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County exonerates itself in marijuana tax payoff

By Greg Hitchcock | The Sidney Herald
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Fairview Mayor Brian Bieber, Fairview Clerk Faye Carlson, Sidney Mayor Rick Norby, and Sidney Clerk Jessica Chamberlin meet with the Richland County commissioners and County Civil Attorney Tom Halvorson.

Greg Hitchcock



The Richland County commissioners, in a unanimous vote of 3-0, absolved itself of having to distribute marijuana excise taxes to the town of Fairview and the city of Sidney until the two municipalities come to an agreement as to how that revenue will be shared.

In the notice given to the two municipalities on Monday, three solutions were proposed:

1. That the two municipalities come to an agreement about their shares in the excise taxes.
 2. That the two municipalities obtain a court order determining what the shares will be for each.
 3. That if the two municipalities fail to accomplish the two alternatives, the county has the right to send the case to a court for final determination.
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According to Montana state law, 45 percent of local marijuana tax revenue goes to the municipalities of each county; The county collects 50 percent and the state retains the remaining 5 percent.

The 45 percent of the tax collected must be apportioned to the municipalities according to the ratio of the population of the city or town to the total county population.

Fairview has an estimated population of 985, Sidney a much larger population of 6,346 and the total population of Richland County is 11,491.

This gives Fairview a much smaller share of the tax revenue at 8.5 percent; Sidney's share would be 55 percent of the total distributed excise taxes. This does not equal 100 percent of the distributed funds, County Civil Attorney Tom Halvorson pointed out.

"We don't know how to pay it out," Halvorson said. "If we got it wrong, we would have to pay out twice as much."

Fairview Mayor Brian Bieber was nettled by how little his town was getting and showed it.

"Sidney reaps the benefits as they worked against having dispensaries in their city," he said. "If we had known that, our voters would not have dispensaries in our community."

Fairview Town Clerk Faye Carlson was equally dismayed, saying Fairview cannot match Sidney in revenue.

“We can’t match Sidney in taxes. We are not Sidney or the county,” she said. “If you don’t have dispensaries, how do you justify taking a larger portion of taxes.”

Sidney City Clerk and Treasurer Jessica Chamberlin intervened and asked what other counties have done to disburse their marijuana excise taxes.

Halverson replied that they had no indication of what the other counties were doing to distribute their funds other than that they were being distributed by their county treasurers.

At the conclusion of the county commissioners meeting, the claimants and their respective lawyers concluded that they needed further research before they proceeded.

An estimated \$120,000 in annual marijuana excise taxes are on the line for Fairview and Sidney.

“We are all one community. If we can’t work together, should we build a wall?” Chamberlin asked quizzically.

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