

1 House BILL NO. 52
 2 INTRODUCED BY Diavel Antini MUR
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RAISING THE INCOME
 5 CEILINGS FOR TAXPAYERS RESIDING IN DWELLINGS ENTITLED TO
 6 CLASSIFICATION AS CLASS EIGHT PROPERTY TO FOUR THOUSAND
 7 EIGHT HUNDRED DOLLARS (\$4,800) FOR A SINGLE TAXPAYER AND SIX
 8 THOUSAND TWO HUNDRED FORTY DOLLARS (\$6,240) FOR A MARRIED
 9 COUPLE; AMENDING SECTION 84-301, R.C.M. 1947."
 10

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

12 Section 1. Section 84-301, R.C.M. 1947, is amended to
 13 read as follows:

14 "84-301. Classification of property for taxation. For
 15 the purpose of taxation the taxable property in the state
 16 shall be classified as follows:

17 Class One. The annual net proceeds of all mines and
 18 mining claims, after deducting only the expenses specified
 19 and allowed by section 84-5403; also where the right to
 20 enter upon land, to explore or prospect, or dig for oil,
 21 gas, coal or mineral is reserved in land or received by
 22 mesne conveyance (exclusive of leasehold interests), devise
 23 or succession by any person or corporation, the surface
 24 title to which has passed to or remains in another, the
 25 state department of revenue shall determine the value of the

1 right to enter upon said tract of land for the purpose of
 2 digging, exploring, or prospecting for gas, oil, coal or
 3 minerals, and the same shall be placed in this
 4 classification for the purpose of taxation.

5 Class Two. All agricultural and other tools,
 6 implements and machinery, gas and other engines and boilers,
 7 threshing machines and outfits used therewith, automobiles,
 8 motor trucks and other power-driven cars, vehicles of all
 9 kinds except mobile homes, boats and all watercraft,
 10 harness, saddlery and robes and except as provided in Class
 11 Five (b) of this section, all poles, lines, transformers,
 12 transformer stations, meters, tools, improvements, machinery
 13 and other property used and owned by all persons, firms,
 14 corporations, and other organizations which are engaged in
 15 the business of furnishing telephone communications,
 16 exclusively to rural areas, or to rural areas and cities and
 17 towns provided that any such city or town has a population
 18 of eight hundred (800) persons or less; and provided
 19 further, that the average circuit miles for each station on
 20 the system is more than one and one-quarter (1 1/4) miles.

21 Class Three. Livestock, poultry and unprocessed
 22 products of both; stocks of merchandise of all sorts,
 23 together with furniture and fixtures used therewith, except
 24 mobile homes; and all office or hotel furniture and
 25 fixtures.

1 Class Four. (a) All land, town and city lots, with
 2 improvements, and all trailers affixed to land owned,
 3 leased, or under contract or purchase by the trailer owner,
 4 manufacturing and mining machinery, fixtures and supplies,
 5 except as otherwise provided by the constitution of Montana,
 6 and except as such property may be included in Class Five,
 7 Class Seven or Class Eight.

8 (b) Mobile homes without regard to the ownership of the
 9 land upon which they are situated, except those held by a
 10 distributor or dealer of mobile homes as part of his stock
 11 in trade, and except as such property may be included in
 12 Class Eight.

13 Class Five. (a) All moneys and credits, secured or
 14 unsecured, including all state, county, school district and
 15 other municipal bonds, warrants and securities, without any
 16 deduction or offset; provided, however, that the terms
 17 "moneys and credits" as herein used shall not embrace the
 18 moneyed capital employed in the banking business by any
 19 banking corporation or individual in this state.

20 (b) All poles, lines, transformers, transformer
 21 stations, meters, tools, improvements, machinery and other
 22 property used and owned by co-operative rural electrical and
 23 co-operative rural telephone associations organized under
 24 the laws of Montana except those within the incorporated
 25 limits of a city or town in which less than ninety-five per

1 cent (95%) of the electric consumers and/or telephone users
 2 are served by a co-operative organization, and as to the
 3 property enumerated in this sub-section (b) within
 4 incorporated limits of a city or town in which less than
 5 ninety-five per cent (95%) of the electric consumers or
 6 users will be served by a co-operative organization, such
 7 property shall be put in Class Two.

8 (c) All unprocessed agricultural products either on the
 9 farm or in storage, irrespective of whether said products
 10 are owned by the elevator, warehouse or flour mill owner or
 11 company storing the same, or any other person whomsoever,
 12 except all perishable fruits and vegetables in farm storage
 13 and owned by the producer, and excepting livestock and
 14 poultry and the unprocessed products of both.

15 (d) The dwelling house, and the lot on which it is
 16 erected, owned and occupied by any resident of the state,
 17 who has been honorably discharged from active service in any
 18 branch of the armed forces, who is rated one hundred per
 19 cent (100%) disabled due to a service-connected disability
 20 by the United States veterans administration or its
 21 successors.

22 In the event of the veteran's death, the dwelling
 23 house, and the lot on which it is erected, so long as the
 24 widow remains unmarried and the owner and occupant of the
 25 property, shall remain within this classification.

1 Class Six. Property formerly included in this class is
2 now classified by section 84-308, R.C.M. 1947.

3 Class Seven. (a) All new industrial property. New
4 industrial property shall mean any new industrial plant,
5 including land, buildings, machinery and fixtures which, in
6 the determination of the state department of revenue, is
7 used by a new industry during the first three (3) years of
8 operation not having been assessed prior to July 1, 1961,
9 within the state of Montana. New industry shall mean any
10 person, corporation, firm, partnership, association, or
11 other group which establishes a new plant or plants in this
12 state for the operation of a new industrial endeavor, as
13 distinguished from a mere expansion, reorganization, or
14 merger of an existing industry or industries. Provided,
15 however, that new industrial property shall be limited to
16 industries that manufacture, mill, mine, produce, process or
17 fabricate materials, or do similar work in which capital and
18 labor are employed and in which materials unserviceable in
19 their natural state are extracted, processed or made fit for
20 use or are substantially altered or treated so as to create
21 commercial products or materials; and in no event shall the
22 term new industrial property be included to mean property
23 used by retail or wholesale merchants, commercial services
24 of any type, agriculture, trades or professions. And
25 provided further, that new industrial property shall not be

1 included to mean property which is used or employed in any
2 industrial plant which has been in operation in this state
3 for three (3) years or longer. Any person, corporation,
4 firm, partnership, association or other group seeking to
5 qualify its property for inclusion in this class shall make
6 application to the state department of revenue in such
7 manner and form as may be required by said department.

8 Class Eight. Any improvement on real property,
9 trailers affixed to land or mobile home belonging to any
10 person who qualifies under any one or more of the
11 hereinafter set forth categories, valued at not more than
12 seventeen thousand five hundred dollars (\$17,500), which is
13 owned or under a contract for deed, and which is actually
14 occupied by:

15 (1) a widow sixty-two (62) years of age or older,
16 whether with or without minor dependent children, who
17 qualifies under the income limitations of (4), or

18 (2) a widower sixty-five (65) years of age or older,
19 whether with or without minor dependent children, who
20 qualifies under the income limitations of (4), or

21 (3) a widow with minor or dependent children regardless
22 of age, who qualifies under the income limitations of (4),
23 or

24 (4) a recipient of retirement benefits whose income
25 from all sources is not more than four thousand eight

1 hundred dollars ~~(\$4,000)~~ (\$4,800) for a single person and
 2 ~~five-thousand-two-hundred-dollars-(\$5,200)~~ six thousand two
 3 hundred forty dollars (\$6,240) for a married couple per
 4 annum. Provided, further, that one who applies for
 5 classification of property under this class must make an
 6 affidavit to the state department of revenue on a form as
 7 may be provided by the state department of revenue supplied
 8 without cost to the applicant, as to his income, if
 9 applicable, as to his retirement benefits, if applicable,
 10 or, as to his marital status, if applicable, and to the fact
 11 that he or she actually occupies such improvements with
 12 right of the county welfare board to investigate the
 13 applicant, on the completion of the form, as to answers
 14 given on the form. Provided, further, that the value of
 15 said property shall not increase during the life of the
 16 recipient of retirement benefits or widow or widower covered
 17 under this class. For purposes of the affidavit required
 18 for classification of property under this class, it shall be
 19 sufficient if the applicant signs a statement swearing to or
 20 affirming the correctness of the information supplied,
 21 whether or not the statement is signed before a person
 22 authorized to administer oaths, and mails the application
 23 and statement to the department of revenue. This signed
 24 statement shall be treated as a statement under oath or
 25 equivalent affirmation for purposes of section 94-7-203,

1 R.C.M. 1947, relating to the criminal offense of false
 2 swearing.

3 Class Nine. All property not included in the eight (8)
 4 preceding classes."

-End-