

HOUSE BILL NO. 446

INTRODUCED BY T. NELSON, GILBERT

IN THE HOUSE

JANUARY 29, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

JANUARY 30, 1991 FIRST READING.

FEBRUARY 8, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 9, 1991 PRINTING REPORT.

FEBRUARY 11, 1991 SECOND READING, DO PASS.

FEBRUARY 12, 1991 ENGROSSING REPORT.

FEBRUARY 13, 1991 THIRD READING, PASSED.
AYES, 96; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 14, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

FIRST READING.

APRIL 5, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 8, 1991 SECOND READING, CONCURRED IN.

APRIL 9, 1991 THIRD READING, CONCURRED IN.
AYES, 45; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 10, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 INTRODUCED BY House BILL NO. 446
2 Don Wilson

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT IF THE
5 PROPERTY AT A TAX-DEED AUCTION IS PURCHASED BY THE
6 DELINQUENT TAXPAYER, THE MINIMUM PURCHASE PRICE MUST COVER
7 ALL COSTS, DELINQUENCIES, INTEREST, AND PENALTIES; AMENDING
8 SECTION 7-8-2301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
9 DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 7-8-2301, MCA, is amended to read:

13 "7-8-2301. Auction sale of county tax-deed land. (1)

14 Whenever the county acquires land by tax deed, it is the
15 duty of the board of county commissioners, within 6 months
16 after acquiring title, to make and enter an order for sale
17 of the lands at public auction at the front door of the
18 courthouse.

19 (2) A sale may not be made for a price less than the
20 fair market value of the land, as determined and fixed by
21 the board prior to making the order of sale. In determining
22 fair market value, the board shall subtract the amount of
23 outstanding assessments that are a lien on the land from the
24 unencumbered value of the land, but the minimum sale price
25 for a parcel of land may not be less than \$10.

1 (3) If no bids are received at a sale of tax-deed land,
2 the board shall order another auction sale of the land under
3 this part within 6 months and may, if required by the
4 circumstances, redetermine the fair market value of the land
5 under subsection (2).

6 (4) If no bid is received at the sale conducted under
7 subsection (3), the board may dispose of the land as
8 provided in 7-8-2218.

9 (5) Notwithstanding the amount of the fair market value
10 fixed by the board prior to the auction, if the successful
11 sale bidder is the delinquent taxpayer or his successor in
12 interest, his agent, or a member of his immediate family,
13 the purchase price may not be less than the amount necessary
14 to pay, in full, all county costs of conducting the sale,
15 delinquent taxes, assessments, and all interest and
16 penalties."

17 NEW SECTION. Section 2. Effective date. [This act] is
18 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON TAXATION

1 HOUSE BILL NO. 446
2 INTRODUCED BY Sen. Nelson, D. Dist. 1

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT IF THE
5 PROPERTY AT A TAX-DEED AUCTION IS PURCHASED BY THE
6 DELINQUENT TAXPAYER, THE MINIMUM PURCHASE PRICE MUST COVER
7 ALL COSTS, DELINQUENCIES, INTEREST, AND PENALTIES; AMENDING
8 SECTION 7-8-2301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
9 DATE."

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12 **Section 1.** Section 7-8-2301, MCA, is amended to read:

13 "7-8-2301. Auction sale of county tax-deed land. (1)
14 Whenever the county acquires land by tax deed, it is the
15 duty of the board of county commissioners, within 6 months
16 after acquiring title, to make and enter an order for sale
17 of the lands at public auction at the front door of the
18 courthouse.

19 (2) A sale may not be made for a price less than the
20 fair market value of the land, as determined and fixed by
21 the board prior to making the order of sale. In determining
22 fair market value, the board shall subtract the amount of
23 outstanding assessments that are a lien on the land from the
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25 for a parcel of land may not be less than \$10.

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3 this part within 6 months and may, if required by the
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5 under subsection (2).

6 (4) If no bid is received at the sale conducted under
7 subsection (3), the board may dispose of the land as
8 provided in 7-8-2218.

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14 to pay, in full, all county costs of conducting the sale,
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6 DELINQUENT TAXPAYER, THE MINIMUM PURCHASE PRICE MUST COVER
7 ALL COSTS, DELINQUENCIES, INTEREST, AND PENALTIES; AMENDING
8 SECTION 7-8-2301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
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14 Whenever the county acquires land by tax deed, it is the
15 duty of the board of county commissioners, within 6 months
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17 of the lands at public auction at the front door of the
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5 under subsection (2).

6 (4) If no bid is received at the sale conducted under
7 subsection (3), the board may dispose of the land as
8 provided in 7-8-2218.

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15 delinquent taxes, assessments, and all interest and
16 penalties."

17 **NEW SECTION. Section 2.** Effective date. [This act] is
18 effective on passage and approval.

-End-



-2-
THIRD READING
HB 446

HOUSE BILL NO. 446

INTRODUCED BY T. NELSON, GILBERT

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT IF THE PROPERTY AT A TAX-DEED AUCTION IS PURCHASED BY THE DELINQUENT TAXPAYER, THE MINIMUM PURCHASE PRICE MUST COVER ALL COSTS, DELINQUENCIES, INTEREST, AND PENALTIES; AMENDING SECTION 7-8-2301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-8-2301, MCA, is amended to read:

"7-8-2301. Auction sale of county tax-deed land. (1)

Whenever the county acquires land by tax deed, it is the duty of the board of county commissioners, within 6 months after acquiring title, to make and enter an order for sale of the lands at public auction at the front door of the courthouse.

(2) A sale may not be made for a price less than the fair market value of the land, as determined and fixed by the board prior to making the order of sale. In determining fair market value, the board shall subtract the amount of outstanding assessments that are a lien on the land from the unencumbered value of the land, but the minimum sale price for a parcel of land may not be less than \$10.

(3) If no bids are received at a sale of tax-deed land, the board shall order another auction sale of the land under this part within 6 months and may, if required by the circumstances, redetermine the fair market value of the land under subsection (2).

(4) If no bid is received at the sale conducted under subsection (3), the board may dispose of the land as provided in 7-8-2218.

(5) Notwithstanding the amount of the fair market value fixed by the board prior to the auction, if the successful sale bidder is the delinquent taxpayer or his successor in interest, his agent, or a member of his immediate family, the purchase price may not be less than the amount necessary to pay, in full, all county costs of conducting the sale, delinquent taxes, assessments, and all interest and penalties."

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