

1 *Senate* BILL NO. *151*  
 2 INTRODUCED BY *John F. Brown, Norman, Blaylock*  
 3 *Brown*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE  
 5 VALUE ASSIGNED TO PUBLIC UTILITY PROPERTY BY THE PUBLIC  
 6 SERVICE COMMISSION BE USED FOR ASSESSMENT PURPOSES, AMENDING  
 7 SECTION 84-101, R.C.M. 1947."  
 8

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

10 Section 1. Section 84-101, R.C.M. 1947, is amended to  
 11 read as follows:

12 "84-101. Definition of terms. Whenever the terms  
 13 mentioned in this section are employed in dealing with the  
 14 subject of taxation, they are employed in the sense  
 15 hereafter affixed to them.

16 First--The term "property" includes moneys, credits,  
 17 bonds, stocks, franchises, and all other matters and things  
 18 real, personal, and mixed, capable of private ownership; but  
 19 this must not be construed so as to authorize the taxation  
 20 of the stocks of any company or corporation when the  
 21 property of such company or corporation represented by such  
 22 stocks is within the state and has been taxed.

23 Second--The term "real estate" includes:

24 1. The possession of, claim to, ownership of, or right  
 25 to the possession of land.

1 2. All mines, minerals, and quarries in and under the  
 2 land, subject to the provisions of section 84-5401, all  
 3 timber belonging to individuals or corporations growing or  
 4 being on the lands of the United States, and all right and  
 5 privileges appertaining thereto.

6 3. Improvements.

7 Third--The term "improvements" includes all buildings,  
 8 structures, mobile homes, fixtures, fences, and  
 9 improvements, including mobile homes, situated upon, erected  
 10 upon or affixed to the land, whether title has been acquired  
 11 to said land or not.

12 Fourth--The term "personal property" includes  
 13 everything which is the subject of ownership, not included  
 14 within the meaning of the term "real estate" and  
 15 "improvements."

16 Fifth--The terms "value" and "full cash value" mean the  
 17 amount at which the property would be taken in payment of a  
 18 just debt due from a solvent debtor. When applied to the  
 19 operating property of a public utility used for the  
 20 convenience of the public, these terms mean a value not less  
 21 than the value assigned to the utility by the public service  
 22 commission under section 70-106, to the extent that value  
 23 can be reasonably determined. Provided, however, that if  
 24 other property in this state is placed on the assessment  
 25 rolls at a percent of the full cash value, a percent may be

1 applied to the aforesaid value of utility property to  
2 equalize the assessment.

3 Sixth--The term "credit" means those solvent debts,  
4 secured or unsecured, owing to a person.

5 Seventh--The term "mobile home" means forms of housing  
6 known as "trailers," "house trailers" or "trailer coaches"  
7 exceeding eight (8) feet in width or thirty-two (32) feet in  
8 length designed to be moved from one place to another by an  
9 independent power connected thereto."

-End-

STATE OF MONTANA

REQUEST NO. 72-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 22, 19 75, there is hereby submitted a Fiscal Note for Senate Bill 151, pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF LEGISLATION:

Senate Bill 151 provides that the value assigned to public utility property by the Public Service Commission be used for assessment purposes.

CONCLUSIONS:

It is impossible to quantify the revenue impact of Senate Bill 151 within the time constraint imposed upon fiscal notes. The Public Service Commission claims it would take at least a month to compile the needed data on that property currently being valued by the Public Service Commission.

There are several types of public property allocable among the counties which the Public Service Commissioner does not value for rate purposes.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: January 27, 1975

Approved by Committee  
on Business and Industry

*Senate* BILL NO. *151*  
INTRODUCED BY *Tom Fagan*, *Norman*, *Blaylock*  
*Brown*

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