

1 *Senate* BILL NO. *422*
 2 INTRODUCED BY *Irish Turnage* *Deeble*
 3 *STEPHENS Flynn Devine*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 84-708.1, R.C.M. 1947, PROHIBITING THE DEPARTMENT OF REVENUE
 6 FROM PUTTING INTO EFFECT ANY REAPPRAISAL OR NEW VALUATIONS
 7 OF PROPERTY FOR PROPERTY TAX PURPOSES IN ANY COUNTY EXCEPT
 8 AS PART OF A STATEWIDE, UNIFORM REASSESSMENT OR NEW
 9 VALUATION; AND PROVIDING FOR AN EFFECTIVE DATE."

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

12 Section 1. Section 84-708.1, R.C.M. 1947, is amended
 13 to read as follows:

14 "84-708.1. Powers and duties of the state department
 15 of revenue. (1) To annually assess the franchise, roadway,
 16 roadbeds, rails, and rolling stock, and all other property
 17 of all railroads, and the pole lines and rights of way and
 18 all other property of all telegraph and telephone lines,
 19 electric power and transmission lines, ditches, canals, and
 20 flumes, and other similar property, constituting a single
 21 and continuous property operated in more than one (1) county
 22 in the state, and to apportion such assessments to the
 23 counties in which such properties are located on a mileage
 24 basis, or in the case of telegraph or telephone microwave
 25 electronic equipment, which has no physical connection with

1 the total system, but is an integral part of such system,
 2 apportion the valuation for assessment of such company in
 3 this state among the several counties of this state in such
 4 proportion as will fairly represent the valuation for
 5 assessment within each such county, utilizing commonly
 6 recognized methods of apportioning as shall be just and
 7 equitable, provided, however, that lots and parcels of real
 8 estate not included in right of way, with the buildings,
 9 structures, and improvements thereon, dams and power houses,
 10 depots, stations, shops, and other buildings, erected upon
 11 right of way, furniture, machinery, and other personal
 12 property, shall not be considered as a part of any such
 13 single and continuous property, but shall be considered as
 14 separate and distinct therefrom, and shall be assessed by
 15 the agent of the department of revenue in the county wherein
 16 they are situate.

17 (2) To transmit to the county clerk of each county its
 18 apportionment of all assessments made by the department.

19 (3) To adjust and equalize the valuation of taxable
 20 property among the several counties, and the different
 21 classes of taxable property in any county and in the several
 22 counties and between individual taxpayers; supervise and
 23 review the acts of agents of the department; change,
 24 increase or decrease valuations made by its agents; and
 25 exercise such authority and do all things necessary to

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1 secure a fair, just and equitable valuation of all taxable
 2 property among counties between the different classes of
 3 property and between individual taxpayers. Provided,
 4 however, neither the department of revenue nor any of its
 5 agents may put into effect in any county or other taxing
 6 district any reappraisal or other new valuations with
 7 respect to property for property tax purposes except as part
 8 of a fair and uniform system of valuation and appraisal
 9 throughout the state and the various taxing jurisdictions of
 10 the state.

11 (4) To have and exercise general supervision over the
 12 administration of the assessment and tax laws of the state,
 13 and over its agents and any officers of municipal
 14 corporations, having any duties to perform under any of the
 15 laws of this state relating to taxation to the end that all
 16 assessments of property be made relatively just and equal at
 17 true value in substantial compliance with law, and to
 18 supervise the administration of all revenue laws of the
 19 state and assist in their enforcement. Further, the state
 20 department of revenue is empowered to organize, and it shall
 21 be its duty to schedule and hold area schools within the
 22 state for appraisers and assessors as often as is deemed
 23 necessary in the judgment of the department and the costs of
 24 such appraisers and assessors attending shall be borne by
 25 the state. Further, the department shall determine if there

1 is a need for a taxing, assessing, and appraising school,
 2 and such school shall be held, when deemed necessary. The
 3 department shall notify all assessors and appraisers at
 4 least six (6) months before such school is scheduled and it
 5 shall be the duty of all assessors and appraisers to attend
 6 and the cost of their attendance shall be borne by the
 7 state.

8 (5) To confer with, advise and direct officers of
 9 municipal corporations as to their duties, with respect to
 10 taxation, under the statutes of the state.

11 (6) To direct proceedings, actions and prosecutions to
 12 be instituted to enforce the laws relating to the penalties,
 13 liabilities and punishment of public officials and persons,
 14 or their agents, for failure or neglect to comply with the
 15 provisions of the statutes governing the revenue of the
 16 state or municipal corporations; and to cause complaints to
 17 be made against assessors and other public officers to the
 18 proper district court for their removal from office for
 19 official misconduct or neglect of duty.

20 (7) To require county attorneys to assist in the
 21 commencement and prosecution of actions and proceedings for
 22 penalties, forfeitures, removals and punishment for
 23 violations of the laws of the state in respect to the
 24 assessment of property and other revenue laws, in their
 25 respective counties.

1 (8) To collect annually from the proper officers of the
 2 municipal corporations information as to the assessment of
 3 property, collection of taxes, receipts from licenses and
 4 other sources, the expenditure of public funds for all
 5 purposes, and such other information as may be needful and
 6 helpful in the work of the department in such form and upon
 7 such blanks as the department shall prescribe; and it shall
 8 be the duty of all public officers so called upon to fill
 9 out properly and return promptly to the department all
 10 blanks so transmitted and in every way aid the department in
 11 its work; to examine the records of all municipal
 12 corporations for such purposes as are deemed needful or
 13 helpful by the department.

14 (9) In its discretion, to inspect and examine, or cause
 15 an inspection and examination of the records of the officers
 16 of any municipality, whenever such officer shall have
 17 failed, neglected or refused to return properly the
 18 information required by this section within the time set by
 19 the department. Upon completion of such inspection and
 20 examination the department shall transmit to the clerk, or
 21 other proper official of the municipality, a statement of
 22 the expenses incurred by the department to secure the
 23 necessary information. Within sixty (60) days after the
 24 receipt by the municipality of the above statement, the same
 25 shall be audited, as other claims of the municipal

1 corporation are audited and shall be paid into the state
 2 treasury and if the same is not so paid the attorney general
 3 shall institute an action, in the proper court, against the
 4 municipality to recover the same.

5 The officers responsible for the furnishing of the
 6 information collected pursuant to this section, shall be
 7 jointly and severally liable for any loss the municipality
 8 may suffer, through their delinquency; and no payment shall
 9 be made to them for salary, or on any other account, until
 10 the cost of such inspection and examination as provided
 11 above shall have been paid into the treasury, or to the
 12 proper officers of such municipality. They shall also be
 13 subject to such other fines and penalties as prescribed by
 14 law.

15 (10) To require persons, as defined above, to furnish
 16 information concerning their capital, funded or other debt,
 17 current assets and liabilities, cost and value of property,
 18 earnings, operating and other expenses, taxes and all other
 19 facts which may enable the department to ascertain the value
 20 of the relative burdens borne by all kinds of property and
 21 occupations in the state.

22 (11) To summon witnesses to appear and give evidence,
 23 and to produce records, books, papers and documents relating
 24 to any matter which the department shall have authority to
 25 investigate and determine.

1 (12) To cause the deposition of witnesses residing
 2 within or without the state, or absent therefrom, to be
 3 taken upon notice to the interested party, if any, in like
 4 manner that depositions are taken in actions pending in the
 5 district court, in any matter which the department shall
 6 have authority to investigate and determine.

7 (13) To examine into all cases where evasion or
 8 violation of the laws for taxation of property, proceeds,
 9 occupation or business is alleged, complained of or
 10 discovered, and to ascertain wherein existing laws are
 11 ineffective or are improperly or negligently administered.

12 (14) To investigate the tax systems of other states and
 13 countries and to formulate and recommend legislation for the
 14 better administration of the fiscal laws so as to secure
 15 just and equal taxation and improvement in the system of
 16 taxation and the economical expenditure of public revenue in
 17 the state.

18 (15) To consult and confer with the governor of the
 19 state upon the subject of taxation, the administration of
 20 the laws relating thereto and the progress of the work of
 21 the department, and to furnish the governor such assistance
 22 as he may require.

23 (16) To transmit to the governor and to each member of
 24 the legislature twenty (20) days before the meeting of the
 25 legislature, a report of the department, showing all the

1 taxable property of the state and the value of the same in
 2 tabulated form, with recommendations for improvements in the
 3 system of taxation, together with such measures as may be
 4 formulated for the consideration of the legislature; and to
 5 include therein a report showing the selling price of
 6 gasoline at the wholesale level in prime market centers of
 7 Montana and in surrounding states during the biennium, with
 8 indexes tabulated at sufficient intervals to show the
 9 comparative state price structures."

10 Section 2. This act is effective on its passage and
 11 approval.

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