintain a reserve for the bonds may be paid from any revenue referred to in  
25 this chapter, prior to the payment of current costs of operation and maintenance of the facilities.

26 (6) Subject to the conditions stated in this subsection, the governing body of any municipality  
27 having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the  
28 municipality or by an authority in which the municipality is included, may by resolution covenant that in the



1 event that at any time all revenue, including taxes, appropriated and collected for the bonds is insufficient to pay  
2 principal or interest then due, it shall, ~~subject to 15-10-420~~, levy a general tax upon all of the taxable property in  
3 the municipality for the payment of the deficiency. The governing body may further covenant that at any time a  
4 deficiency is likely to occur within 1 year for the payment of principal and interest due on the bonds, it shall,  
5 ~~subject to 15-10-420~~, levy a general tax upon all the taxable property in the municipality for the payment of the  
6 deficiency, and the taxes are limited to a rate estimated to be sufficient to produce the amount of the deficiency.  
7 In the event that more than one municipality having a population in excess of 10,000 is included in an authority  
8 issuing bonds pursuant to this chapter, the municipalities may apportion the obligation to levy taxes for the  
9 payment of, or in anticipation of, a deficiency in the revenue appropriated for the bonds in a manner that the  
10 municipalities may determine. The resolution must state the principal amount and purpose of the bonds and the  
11 substance of the covenant respecting deficiencies. A resolution may not be effective until the question of its  
12 approval has been submitted to the qualified electors of the municipality at a special election called for that  
13 purpose by the governing body of the municipality and a majority of the electors voting on the question have  
14 voted in favor of the resolution. The special election must be held in conjunction with a regular or primary  
15 election. The notice and conduct of the election is governed, to the extent applicable, as provided for municipal  
16 general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns and as provided  
17 for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by counties. If a majority  
18 of the electors voting on the issue vote against approval of the resolution, the municipality may not make the  
19 covenant or levy a tax for the payment of deficiencies pursuant to this section, but the municipality or authority  
20 may issue bonds under this chapter payable solely from the sources referred to in subsection (1)."

21

22 **Section 116.** Section 75-10-112, MCA, is amended to read:

23 **"75-10-112. Powers and duties of local government.** A local government may:

24 (1) plan, develop, and implement a solid waste management system consistent with the state's  
25 solid waste management and resource recovery plan and propose modifications to the state's solid waste  
26 management and resource recovery plan;

27 (2) upon adoption of the state plan, pass an ordinance or resolution to exempt the local jurisdiction  
28 from complying with the state plan and subsequent rules implementing the state plan. The ordinance or

- 1 resolution must include a means to provide solid waste disposal to the citizens of the jurisdiction as required in  
2 part 2 of this chapter.
- 3 (3) employ appropriate personnel to carry out the provisions of this part;
- 4 (4) purchase, rent, or execute leasing agreements for equipment and material necessary for the  
5 implementation of a solid waste management system;
- 6 (5) cooperate with and enter into agreements with any persons in order to implement an effective  
7 solid waste management system;
- 8 (6) receive gifts, grants, or donations or acquire by gift, deed, or purchase land necessary for the  
9 implementation of any provision of this part;
- 10 (7) enforce the rules of the department or a local board of health pertaining to solid waste  
11 management through the appropriate county attorney;
- 12 (8) apply for and utilize state, federal, or other available money for developing or operating a solid  
13 waste management system;
- 14 (9) borrow from any lending agency funds available for assistance in planning a solid waste  
15 management system;
- 16 (10) finance a solid waste management system by:
- 17 (a) ~~subject to 15-10-420~~, fixing the assessment of a tax as authorized by state law; and
- 18 (b) as provided in 7-13-4108, fixing and collecting by ordinance or resolution the rates, rentals, and  
19 charges for a solid waste management system on system customers;
- 20 (11) sell on an installment sales contract or lease to a person all or a portion of a solid waste  
21 management system that the local government plans, designs, or constructs for the consideration and upon the  
22 terms established by the local governments and consistent with the loan requirements set forth in this part and  
23 rules adopted to implement this part;
- 24 (12) procure insurance against any loss in connection with property, assets, or activities;
- 25 (13) mortgage or otherwise encumber all or a portion of a solid waste management system when  
26 the local government finds that the action is necessary to implement the purposes of this part, as long as the  
27 action is consistent with the loan requirements set forth in this part and rules adopted to implement this part;
- 28 (14) hold or dispose of real property and, subject to agreements with lessors and lessees, develop

1 or alter the property by making improvements or betterments for the purpose of enhancing the value and  
2 usefulness of the property;

3 (15) finance, design, construct, own, and operate a solid waste management system or contract for  
4 any or all of the powers authorized under this part;

5 (16) control the disposition of solid waste generated within the jurisdiction of the local government,  
6 except that, in the absence of an imminent threat to public health, safety, or the environment, a local  
7 government may not adopt a flow control or similar ordinance to require use of a specific transfer station or  
8 landfill for disposal of solid waste;

9 (17) enter into long-term contracts with local governments and private entities for:

10 (a) financing, designing, constructing, and operating a solid waste management system;

11 (b) marketing all raw or processed material recovered from solid waste;

12 (c) marketing energy products or byproducts resulting from processing or utilization of solid waste;

13 (18) finance an areawide solid waste management system through the use of any of the sources of  
14 revenue available to the implementation entity for public works projects, by the use of revenue bonds issued by  
15 the city or county, or by fees levied by a solid waste management district, whichever is appropriate;

16 (19) enter into interlocal agreements in order to achieve and implement the powers enumerated in  
17 this part;

18 (20) regulate the siting and operation of container sites."  
19

20 **Section 117.** Section 76-1-111, MCA, is amended to read:

21 **"76-1-111. Representation of county or additional cities or towns on existing boards.** (1) Any  
22 city, county, or town or any combination of cities, counties, or towns wishing to be represented upon an existing  
23 planning board may, by agreement of the governing body or bodies then represented on the board, obtain  
24 representation on the board and share in the membership duties and costs of the board upon a basis agreeable  
25 to the governing body or bodies creating the board.

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

28 (3) Any city, county, or town that becomes represented upon an existing planning board pursuant

1 to this section may appropriate funds for expenses necessary to cover the costs of representation. ~~Subject to~~  
 2 ~~15-10-420, the~~ The governing bodies of any represented city, county, or town may levy on all property that is  
 3 added to the jurisdictional area of an existing board by representation a tax for planning board purposes under  
 4 procedures set forth in Title 7, chapter 6, part 40."

5

6 **Section 118.** Section 76-1-403, MCA, is amended to read:

7 **"76-1-403. Tax levy by county for certain county planning districts authorized.** When a county  
 8 planning board has been established, the board of county commissioners may create a planning district that  
 9 must include the property that lies outside the limits of the jurisdictional area, as established pursuant to 76-1-  
 10 504 through 76-1-507 or as modified pursuant to 76-1-501 through 76-1-503 in counties where a city-county  
 11 planning board has been established, as well as that property that lies outside the limits of any incorporated  
 12 cities and towns. ~~Subject to 15-10-420, the~~ The board of county commissioners may levy a tax on the taxable  
 13 value of all taxable property located within the planning district for planning board purposes, under procedures  
 14 set forth in Title 7, chapter 6, part 40."

15

16 **Section 119.** Section 76-1-404, MCA, is amended to read:

17 **"76-1-404. Tax levy by county for city-county planning board authorized.** When a city-county  
 18 planning board has been established, the board of county commissioners may create a planning district that  
 19 must include the property within the jurisdictional areas as established pursuant to 76-1-504 through 76-1-507  
 20 that lies outside the limits of any incorporated cities and towns. ~~Subject to 15-10-420, the~~ The board of county  
 21 commissioners may levy on the taxable value of all taxable property located within the planning district a tax for  
 22 planning board purposes, under procedures set forth in Title 7, chapter 6, part 40."

23

24 **Section 120.** Section 76-1-406, MCA, is amended to read:

25 **"76-1-406. Tax levy by municipalities authorized.** ~~Subject to 15-10-420, the~~ The governing body of  
 26 any city or town represented on a planning board may levy a tax upon the taxable value of all taxable property  
 27 located within the city or town for planning board purposes, under procedures set forth in Title 7, chapter 6, part  
 28 40."

1

2           **Section 121.** Section 76-2-102, MCA, is amended to read:

3           **"76-2-102. Organization and operation of commission.** (1) The planning and zoning commission  
4 consists of three county commissioners, either the county surveyor or the county clerk and recorder, two citizen  
5 members, each of whom resides in a different planning and zoning district or, if only one district exists in a  
6 county or is proposed, both from that district, and a county official appointed by the county commissioners. The  
7 citizen members must be appointed by the board of county commissioners to 2-year staggered terms, with one  
8 member initially appointed to a 2-year term and the remaining member initially appointed to a 1-year term.  
9 Members of the commission shall serve without compensation other than reimbursement for authorized  
10 expenses and must be residents of the county in which they serve.

11           (2) The commission may appoint necessary employees and fix their compensation with the  
12 approval of the board of county commissioners, select a presiding officer to serve for 1 year, appoint a  
13 secretary to keep permanent and complete records of its proceedings, and adopt rules governing the  
14 transaction of its business.

15           (3) ~~Subject to 15-10-420, the~~ The finances necessary for the transaction of the planning and  
16 zoning commission's business and to pay the expenses of the employees and justified expenses of the  
17 commission's members must be paid from a levy on the taxable value of all taxable property within the district."  
18

19           **Section 122.** Section 76-5-1116, MCA, is amended to read:

20           **"76-5-1116. Determination of fees and charges.** (1) In fixing the rate, fee, toll, or rent for water  
21 furnished for household use, domestic use, irrigation use, industrial use, and municipal use and for water used  
22 for streamflow stabilization, the governing body shall charge a fee sufficient to pay the proportionate share of  
23 the repairs, maintenance, and operating expenses as the use bears in economic value to the total economic  
24 value of the total use of the facilities of the project or projects. The economic value is to be determined by the  
25 governing body.

26           (2) For the benefits received by areas within the boundaries of the project or projects for flood  
27 prevention, flood control, and pollution abatement, the governing body shall determine a reasonable valuation  
28 or charge. The valuation or charge must be certified by the governing body to the county commissioners prior to

1 the time general taxes are levied and assessed. ~~Subject to 15-10-420, the~~ The county commissioners shall levy  
 2 a special assessment as provided for in 76-5-1113 and 76-5-1114 against the area or areas sufficient to  
 3 provide revenue for the repairs, maintenance, and operating expenses of the project.

4 (3) For recreation use the governing body shall first determine the share of the costs of operation,  
 5 repairs, and depreciation to be charged against recreation uses and from this figure shall subtract the estimated  
 6 amount of fees and tolls collected for recreation uses. The deficiency, if any, must be certified to the county  
 7 commissioners, and ~~subject to 15-10-420,~~ special assessments must be levied by the county commissioners in  
 8 the manner provided in this section."

9

10 **Section 123.** Section 76-6-109, MCA, is amended to read:

11 **"76-6-109. Powers of public bodies -- county real property acquisition procedure maintained.**

12 (1) A public body has the power to carry out the purposes and provisions of this chapter, including the following  
 13 powers in addition to others granted by this chapter:

14 (a) to borrow funds and make expenditures necessary to carry out the purposes of this chapter;

15 (b) to advance or accept advances of public funds;

16 (c) to apply for and accept and use grants and any other assistance from the federal government  
 17 and any other public or private sources, to give security as may be required, to enter into and carry out  
 18 contracts or agreements in connection with the assistance, and to include in any contract for assistance from  
 19 the federal government conditions imposed pursuant to federal laws as the public body may consider  
 20 reasonable and appropriate and that are not inconsistent with the purposes of this chapter;

21 (d) to make and execute contracts and other instruments necessary or convenient to the exercise  
 22 of its powers under this chapter;

23 (e) in connection with the real property acquired or designated for the purposes of this chapter, to  
 24 provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any  
 25 person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other  
 26 facilities or structures that may be necessary to the provision, preservation, maintenance, and management of  
 27 the property as open-space land;

28 (f) to insure or provide for the insurance of any real or personal property or operations of the

1 public body against any risks or hazards, including the power to pay premiums on the insurance;

2 (g) to demolish or dispose of any structures or facilities that may be detrimental to or inconsistent  
3 with the use of real property as open-space land; and

4 (h) to exercise any of its functions and powers under this chapter jointly or cooperatively with  
5 public bodies of one or more states, if they are authorized by state law, and with one or more public bodies of  
6 this state and to enter into agreements for joint or cooperative action.

7 (2) For the purposes of this chapter, the state, a city, town, or other municipality, or a county may:

8 (a) appropriate funds;

9 (b) ~~subject to 15-10-420,~~ levy taxes and assessments according to existing codes and statutes;

10 (c) issue and sell its general obligation bonds in the manner and within the limitations prescribed  
11 by the applicable laws of the state, subject to subsection (3); and

12 (d) exercise its powers under this chapter through a board or commission or through the office or  
13 officers that its governing body by resolution determines or as the governor determines in the case of the state.

14 (3) Property taxes levied to pay the principal and interest on general obligation bonds issued by a  
15 city, town, other municipality, or county pursuant to this chapter may not be levied against the following  
16 property:

17 (a) agricultural land eligible for valuation, assessment, and taxation as agricultural land under 15-  
18 7-202;

19 (b) forest land as defined in 15-44-102;

20 (c) all agricultural improvements on agricultural land referred to in subsection (3)(a);

21 (d) all noncommercial improvements on forest land referred to in subsection (3)(b); and

22 (e) agricultural implements and equipment described in 15-6-138(1)(a).

23 (4) This chapter does not supersede the provisions of Title 7, chapter 8, parts 22 and 25."  
24

25 **Section 124.** Section 76-15-501, MCA, is amended to read:

26 **"76-15-501. Financial management.** A conservation district and the supervisors of the conservation  
27 district may:

28 (1) borrow money and incur indebtedness and issue bonds or other evidence of indebtedness;

1 (2) refund or retire an indebtedness or lien against the district or property of the district;

2 (3) establish and collect rates, fees, tolls, rents, or other charges for the use of facilities or for  
3 services or materials provided. Revenue from these sources may be expended in carrying out the purposes  
4 and provisions of this chapter.

5 (4) ~~subject to 15-10-420,~~ levy taxes as provided in this part to pay any obligation of the district and  
6 to accomplish the purposes of this chapter as provided in this chapter;

7 (5) apply for and receive federal revenue sharing funds in order to carry out the purposes and  
8 provisions of this chapter;

9 (6) establish a conservation practice loan program as provided in this part; or

10 (7) apply for, accept, administer, and expend funds, grants, and loans from the state or federal  
11 government or any other source."

12

13 **Section 125.** Section 76-15-505, MCA, is amended to read:

14 **"76-15-505. Authorization to borrow money -- limitations.** (1) If, after the levy of the annual  
15 assessments for the current year, the board of supervisors finds that, because of some unusual or unforeseen  
16 cause, funds raised through the collection of the assessments and from other sources will not be sufficient for  
17 the proper maintenance and operation of the district and the works in the district, the board of supervisors may:

18 (a) borrow additional funds needed in an amount not to exceed 50 cents per acre for the lands  
19 within the district and may pledge the credit of the district for the payment of the funds; or

20 (b) request the county commissioners to issue and register warrants in anticipation of further  
21 collections.

22 (2) ~~Subject to 15-10-420, the~~The board of supervisors shall include in the levy for the ensuing  
23 year the amount required to pay the loan or to retire the warrants. The warrants may not exceed 90% of the  
24 assessment for the year."

25

26 **Section 126.** Section 76-15-515, MCA, is amended to read:

27 **"76-15-515. Regular assessment.** The regular assessment ~~in any 1 year is subject to 15-10-420.~~  
28 ~~The~~ valuation must be determined according to the last assessment roll."



1

2           **Section 127.** Section 76-15-516, MCA, is amended to read:

3           **"76-15-516. Levy of regular and special assessments.** (1) ~~Subject to 15-10-420, the~~ The board of  
4 county commissioners of each county in which any portion of the district lies may, annually at the time of  
5 levying county taxes, levy an assessment on the taxable real property within the district. The levy must be  
6 known as the "... (name of district) conservation district regular assessment" and must be sufficient to raise the  
7 amount reported to the county commissioners in the estimate of the supervisors.

8           (2)     Subject to the conditions of ~~15-10-420, 76-15-531, and 76-15-532,~~ the board of county  
9 commissioners of each county in which any portion of the district lies may, annually at the time of levying  
10 county taxes, levy an assessment on the taxable real property within the district. The levy must be known as  
11 the "... (name of district) conservation district special administrative assessment" and must be sufficient to raise  
12 the amount reported to the county commissioners in the estimate of the supervisors.

13           (3)     ~~Subject to 15-10-420, the~~ The board of county commissioners of each county in which any  
14 portion of a project area lies may, annually at the time of levying county taxes, levy an assessment on the  
15 taxable value of all taxable property located within the project area. The levy must be known as "... (name of  
16 the project area) special assessment" and must be sufficient to raise the amount reported to the county  
17 commissioners in the estimate of the supervisors."

18

19           **Section 128.** Section 76-15-518, MCA, is amended to read:

20           **"76-15-518. Certification of assessment to department of revenue -- entry on property tax**  
21 **record.** ~~Subject to 15-10-420, the~~ The board of county commissioners of each county in which any portion of  
22 the district is situated may levy the assessment provided in part 6 or this part. The assessment must be certified  
23 to the department of revenue and entered on the property tax record of each county."

24

25           **Section 129.** Section 76-15-623, MCA, is amended to read:

26           **"76-15-623. Administration of special assessment.** (1) ~~Subject to 15-10-420, when~~ When the  
27 board or boards of supervisors have determined that a special assessment is necessary, the board of county  
28 commissioners of the county in which there lies any portion of a project area may annually at the time of levying

1 county taxes levy a special assessment on the taxable value of all taxable property in the project area. The levy  
2 must be known as the "... (name of district) soil and water conservation district special assessment" and must  
3 be sufficient to raise the income reported to it in the estimate of the supervisors.

4 (2) Each lot or parcel of land to be assessed must be assessed with that part of the amount of  
5 money required that its taxable value bears to the total taxable value of all the lands to be assessed."

6

7 **Section 130.** Section 81-8-504, MCA, is amended to read:

8 **"81-8-504. Tax levy authorized.** For the purpose of defraying the costs of purebred livestock shows  
9 and purebred livestock sales, the county commissioners may, ~~subject to 15-10-420,~~ levy a tax on the taxable  
10 value of all taxable property in the county. The taxes must be paid into the general fund of the county."

11

12 **Section 131.** Section 85-3-412, MCA, is amended to read:

13 **"85-3-412. Petition content.** (1) The petition for the creation of a weather modification authority and  
14 for appointment of commissioners must contain:

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

17 (b) the following paragraph: We, the undersigned qualified electors of (name of county), state of  
18 Montana, request that the (name of county) board of county commissioners create by resolution a (name of  
19 county) weather modification authority and appoint the following five qualified electors of the county to 5-year  
20 terms of office as commissioners for the (name of county) weather modification authority:

21 (Here insert the name and address of each proposed commissioner for the (name of county) weather  
22 modification authority.)

23 (c) the following paragraph: We, the undersigned qualified electors of the (name of county), state  
24 of Montana, are notified that the creation of the (name of county) weather modification authority and the  
25 appointment of its commissioners by the (name of county) board of county commissioners will grant the  
26 authority the power to certify to the board of county commissioners a mill levy tax upon the taxable value of all  
27 taxable property in the county for a weather modification fund. ~~The tax is subject to 15-10-420.~~ The weather  
28 modification fund must be used for weather modification activities as provided by 85-3-424. We, the

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

5 (d) a heading, "Committee for Petitioners", followed by this statement: The following electors of  
 6 (name of county), state of Montana, are authorized to represent and act for us and shall constitute the  
 7 "Committee for the Petitioners" in the matter of this petition and all acts subsequent to this petition.

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

10 (3) An affidavit must be attached to each petition and sworn to under oath before a notary public  
 11 by the person circulating each petition, attesting to the fact that the person circulated the petition and that each  
 12 of the signatures to the petition is the genuine signature of the person whose name it purports to be and that  
 13 each person is a qualified elector in the county in which the petition was circulated."  
 14

15 **Section 132.** Section 85-3-422, MCA, is amended to read:

16 **"85-3-422. Tax certified by weather modification authority -- disposition of proceeds.** (1) The  
 17 authority may certify annually to the board of county commissioners a tax on the taxable value of all taxable  
 18 property in the county for a weather modification fund. ~~Subject to 15-10-420, the~~ The tax may be levied by the  
 19 board of county commissioners. The weather modification fund may be used only for weather modification  
 20 activities as provided by 85-3-424. The tax certified by the authority is limited to the period of existence of the  
 21 authority.

22 (2) The money in the weather modification fund must be invested to earn interest at the rate most  
 23 advantageous to the fund, consistent with law and prudent business practice."  
 24

25 **Section 133.** Section 85-7-307, MCA, is amended to read:

26 **"85-7-307. Tax levy.** ~~Subject to 15-10-420, the~~ The annual tax levy and the apportionment and  
 27 distribution of the total amount required to be raised in any year must be determined and imposed in  
 28 accordance with the provisions and limitations of law applicable to other irrigation districts organized under

1 parts 1 and 15 of this chapter."

2

3 **Section 134.** Section 85-8-601, MCA, is amended to read:

4 **"85-8-601. Certification and collection of district taxes.** (1) ~~Subject to 15-10-420 and on~~ On or  
5 before the third Monday in August of each year, the commissioners shall certify to the department of revenue a  
6 correct list of all the district lands in each county and the owners of the lands, together with a statement of the  
7 amount of the total tax or assessment against the lands for district purposes for that year. The department of  
8 revenue shall immediately enter the assessment roll in the property tax record of the county for each year.

9 (2) The county treasurer of each county in which a drainage district is located, in whole or in part,  
10 shall collect and receipt for all taxes and assessments levied by the district in the same manner and at the  
11 same time as is required in the collection of taxes upon real estate for county purposes as provided in 15-16-  
12 102. However, the treasurer must receive from any taxpayer, at any time, the amount due on account of any  
13 district assessments of any kind, whether other taxes on the same real estate are paid or not. When a county is  
14 the possessor of a tax lien for any real estate on account of which the district taxes and assessments have  
15 been levied, the taxpayer may pay to the treasurer at any time any semiannual installment of the district tax or  
16 assessment, together with the penalty and interest to date of payment on the installment. However, the  
17 payment may not be considered a redemption of the property from the tax lien, but must be credited on account  
18 of any redemption that may later be made. In case of any payment pursuant to this subsection, a separate tax  
19 receipt must be issued showing exactly what assessments have been paid and showing that no other tax on  
20 the real estate has been received by the treasurer. However, the county treasurer may not collect, receive, or  
21 receipt for any taxes levied for county purposes upon real estate situated wholly or in part within any drainage  
22 district upon which an assessment for the purposes of the drainage district has been levied unless the  
23 assessment levied for the drainage district purposes is either paid as provided in this section and the receipt is  
24 presented to the county treasurer at the time the real estate taxes are paid or paid at the time the drainage  
25 district taxes are paid."

26

27 **Section 135.** Section 85-8-615, MCA, is amended to read:

28 **"85-8-615. Procedure to levy additional assessments.** ~~Subject to 15-10-420, if~~ If in the first

1 assessment for construction the commissioners reported to the court a smaller sum than is needed to complete  
 2 the work of construction or if in any year an additional sum is necessary to pay the lawful indebtedness of the  
 3 drainage district, further or additional assessments on the land (including improvements where benefited) and  
 4 corporations benefited, proportioned on the last assessment of benefits that has been approved by the court,  
 5 must be made by the commissioners of the drainage district under the order of the court. However, the total  
 6 assessments for original construction and any additional assessments, other than for maintenance, incidental  
 7 expense, and interest on bonds, may not exceed the total assessments of benefits as provided in 85-8-342.  
 8 Notice of the hearing of the application for the additional assessment must be published at least once each  
 9 week for 3 consecutive weeks in one newspaper published in each county in which the lands, or any part of the  
 10 lands, within the district are situated. The further or additional assessment may be made payable in installments  
 11 as specified in 85-8-611 and must be treated and collected in the same manner as the original assessments for  
 12 construction confirmed by the court in the drainage district."

13

14 **Section 136.** Section 85-8-618, MCA, is amended to read:

15 **"85-8-618. Assessment of unassessed, benefited lands.** Whenever any lands from which surface  
 16 or seepage water enters any drain or upon which or through which surface or seepage water has been  
 17 prevented from flowing because of the construction of any drain have not been included within the drainage  
 18 district that constructed the drains or drain or the owner of any irrigation ditch or canal from which water seeps,  
 19 drains, or wastes to, upon, or through lands included within a drainage district has not been assessed for the  
 20 cost of construction of the drainage system of the drainage district, the commissioners of the district may report  
 21 the facts to the court and ask that the lands be brought into the district and assessed for their proportionate  
 22 share of the cost of the drainage system. ~~Subject to 15-10-420, the~~ The report may ask that the owner of any  
 23 irrigation ditch or canal be assessed its proportionate share of the costs of construction of the drainage system.  
 24 The same proceedings as set out in 85-8-421 through 85-8-424 for the determination and levy of assessments  
 25 against drained lands outside of the drainage district receiving benefits from the drainage of the district must be  
 26 commenced to determine the proper assessments, if any, to be levied against the lands and the owner of the  
 27 irrigation ditch or canal to aid in payment of costs of construction."

28

1           **Section 137.** Section 90-5-112, MCA, is amended to read:

2           "**90-5-112. Economic development levy.** (1) ~~Subject to 15-10-420, the~~ The governing body of a city,  
3 county, or town is authorized to levy a tax upon the taxable value of all taxable property in the city, county, or  
4 town for the purpose of economic development. The governing body may:

5           (a) submit the question of the mill levy to the qualified voters as provided in 15-10-425; or

6           (b) approve the mill levy by a vote of the governing body.

7           (2) Funds derived from this levy may be used for purchasing land for industrial parks, constructing  
8 buildings to house manufacturing and processing operations, conducting preliminary feasibility studies,  
9 promoting economic development opportunities in a particular area, and other activities generally associated  
10 with economic development. These funds may not be used to directly assist an industry's operations by loan or  
11 grant or to pay the salary or salary supplements of government employees.

12           (3) The governing body of the county, city, or town may use the funds derived from this levy to  
13 contract with local development companies and other associations or organizations capable of implementing  
14 the economic development function."  
15

16           **Section 138.** Section 90-6-403, MCA, is amended to read:

17           "**90-6-403. Jurisdictional revenue disparity -- conditioned exemption and reallocation of certain**  
18 **taxable valuation.** (1) When an impact plan for a large-scale mineral development approved pursuant to 90-6-  
19 307 identifies a jurisdictional revenue disparity, the board shall promptly notify the developer, all affected local  
20 government units, and the department of revenue of the disparity. Except as provided in 90-6-404 and this  
21 section, the increase in taxable valuation of the mineral development that occurs after the issuance and  
22 validation of a permit under 82-4-335 is not subject to the usual application of county and school district  
23 property tax mill levies. This increase in taxable valuation must be allocated to local government units as  
24 provided in 90-6-404. ~~The increase in taxable valuation allocated as provided in 90-6-404 is subject to 15-10-~~  
25 ~~420 and the application of property tax mill levies in the local government unit to which it is allocated. The~~  
26 ~~increase in taxable valuation allocated to the local government unit is considered newly taxable property in the~~  
27 ~~recipient local government unit as provided in 15-10-420.~~

28           (2) ~~Subject to 15-10-420, the~~ The total taxable valuation of a large-scale mineral development

1 remains subject to the statewide mill levies and basic county levies for elementary and high school BASE  
2 funding programs as provided in 20-9-331 and 20-9-333.

3 (3) The provisions of subsection (1) remain in effect until the large-scale mineral development  
4 ceases operations or until the existence of the jurisdictional revenue disparity ceases, as determined by the  
5 board."

6

7 **NEW SECTION. Section 139. Effective date.** [This act] is effective January 1, 2024.

8

9 **NEW SECTION. Section 140. Applicability.** [This act] applies to property tax years beginning after  
10 December 31, 2023.

11

- END -