

Resolution No. 2022-03

A RESOLUTION TO PRESENT THE QUESTION OF A LOCAL-OPTION MARIJUANA EXCISE TAX WITHIN THE CORPORATE BOUNDARIES OF RICHLAND COUNTY, MONTANA TO THE QUALIFIED ELECTORS OF THE COUNTY.

WHEREAS, as required by Section 7-1-112, M.C.A., sections 94 through 98 of House Bill 701 (2021) specifically delegate to the qualified electors of a county the power to authorize their county to impose a local-option marijuana excise tax within the corporate boundary of the county; and

WHEREAS, the local-option marijuana excise tax question may be presented to the qualified electors of a county by a resolution of the governing body of the county as authorized by Section 96(2), House Bill 701 (2021); and

WHEREAS, the local-option marijuana excise tax may be on marijuana and marijuana products sold at either an adult-use (non-medical) dispensary, or a medical marijuana dispensary within a county, or both; and

WHEREAS, the Board of County Commissioners believes the prerogatives of the voters is honored by presenting the question in a form allowing them to impose or not impose a tax either:

(a) on all marijuana and marijuana products sold only at any adult-use (non-medical) dispensary within Richland County, Montana, or

(b) on all marijuana and marijuana products sold only at any medical marijuana dispensary within Richland County, Montana, or

(c) on all marijuana and marijuana products sold both at any adult-use (non-medical) dispensary and at any medical marijuana dispensary within Richland County, Montana; and

WHEREAS, unless otherwise restricted, a county or municipality may appropriate and expend revenue derived from a local-option marijuana excise tax for any activity, undertaking, or administrative service that the municipality is authorized by law to perform, including costs resulting from the imposition of the tax or due to administrative burdens imposed on the municipality as a result of licensing or regulatory requirements imposed in Title 16, Chapter 12, M.C.A.;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Richland County, State of Montana this 17th day of February, 2022, that:

1. **Presentation of Question to Electors.** The local-option marijuana excise tax question shall be presented to the qualified electors of Richland County, Montana.

2. **Goods Subject to Tax.** The question shall be presented in a form allowing the voters to impose or not impose a tax either:

(a) on all marijuana and marijuana products sold only at any adult-use (non-medical) dispensary within Richland County, Montana, or

(b) on all marijuana and marijuana products sold only at any medical marijuana dispensary within Richland County, Montana, or

(c) on all marijuana and marijuana products sold both at any adult-use (non-medical) dispensary and at any medical marijuana dispensary within Richland County, Montana.

3. **Rate of Tax.** The rate of the tax shall be three percent (3%).

4. **Basis of Tax.** The local-option marijuana excise tax shall be on the retail value of the goods subject to the tax.

5. **Date of Election.** The election on the local-option marijuana excise tax question shall coincide and be in conjunction with the primary election in Richland County, Montana in 2022. The election shall be on that primary election ballot. The primary election is on Tuesday, June 7, 2022.

6. **Date When Tax Effective.** The date when the tax becomes effective shall be January 1, 2023.

7. **Purposes that May Be Funded.** The purposes that may be funded by the tax revenue shall include any activity, undertaking, or administrative service that the county or municipality is authorized by law to perform, including costs resulting from the imposition of the tax or due to administrative burdens imposed on the municipality as a result of licensing or regulatory requirements imposed in Title 16, Chapter 12, M.C.A., without being otherwise restricted.

8. **Apportionment of Revenues.** As mandated by Section 95(3), HB 701 (2021):

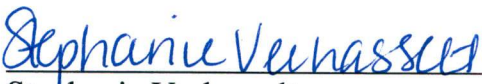
A. **County.** 50% of the resulting tax revenue must be retained by the county;


B. **Municipalities.** 45% of the resulting tax revenue must be apportioned to the municipalities on the basis of the ratio of the population of the city or town to the total county population; and

C. **Department of Revenue.** The remaining 5% of the resulting tax revenue must be retained by the Montana Department of Revenue to defray costs associated with administering Sections 94 through 98, HB 701 (2021).

9. **Notice of Election and Question Presented.** Notice of the election and the question being presented to the electors shall be given in compliance with Section 96(5) and (6), HB 701 (2021) and Section 13-1-108, M.C.A. Noting that Section 96(5)(b), HB 701 (2021) requires that the notice be given two times; that Section 96(6) HB 701, (2021) requires that notice must be given as provided in Section 13-1-108, M.C.A.; and that Section 13-1-108(1), M.C.A. provides that notice shall be given at least three times; notice of the election shall be given at least three times with at least 6 days separating the notices, and the last notice must be given not less than 30 days prior to the election.

Attest


Stephanie Verhasselt
County Clerk & Recorder


Shane Gorder
Chairman

(county seal)

Votes: 3 for
_____ against
_____ absent
_____ abstaining