

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CONSERVATION DISTRICT FROM LEVYING
5 TAXES AND ASSESSMENTS IF DISTRICT SUPERVISORS HAVE NOT BEEN PROPERLY ELECTED OR
6 APPOINTED; AND AMENDING SECTIONS 76-15-211, 76-15-501, 76-15-505, 76-15-515, 76-15-516, 76-15-518,
7 76-15-531, AND 76-15-623, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **NEW SECTION. Section 1. Levy prohibited if supervisors not elected or appointed as required.**

12 A conservation district may not levy the taxes or assessments that are authorized in this part or part 6 if the
13 supervisors of the district have not been elected or appointed as required under part 3.

14
15 **Section 2.** Section 76-15-211, MCA, is amended to read:

16 **"76-15-211. Appointment of supervisors.** If the department determines that the operation of the
17 proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two
18 supervisors to act with the three supervisors first elected, as provided in ~~this~~ part 3, as the initial governing body
19 of the district."

20
21 **Section 3.** Section 76-15-501, MCA, is amended to read:

22 **"76-15-501. Financial management.** A conservation district and the supervisors of the conservation
23 district may:

- 24 (1) borrow money and incur indebtedness and issue bonds or other evidence of indebtedness;
- 25 (2) refund or retire an indebtedness or lien against the district or property of the district;
- 26 (3) establish and collect rates, fees, tolls, rents, or other charges for the use of facilities or for services
27 or materials provided. Revenue from these sources may be expended in carrying out the purposes and provisions
28 of this chapter.
- 29 (4) subject to 15-10-420 and [section 1], levy taxes as provided in this part to pay any obligation of the
30 district and to accomplish the purposes of this chapter as provided in this chapter;

1 (5) apply for and receive federal revenue sharing funds in order to carry out the purposes and provisions
2 of this chapter;

3 (6) establish a conservation practice loan program as provided in this part; or

4 (7) apply for, accept, administer, and expend funds, grants, and loans from the state or federal
5 government or any other source."
6

7 **Section 4.** Section 76-15-505, MCA, is amended to read:

8 **"76-15-505. Authorization to borrow money -- limitations.** (1) If, after the levy of the annual
9 assessments for the current year, the board of supervisors finds that, because of some unusual or unforeseen
10 cause, funds raised through the collection of the assessments and from other sources will not be sufficient for
11 the proper maintenance and operation of the district and the works in the district, the board of supervisors may:

12 (a) borrow additional funds needed in an amount not to exceed 50 cents per acre for the lands within
13 the district and may pledge the credit of the district for the payment of the funds; or

14 (b) request the county commissioners to issue and register warrants in anticipation of further collections.

15 (2) Subject to 15-10-420 [and section 1], the board of supervisors shall include in the levy for the ensuing
16 year the amount required to pay the loan or to retire the warrants. The warrants may not exceed 90% of the
17 assessment for the year."
18

19 **Section 5.** Section 76-15-515, MCA, is amended to read:

20 **"76-15-515. Regular assessment.** The regular assessment in any 1 year is subject to 15-10-420 and
21 [section 1]. The valuation must be determined according to the last assessment roll."
22

23 **Section 6.** Section 76-15-516, MCA, is amended to read:

24 **"76-15-516. Levy of regular and special assessments.** (1) Subject to 15-10-420 [and section 1], the
25 board of county commissioners of each county in which any portion of the district lies may, annually at the time
26 of levying county taxes, levy an assessment on the taxable real property within the district. The levy must be
27 known as the "... (name of district) conservation district regular assessment" and must be sufficient to raise the
28 amount reported to the county commissioners in the estimate of the supervisors.

29 (2) Subject to the conditions of 15-10-420, 76-15-531, ~~and~~ 76-15-532, and [section 1], the board of
30 county commissioners of each county in which any portion of the district lies may, annually at the time of levying

1 county taxes, levy an assessment on the taxable real property within the district. The levy must be known as the
2 "... (name of district) conservation district special administrative assessment" and must be sufficient to raise the
3 amount reported to the county commissioners in the estimate of the supervisors.

4 (3) Subject to 15-10-420 and [section 1], the board of county commissioners of each county in which any
5 portion of a project area lies may, annually at the time of levying county taxes, levy an assessment on the taxable
6 value of all taxable property located within the project area. The levy must be known as "... (name of the project
7 area) special assessment" and must be sufficient to raise the amount reported to the county commissioners in
8 the estimate of the supervisors."

9

10 **Section 7.** Section 76-15-518, MCA, is amended to read:

11 **"76-15-518. Certification of assessment to department of revenue -- entry on property tax record.**

12 Subject to 15-10-420 and [section 1], the board of county commissioners of each county in which any portion of
13 the district is situated may levy the assessment provided in part 6 or this part. The assessment must be certified
14 to the department of revenue and entered on the property tax record of each county."

15

16 **Section 8.** Section 76-15-531, MCA, is amended to read:

17 **"76-15-531. Special administrative assessment permitted -- voter approval.** (1) (a) In addition to the

18 levy authorized in 76-15-515 and 76-15-516(3), the supervisors of a conservation district may, subject to [section
19 1], levy an annual special administrative assessment for administrative costs and expenses of the district if the
20 qualified electors of the district approve the imposition of the additional assessment at an election held as
21 provided in 15-10-425.

22 (b) Nonmill-levy revenue that is distributed based on the relative proportion of mill levies may not be
23 distributed to the special administrative assessment.

24 (2) The special administrative assessment question may be presented to the qualified electors of the
25 district by resolution of the supervisors.

26 (3) If the conservation district is located in more than one county, the special administrative assessment
27 question must be presented to and approved by the qualified electors who reside in the district from each county.

28 (4) The resolution referring the special administrative assessment question must state:

29 (a) the rate of the assessment;

30 (b) the amount of money anticipated to be raised by the assessment; and

1 (c) the purposes for which the special administrative assessment revenue may be used."

2

3 **Section 9.** Section 76-15-623, MCA, is amended to read:

4 **"76-15-623. Administration of special assessment.** (1) Subject to 15-10-420 and [section 1], when
5 the board or boards of supervisors have determined that a special assessment is necessary, the board of county
6 commissioners of the county in which there lies any portion of a project area may annually at the time of levying
7 county taxes levy a special assessment on the taxable value of all taxable property in the project area. The levy
8 must be known as the "... (name of district) soil and water conservation district special assessment" and must
9 be sufficient to raise the income reported to it in the estimate of the supervisors.

10 (2) Each lot or parcel of land to be assessed must be assessed with that part of the amount of money
11 required that its taxable value bears to the total taxable value of all the lands to be assessed."

12

13 NEW SECTION. **Section 10. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 76, chapter 15, part 5, and the provisions of Title 76, chapter 15, part 5, apply to [section 1].

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