

1 HOUSE BILL NO. 799  
2 INTRODUCED BY T. FALK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO QUALIFIED ELECTORS IN  
5 VOTED MILL LEVY ELECTIONS; ALLOWING FOR OWNERS OF PROPERTY WHO DO NOT RESIDE IN  
6 THE TAXING JURISDICTION TO BE A QUALIFIED ELECTOR; PROVIDING RESTRICTIONS; AND  
7 AMENDING SECTION 15-10-425, MCA."

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

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11 Section 1. Section 15-10-425, MCA, is amended to read:

12 "15-10-425. Mill levy election. (1) A county, consolidated government, incorporated city,  
13 incorporated town, school district, or other taxing entity may impose a new mill levy, increase a mill levy that is  
14 required to be submitted to the electors, or exceed the mill levy limit provided for in 15-10-420 by conducting an  
15 election as provided in this section.

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

21 The resolution, charter amendment, or petition must include:

- 22 (a) the specific purpose for which the additional money will be used;
- 23 (b) either:
  - 24 (i) the specific amount of money to be raised and the approximate number of mills to be imposed;
  - 25 or
  - 26 (ii) the specific number of mills to be imposed and the approximate amount of money to be raised;
- 27 and
- 28 (c) whether the levy is permanent or the durational limit on the levy.

1 (3) (a) For an election held under this section, a qualified elector includes an elector as defined in  
2 13-1-101 and owners of property located within the taxing jurisdiction.

3 (b) An individual who votes as allowed in this section may only vote once in the election regardless  
4 of the number of properties the individual owns in the district.

5 (c) If two individuals own the same real property jointly, both owners are entitled to vote  
6 individually under the provisions of this section.

7 (4) Notice of the election must be prepared by the governing body and given as provided in 13-1-  
8 108. The form of the ballot must reflect the content of the resolution or charter amendment and must include:

9 (a) the statement that "an increase in property taxes may lead to an increase in rental costs"; and

10 (b) a statement of the impact of the election on homes valued at \$100,000, \$300,000, and  
11 \$600,000 in the district in terms of actual dollars in additional property taxes that would be imposed on  
12 residences with those values if the mill levy were to pass. The ballot may also include a statement of the impact  
13 of the election on homes of any other value in the district, if appropriate.

14 (4)(5) If the majority voting on the question are in favor of the additional levy, the governing body is  
15 authorized to impose the levy in either the amount or the number of mills specified in the resolution or charter  
16 amendment.

17 (5)(6) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year  
18 without losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills  
19 approved in the election. However, nothing in this subsection authorizes a governing body to impose more than  
20 the approved levy in any fiscal year or to extend the duration of the approved levy.

21 (7) As used in this section, "owner of property" means a person who:

22 (a) is the holder of title to real property located within the taxing jurisdiction; and

23 (b) presents a proof of payment of taxes on the property."

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