

HB BILL NO. 70

BILL NO. 70

2 INTRODUCED BY Sen. George D. Moore Chairman Senate
3 Sen. William C. Green Sen. H. H. Newell Sen. Vincent
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROPERTY
5 TAX SYSTEM BY GENERALLY REVISING AND RECODIFYING SECTIONS
6 RELATING TO PROPERTY CLASSIFICATION AND TAXATION AND BY
7 ESTABLISHING MARKET VALUE AS THE BASIS OF TAXATION, EXCEPT
8 FOR CERTAIN CASES, AND ADJUSTING THE TAXABLE PERCENTAGE
9 ACCORDINGLY; AMENDING SECTIONS 11-988, 11-1011, 11-1019,
10 11-1301, 11-1909, 11-1919, 11-2201, 11-2205, 11-2303,
11 11-3921, 11-4111, 14-307, 16-502, 16-807, 16-808, 16-1152,
12 16-1412, 16-2010.1, 16-4020, 32-3107, 46-1914, 53-114,
13 53-1025, 69-3504, 69-3923, 75-7104, 75-8104, 84-101, 84-401,
14 84-402, 84-404, 84-406, 84-602, 84-708.1, 84-728, 84-4605,
15 84-4701, 84-4701.2, 84-4713, 84-5103, 84-5211, 84-5214,
16 84-5216, 84-5406, 84-6008, 84-6102, 84-6103, 84-6205,
17 84-6407, 84-7403, 84-7513, AND 89-3403, R.C.M. 1947; AND
18 REPEALING SECTIONS 69-3923, 84-301, 84-302, 84-304, 84-305,
19 84-307, AND 84-308, R.C.M. 1947."

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

22 Section 1. There is a new R.C.M. section numbered
23 84-301.1 that reads as follows:

24 84-301.1. Classification of taxable property. For the
25 purpose of taxation, the taxable property in the state shall

1 be classified in accordance with 84-301.2 through 84-301.15.

2 Section 2. There is a new R.C.M. section numbered
3 84-301.2 that reads as follows:

84-301.2. Class one property -- description -- taxable
percentage. (1) Class one property includes the right of
entry which is a property right reserved in land or received
by mesne conveyance (exclusive of leasehold interests),
devise, or succession to enter land whose surface title is
held by another to explore, prospect, or dig for oil, gas,
coal, or minerals. The market value of the right of entry
is determined by the department of revenue.

12 (2) Class one property is taxed at 100% of its market
13 value.

14 Section 3. There is a new R.C.M. section numbered
15 84-301.3 that reads as follows:

16 84-301.3. Class two property -- description -- taxable
17 percentage. (1) Class two property includes:

18 (a) all agricultural and other tools, implements, and
19 machinery;

20 (b) gas and other engines and boilers and threshing
21 machines and outfits used therewith;

22 (c) automobiles, motor trucks, and other power-driven
23 cars and vehicles of all kinds except mobile homes;

24 (d) boats and all watercraft;

25 (e) harness, saddlery, and robes;

1 (f) all property, except that included in class five,
 2 84-301.6, used and owned by persons, firms, corporations, or
 3 other organizations that are engaged in the business of
 4 furnishing telephone communications exclusively to rural
 5 areas or to rural areas and cities and towns of 800 persons
 6 or less. The average circuit miles for each station on the
 7 telephone communications system must be more than 1 1/4
 8 miles to qualify for this classification.

9 (2) Class two property is taxed at 13% of its market
 10 value.

11 Section 4. There is a new R.C.M. section numbered
 12 84-301.4 that reads as follows:

13 84-301.4. Class three property — description —
 14 percentage. (1) Class three property includes:

15 (a) livestock, poultry, and unprocessed products of
 16 both;

17 (b) furniture and fixtures used in commercial, office,
 18 and hotel activities, except improvements included in class
 19 nine.

20 (2) Class three property is taxed at 13% of its market
 21 value.

22 Section 5. There is a new R.C.M. section numbered
 23 84-301.5 that reads as follows:

24 84-301.5. Class four property — description —
 25 taxable percentage. (1) Class four property includes:

1 (a) all land, except agricultural land meeting the
 2 qualifications of 84-437.2;
 3 (b) all improvements, except those included in class
 4 five, eight, or nine;
 5 (c) all trailers affixed to land owned, leased, or
 6 under contract for purchase by the trailer owner;
 7 (d) all mobile homes, except:
 8 (i) those held by a distributor or dealer of mobile
 9 homes as part of his stock in trade; and
 10 (ii) those included in class eight;
 11 (e) manufacturing and mining machinery, fixtures, and
 12 supplies, except those included in class five, seven, or
 13 eight.

14 (2) Class four property is taxed at 12% of its market
 15 value.

16 Section 6. There is a new R.C.M. section numbered
 17 84-301.6 that reads as follows:

18 84-301.6. Class five property — description —
 19 taxable percentage. (1) Class five property includes:

20 (a) all property used and owned by cooperative rural
 21 electrical and cooperative rural telephone associations as
 22 provided in (2) (a) of this section;

23 (b) all unprocessed agricultural products on the farm
 24 or in storage, except:

25 (i) all perishable fruits and vegetables in farm

1 storage and owned by the producer; and
 2 (ii) livestock and poultry and the unprocessed products
 3 of both;

4 (c) a dwelling house and the lot on which it is
 5 erected, owned and occupied by a disabled veteran under the
 6 condition specified in (2)(b) of this section.

7 (2) (a) The property of all cooperative rural
 8 electrical and cooperative rural telephone associations
 9 organized under the laws of Montana is included in this
 10 class; except that when less than 95% of the electricity
 11 consumers or telephone users within the incorporated limits
 12 of a city or town are served by the cooperative
 13 organization, the property is included in class two.

14 (b) To be included in this class, a dwelling house and
 15 lot on which it is erected must be owned and occupied by a
 16 resident of the state:

17 (i) who has been honorably discharged from active
 18 service in any branch of the armed services; and

19 (ii) who is rated 100% disabled due to a
 20 service-connected disability by the United States veterans
 21 administration or its successor. In the event of the
 22 veteran's death, the dwelling house and the lot on which it
 23 is erected shall remain in this class as long as the
 24 surviving spouse remains unmarried and the owner and
 25 occupant of the property.

1 (3) Class five property is taxed at 4.2% of its market
 2 value.

3 Section 7. There is a new R.C.M. section numbered
 4 84-301.7 that reads as follows:

5 84-301.7. Class six property — description — taxable
 6 percentage. (1) Class six property includes moneyed capital
 7 and shares of banks.

8 (2) Moneyed capital is defined as moneys, bonds,
 9 notes, and other evidence of indebtedness, including
 10 evidence of indebtedness secured by mortgage on real or
 11 personal property, in the hands of individual citizens and
 12 corporations in competition with the business of national
 13 banks or employed in conducting a banking or investment
 14 business.

15 (3) In ascertaining the value of moneyed capital for
 16 taxation, any deposits and any indebtedness borrowed for use
 17 as moneyed capital are deducted from the amount of bonds,
 18 notes, and other evidence of indebtedness.

19 (4) In ascertaining the value of the shares of a
 20 national bank for taxation, the book value of all real
 21 estate owned by a bank is deducted from the value of the
 22 shares and assessed to the bank separately. The shares of
 23 banking corporations engaged in the banking business in
 24 Montana are assessed at 100% of book value, less the book
 25 value of the real estate, moneyed capital, and other

1 property of the bank that is assessed and taxed as the
 2 property of the bank.

3 (5) Class six property is taxed at 30% of its book
 4 value, with the exception of the surplus shown on the bank's
 5 books. The surplus, to the amount of the stated capital of
 6 the bank, is taxed at 7% of its book value. The amount of
 7 surplus in excess of the stated capital is taxed at 30%.

8 Section 8. There is a new R.C.M. section numbered
 9 84-301.8 that reads as follows:

10 84-301.8. Class seven property -- description --
 11 taxable percentage. (1) Class seven property includes:

12 (a) business inventories as defined in this section;
 13 (b) air pollution control equipment as defined in this
 14 section;

15 (c) all new industrial property as defined in this
 16 section;

17 (d) a capital investment in a recognized nonfossil
 18 form of energy generation, to the extent provided under
 19 84-7403.

20 (2) "Business inventories" includes goods intended for
 21 sale or lease in the ordinary course of business and raw
 22 materials and work in progress with respect to such goods.
 23 Business inventories shall not include goods leased or
 24 rented or mobile homes held by a dealer or distributor as
 25 part of his stock in trade.

1 (3) "Air pollution control equipment" means
 2 facilities, machinery, or equipment, attached or unattached
 3 to real property, utilized to reduce, eliminate, control, or
 4 prevent air pollution. The department of health and
 5 environmental sciences shall determine if such utilization
 6 is being made.

7 (4) (a) "New industrial property" means any new
 8 industrial plant, including land, buildings, machinery, and
 9 fixtures, which is used by a new industry during the first 3
 10 years of its operation. The property must not have been
 11 assessed prior to July 1, 1961, within the state of Montana.

12 (b) New industrial property is limited to industries
 13 that:

14 (i) manufacture, mill, mine, produce, process, or
 15 fabricate materials;

16 (ii) do similar work, employing capital and labor, in
 17 which materials unserviceable in their natural state are
 18 extracted, processed, or made fit for use or are
 19 substantially altered or treated so as to create commercial
 20 products or materials; or

21 (iii) engage in the mechanical or chemical
 22 transformation of materials or substances into new products
 23 in the manner defined as manufacturing in the 1972 Standard
 24 Industrial Classification Manual prepared by the United
 25 States office of management and budget.

1 (c) New industrial property shall in no event include:
2 (i) property used by retail or wholesale merchants,
3 commercial services of any type, agriculture, trades, or
4 professions;

5 (ii) a plant that will create adverse impact on
6 existing state, county, or municipal services;

7 (iii) property used or employed in any industrial plant
8 that has been in operation in this state for 3 years or
9 longer.

10 (5) "New industry" means any person, corporation,
11 firm, partnership, association, or other group that
12 establishes a new plant or plants in Montana for the
13 operation of a new industrial endeavor, as distinguished
14 from a mere expansion, reorganization, or merger of an
15 existing industry or industries.

16 (6) The department of revenue shall promulgate rules
17 for the determination of what constitutes an adverse impact,
18 taking into consideration the number of people to be
19 employed and the size of the community in which the location
20 is contemplated. Any person, corporation, firm, partnership,
21 association, or other group seeking to qualify its property
22 for inclusion in this class shall make application to the
23 department of revenue in such a manner and form as the
24 department requires. Once the department has made an initial
25 determination that the industrial facility qualifies as new

1 industrial property, the department shall then, upon proper
2 notice, hold a hearing to determine if the new industrial
3 classification should be retained by the property. The local
4 taxing authority may appear at the hearing and may waive its
5 objection to retention of this classification if the
6 industry agrees to the prepayment of taxes sufficient to
7 satisfy tax requirements created by the location and
8 construction of the facility during the construction period.
9 When a prepayment of taxes is required, the maximum amount
10 of prepayment shall be the amount of tax the industry would
11 have paid without the application of the class seven
12 percentage to such property.

13 (7) If a major new industrial facility qualifies under
14 class seven, the reduction of its yearly payment of property
15 taxes for reimbursement of its prepaid taxes as provided for
16 in 84-41-105 does not begin until the class seven
17 qualification expires.

18 (8) Class seven property shall be taxed at 4.2% of its
19 market value.

20 Section 9. There is a new R.C.M. section numbered
21 84-301.9 that reads as follows:

22 84-301.9. Class eight property -- description --
23 taxable percentage. (1) Class eight property includes:

24 (a) a capital investment in a building for an energy
25 conservation purpose, to the extent provided under 84-7403;

1 (b) any improvement on real property, a trailer
 2 affixed to land, or a mobile home and appurtenant land not
 3 exceeding 5 acres, which together meet the following
 4 conditions:

5 (i) have a market value of not more than \$27,500;
 6 (ii) are owned or under contract for deed and are
 7 actually occupied for at least 10 months per year as the
 8 primary residential dwelling of:

9 (A) a widow or widower 62 years of age or older who
 10 qualifies under the income limitations of (C) of this
 11 section;

12 (B) a widow or widower of any age with dependent
 13 children who qualifies under the income limitations of (C)
 14 of this section; or

15 (C) a recipient or recipients of retirement or
 16 disability benefits whose total income from all sources is
 17 not more than \$6,000 a year for a single person or \$6,800 a
 18 year for a married couple.

19 (2) (a) A person applying for classification of
 20 property under this class must make an affidavit to the
 21 department of revenue on a form provided by the department
 22 without cost as to:

23 (i) his income, if applicable;
 24 (ii) his retirement benefits, if applicable;
 25 (iii) his marital status, if applicable; and

1 (iv) the fact that he maintains the land and
 2 improvements as his primary residential dwelling.

3 (b) The county welfare board may investigate the
 4 applicant as to the answers given on the form. For the
 5 purpose of the affidavit required for classification of
 6 property under this class, it shall be sufficient if the
 7 applicant signs a statement swearing to or affirming the
 8 correctness of the information supplied, whether or not the
 9 statement is signed before a person authorized to administer
 10 oaths, and mails the application and statement to the
 11 department of revenue. This signed statement shall be
 12 treated as a statement under oath or equivalent affirmation
 13 for the purposes of 94-7-203, relating to the criminal
 14 offense of false swearing.

15 (c) The assessed value of the property may not be
 16 increased during the life of the recipient of retirement
 17 benefits or widow or widower covered under this class,
 18 unless the owner-resident makes a substantial improvement in
 19 the dwelling.

20 (3) Class eight property is taxed at 6% of its market
 21 value.

22 Section 10. There is a new R.C.M. section numbered
 23 84-301.10 that reads as follows:

24 84-301.10. Class nine property — description —
 25 taxable percentage. (1) Class nine property includes the

1 incremental increase in the value of real estate produced by
 2 repairing, maintaining, or improving existing improvements.

3 (2) Class nine property is taxed at:

4 (a) 2.4% of the market value for the first full year
 5 following completion of the repair, maintenance, or
 6 improving of existing improvements;

7 (b) 4.8% of the market value for the second full year
 8 following completion of the repair, maintenance, or
 9 improving of existing improvements;

10 (c) 7.2% of the market value for the third full year
 11 following completion of the repair, maintenance, or
 12 improving of existing improvements;

13 (d) 9.6% of the market value for the fourth full year
 14 following completion of the repair, maintenance, or
 15 improving of existing improvements; and

16 (e) 12% of the market value for the fifth full year
 17 and every year thereafter following completion of the
 18 repair, maintenance, or improving of existing improvements.

19 Section 11. There is a new R.C.M. section numbered
 20 84-301.11 that reads as follows:

21 84-301.11. Class ten property -- description --
 22 taxable percentage. (1) Class ten property includes:

23 (a) centrally assessed utility allocations after
 24 deductions of locally assessed properties, except as
 25 provided in:

1 (i) class two for rural telephones; and
 2 (ii) class five for cooperatives;
 3 (b) all other property not included in the nine
 4 preceding classes.

5 (2) Class ten property is taxed at 16% of its market
 6 value.

7 Section 12. There is a new R.C.M. section numbered
 8 84-301.12 that reads as follows:

9 84-301.12. Class eleven property -- description --
 10 taxable percentage. (1) Class eleven property includes the
 11 annual net proceeds of all mines and mining claims, except
 12 coal mines.

13 (2) Class eleven property is taxed at 100% of its
 14 annual net proceeds after deducting the expenses specified
 15 and allowed by 84-5403.

16 Section 13. There is a new R.C.M. section numbered
 17 84-301.13 that reads as follows:

18 84-301.13. Class twelve property -- description --
 19 taxable percentage. (1) Class twelve property includes the
 20 annual gross proceeds of underground coal mines.

21 (2) Class twelve property is taxed at 33 1/3% of the
 22 annual gross proceeds.

23 Section 14. There is a new R.C.M. section numbered
 24 84-301.14 that reads as follows:

25 84-301.14. Class thirteen property -- description --

1 taxable percentage. (1) Class thirteen property includes the
 2 annual gross proceeds of coal mines using the strip-mining
 3 method.

4 (2) Class thirteen property is taxed at 45% of the
 5 annual gross proceeds.

6 Section 15. There is a new R.C.M. section numbered
 7 84-301.15 that reads as follows:

8 84-301.15. Class fourteen property — description —
 9 taxable percentage. (1) Class fourteen property includes
 10 agricultural land, as defined in 84-437.2.

11 (2) Class fourteen property is taxed at 12% of its
 12 assessed value.

13 Section 16. Section 84-401, R.C.M. 1947, is amended to
 14 read as follows:

15 "84-401. Property assessed at forty percent (40%) of
 16 its full cash value — exceptions Assessments, definitions,
 17 and exceptions. (1) All taxable real property and
 18 improvements must be assessed at forty percent (40%) 100% of
 19 its full cash market value except as provided in subsection
 20 (5) of this section.

21 (2) Market value is the value at which property would
 22 change hands between a willing buyer and a willing seller,
 23 neither being under any compulsion to buy or to sell and
 24 both having reasonable knowledge of relevant facts.

25 (3) The department of revenue or its agents may not

1 adopt a lower or different standard of value from market
 2 value in making the official assessment and appraisal of the
 3 value of property in classes one through ten, with the
 4 exception of class six. For purposes of taxation, assessed
 5 value is the same as appraised value.

6 (4) The taxable value for all property in classes one
 7 through ten, with the exception of class six, is the
 8 percentage of market value established for each class of
 9 property in 84-301.2 through 84-301.11, excluding 84-301.7.

10 (5) The assessed value of properties in 84-301.7 and
 11 84-301.12 through 84-301.15 is as follows:

12 (a) Property in 84-301.7, under class six, is assessed
 13 at 100% of book value, by the method established in
 14 84-301.7, 84-4604, and 84-4605.

15 (b) Properties in section 84-301 84-301.12, under
 16 class one class eleven, shall be are assessed at one hundred
 17 percent (100%) of full cash value of the annual net proceeds
 18 after deducting the expenses specified and allowed by
 19 84-5403.

20 (c) Properties in 84-301.13 and 84-301.14, under
 21 classes twelve and thirteen, are assessed at 100% of the
 22 annual gross proceeds.

23 (d) The assessment of agricultural lands shall be
 24 based upon Properties in 84-301.15, under class fourteen,
 25 are assessed at 100% of the productive capacity of the lands

1 when valued for agricultural purposes. All lands that meet
 2 the qualifications of 84-437.2 shall be are valued as
 3 agricultural lands for tax purposes that meet the
 4 qualifications of section 84-437.2, R.C.M. 1947.

5 (6) Land and the improvements thereon shall be are
 6 separately assessed when any of the following conditions
 7 occur:

8 (a) when ownership of the improvements is different
 9 from ownership of the land;

10 (b) when requested in writing by the taxpayer, the
 11 taxpayer makes a written request; or

12 (c) when the land is outside an incorporated city or
 13 town.

14 (7) The taxable value of all property shall be
 15 determined by sections 84-301 and 84-308 in classes eleven
 16 through fourteen is the percentage of assessed value
 17 established in 84-301.12 through 84-301.15 for each class of
 18 property."

19 Section 17. Section 11-988, R.C.M. 1947, is amended to
 20 read as follows:

21 "11-988. Power of cities and towns to acquire natural
 22 gas and distributing system therefor. The city or town
 23 council has power to contract an indebtedness of a city or
 24 town upon the credit thereof by borrowing money or issuing
 25 bonds for the construction, purchase, or development of an

1 adequate supply of natural gas, and to construct or purchase
 2 a system of gas lines for the distribution thereof to the
 3 inhabitants of said the city or town or vicinity, provided,
 4 that the The total amount of indebtedness authorized to be
 5 contracted in any form, including the then-existing
 6 indebtedness, must not at any time exceed three per centum
 7 ~~43%~~ 11% of the total assessed valuation taxable value of
 8 the taxable property of the city or town subject to taxation
 9 as ascertained by the last assessment for state and county
 10 taxes, and provided further, that no money cast may be
 11 borrowed or bonds issued for the purposes herein specified
 12 in this section until the proposition has been submitted to
 13 the vote of the taxpayers affected thereby of the city or
 14 town, affected thereby and the majority vote cast in its
 15 favor thereof."

16 Section 18. Section 11-1011, R.C.M. 1947, is amended
 17 to read as follows:

18 "11-1011. Tax levy for band concerts. For the purpose
 19 of providing band concerts ~~as in this act provided~~, the
 20 council or other governing body in any town or city of the
 21 first, second, or third class, or of any incorporated town,
 22 may assess and levy, in addition to the levy for general
 23 municipal or administrative purposes, an amount not
 24 exceeding to exceed one 1 mill on the dollar on the assessed
 25 taxable value of the taxable property of the said city or

1 town subject to taxation."

2 Section 19. Section 11-1019, R.C.M. 1947, is amended
3 to read as follows:

4 "11-1019. Operation of bus lines — contracting
5 indebtedness. Whenever a city or town is not being served by
6 a bus company or operator, operating on a regular schedule,
7 and under the jurisdiction of the public service commission
8 or if such service ~~is to be~~ or is likely to be discontinued
9 in the immediate future, the city or town council of any
10 incorporated city or town shall have the power to ~~may~~
11 contract an indebtedness of any such city or town upon the
12 credit thereof by borrowing money or issuing bonds for the
13 purchase, development, operation, or leasing of motor buses
14 and bus lines for the transportation of passengers within
15 the corporate limits of such cities and towns, and to
16 operate the same to any point or points beyond ~~said~~ these
17 limits not ~~to~~ exceed eight-(8) miles, measured along the
18 route of ~~said~~ the bus lines, ~~provided that the~~ The total
19 amount of indebtedness authorized to be contracted in any
20 form, including the then-existing indebtedness, ~~must~~ may not
21 at any time exceed five-per-centum ~~(5%)~~ 18% of the total
22 assessed valuation taxable value of the taxable property of
23 the city or town subject to taxation as ascertained by the
24 last assessment for state and county taxes, and provided
25 further, that ~~no~~ no money ~~must~~ may be borrowed or bonds

1 issued for the purposes ~~herein~~ specified in this section
2 until the proposition has been submitted to the vote of the
3 taxpayers affected ~~thereby~~ of the city or town, and the
4 majority vote cast in its favor ~~thereof.~~"

5 Section 20. Section 11-1301, R.C.M. 1947, is amended
6 to read as follows:

7 "11-1301. Presentation of claims — limitation of
8 actions. All accounts and demands against a city or town
9 must be presented to the council duly itemized. All claims
10 against a city or town shall contain the following
11 statement: "I certify that this claim is correct and just in
12 all respects, and that payment or credit has not been
13 received." Claims need not be accompanied by affidavit by
14 the party or his agent. These claims must be presented with
15 all necessary and proper vouchers, within one-(1) year from
16 the date the same accrued, and ~~any~~ any ~~no~~ no action
17 so presented within the this time ~~fore~~said is forever
18 barred, and the council has no authority to allow any
19 account or demand not so presented, ~~vi~~ ~~so~~ ~~must~~ any ~~no~~ no action
20 ~~may~~ may be maintained against the city or town for or on account
21 of any demand or claim against the ~~same~~, city or town until
22 such demand or claim has first been presented to the
23 council, ~~for action thereon~~ provided, however, that in In
24 case the total indebtedness of a city or town has reached
25 three-per-centum ~~(3%)~~ 11% of the total assessed valuation

1 taxable value of the taxable property of such the city or
 2 town, subject to taxation as ascertained by the last
 3 assessment for state and county taxes, it shall be lawful
 4 for, and such the city or town is hereby authorized and
 5 empowered, to may conduct its affairs and business on a cash
 6 basis as provided and contemplated by the next section of
 7 this code 11-1302."

8 Section 21. Section 11-1909, R.C.M. 1947, is amended
 9 to read as follows:

10 "11-1909. Levy of tax for volunteer fire departments.
 11 For the purpose of supporting volunteer fire departments in
 12 any city or town which does not have a paid fire department,
 13 and for the purpose of purchasing the necessary equipment
 14 therefor for them, the council in any city or town, may
 15 assess and levy, in addition to other levies permitted by
 16 law, a special tax not exceeding ~~two~~ {2} mills on each
 17 dollar of the assessed valuation taxable value of the
 18 taxable property of the city or town and, provided, further,
 19 that the words "assessed valuation" as used in this section
 20 shall be the percentage of the true and full valuation of
 21 the taxable property provided in section 84-302 and shall
 22 not be deemed to be the true and full valuation of such
 23 property subject to taxation."

24 Section 22. Section 11-1919, R.C.M. 1947, is amended
 25 to read as follows:

1 "11-1919. State auditor to pay fire department relief
 2 association out of premium taxes collected from insurance
 3 companies. (1) At the end of the fiscal year, the state
 4 auditor shall issue and deliver to the treasurer of every
 5 city or town of the first and second class, for the use and
 6 benefit of the fire department relief association legally
 7 existing in every such the city or town, entitled by law to
 8 receive the same, out of the premium taxes on insurance
 9 risks enumerated in subsection (6) collected by him, an
 10 amount equal to ~~ten~~ per cent {10%} of the total annual
 11 compensation paid by such city or town to its paid or
 12 part-paid firemen for services in the previous calendar
 13 year. This amount is paid out of the premium taxes on
 14 insurance risks enumerated in subsection (6) and collected
 15 by the state auditor. The city clerk of each such city or
 16 town shall certify in writing to the state auditor, on or
 17 before April 1 of each year, the amount so paid by such the
 18 city or town as compensation for services to paid or
 19 part-paid firemen.

20 (2) In the event of a disaster resulting in the death
 21 or injury sufficient to draw pension of ten percent (10%) of
 22 the active force when 10% of the active force, due to a
 23 disaster, suffers injury or death sufficient to draw pension
 24 and when the fund of such the fire department relief
 25 association after receiving all moneys as designated in

1 section 11-1911 and section 11-1912 and the ~~ten~~—percent
 2 ~~+10%~~ of annual compensation as designated in this chapter
 3 does not show at least the ~~one~~—~~1~~—mill growth as referred
 4 to in section 11-1912, then the treasurer of such relief
 5 association shall request and the state auditor shall issue
 6 and deliver to the treasurer of every city or town of the
 7 first and second class, for the use and benefit of the fire
 8 department relief association legally existing in ~~every~~ the
 9 city or town entitled to receive the same, ~~out~~—~~of~~—~~the~~
 10 ~~premises~~—~~tax~~—~~collected~~—~~by~~—~~him~~, an additional amount to show
 11 at least the ~~one~~—~~1~~—mill growth referred to in section
 12 11-1912. This amount is paid out of the premium tax
collected by the state auditor.

13 (3) In the event a city of the first or second class
 14 is not entitled to receive a sum equal to ~~forty-five-one~~
 15 ~~hundredths~~—~~(\$45/100)~~ 1 1/2 mills of its total assessed
 16 valuation taxable value under the foregoing method of
 17 computation, then, ~~in~~—~~that~~—~~event~~, the fire department relief
 18 association of that city shall receive its money in the same
 19 manner as provided below for cities of the third class.

20 (4) At the end of the fiscal year, the state auditor
 21 shall issue and deliver to the treasurer of every city or
 22 town, except cities or towns of the first or second class,
 23 for the use and benefit of the fire department relief
 24 association legally existing in every such city or town

25 entitled by law to receive the same, his warrant for an
 1 amount equal to ~~forty-five-one—hundredths~~—~~(\$45/100)~~ 1 1/2
 2 mills of the total assessed—valuation taxable value of the
 3 city or town. This amount is to be paid from premium taxes,
 4 after deducting cancellations and return premiums, collected
 5 by the state auditor, ~~ex-officio insurance commissioner~~,
 6 from insurers authorized to effect insurance on risks
 7 enumerated in subsection (6) of this section, ~~as said to~~
 8 which the cities or towns are each severally entitled to.

9 (5) The legally organized and existing fire department
 10 relief associations in ~~In~~ all cities or towns where the
 11 taxes on premiums collected and distributed pursuant to
 12 subsection (4) above ~~is~~ are insufficient to make an amount
 13 equal to ~~one~~—~~hundred~~—~~dollars~~—~~(\$100)~~, the fire department
 14 relief association shall receive ~~each~~ an additional amount
 15 from the total taxes on premiums collected from insurers
 16 authorized to effect insurance against of the risks
 17 enumerated in subsection (6) of this section as may be
 18 necessary to make the total amount received by said the fire
 19 department relief association equal to ~~the sum of~~ one
 20 hundred dollars—~~(\$100)~~.

21 (6) The risks referred to in subsection (4) above, are
 22 enumerated as follows:

23 (a) Insurance insurance of houses, buildings, and all
 24 other kinds of property and goods against loss or damage by

1 fire or other casualty, and all kinds of insurance on
 2 goods, merchandise, or other property in the course of
 3 transportation, whether on land or water or air;

4 (b) insurance against loss or damage to motor vehicles
 5 resulting from accident, collision, or marine and inland
 6 navigation and transportation perils;

7 (c) insurance of growing crops against loss or damage
 8 resulting from hail or the elements;

9 (d) insurance against loss or damage by water to any
 10 goods or premises arising from the breakage or leakage of
 11 sprinklers, pumps, or other apparatus;

12 (e) and insurance against loss or legal liability for
 13 loss because of damage to property caused by the use of
 14 teams or vehicles; and whether by accident or collision or
 15 by explosion of any engine or tank or boiler or pipe or tire
 16 of any vehicle, and also including

17 (f) insurance against theft of the whole or any part
 18 of any vehicle."

19 Section 23. Section 11-2201, R.C.S. 1947, is amended
 20 to read as follows:

21 "11-2201. Special improvements — powers of city
 22 council. (1) All streets, alleys, places, or courts in the
 23 municipalities of this state, now open or dedicated, or
 24 which may hereafter be opened or dedicated to public use,
 25 shall be deeded and held to be are open public streets,

1 alleys, places, or courts, for the purposes of this chapter,
 2 and the city council of each municipality is hereby
 3 empowered to may establish and change the grades of said the
 4 streets, alleys, places, or courts, and fix the width
 5 thereof, and is hereby invested with jurisdiction to may
 6 acquire private property for right-of-way, right-of-way and
 7 to order to be done any of the work mentioned in this
 8 chapter under the proceedings hereinafter described.

9 Further, that is addition to the powers heretofore
 10 granted, when (2) when the public interest or convenience
 11 requires, the governing body of a municipality may:

12 (1) Establish establish pedestrian malls;
 13 (2) (b) Prohibit prohibit, in whole or in part,
 14 vehicular traffic on a pedestrian mall;
 15 (3) (c) Pay pay, from general funds of the municipality
 16 or other available moneys or from the proceeds of
 17 assessments levied on lands benefited by the establishment
 18 of a pedestrian mall, the damages, if any, allowed or
 19 awarded to any property owner by reason of the establishment
 20 of a pedestrian mall, provided that the The resolution of
 21 intention contains must contain a statement that an
 22 assessment will be levied to pay the whole or a stated
 23 portion of such damages, if any, allowed or awarded to any
 24 property owner by reason of the establishment of such
 25 pedestrian mall;

1 ~~(4)(d)~~ Construct construct improvements on public
 2 streets ~~which~~ that have been or will be established as a
 3 pedestrian mall, improvements of any kind or nature
 4 necessary or convenient to the operation of such streets as
 5 a pedestrian mall, including but not limited to paving,
 6 sidewalks, curbs, sewers, covered walkways or areas, air
 7 conditioning, drainage works, street lighting facilities,
 8 fire protection facilities, flood protection facilities,
 9 water distribution facilities, vehicular parking areas,
 10 retaining walls, landscaping, tree planting, statuary,
 11 fountains, decorative structures, benches, rest rooms, child
 12 care facilities, display facilities, information booths,
 13 public assembly facilities, and other structures, works, or
 14 improvements necessary or convenient to serve members of the
 15 public using such pedestrian mall, including the
 16 reconstruction or relocation of existing municipally owned
 17 works, improvements, or facilities on such streets. ~~such~~ The
 18 improvements or structures may be attached to abutting
 19 private buildings or structures, provided that ~~such~~ the
 20 improvements or structures ~~shall be~~ are located on public
 21 property.

22 ~~(4)(3)~~ It is further provided that in addition to the
 23 purposes for which an improvement district may be formed, as
 24 heretofore set forth, an an improvement district may also be
 25 formed for the sole purpose of the operation, maintenance,

1 repair and improvements of operating, maintaining,
 2 repairing, and improving pedestrian malls, off-street
 3 parking facilities, and parkings and parkways.

4 ~~(4)(4)~~ Subject to the powers granted and the
 5 limitations contained in this section, the powers and duties
 6 of the municipality and the procedure to be followed ~~shall~~
 7 ~~be~~ are as provided in this article chapter for other types
 8 of special improvement districts.

9 ~~(4)(5)~~ If a petition for the formation of an
 10 improvement district under the provisions of this section is
 11 presented to the governing body purporting to be signed by
 12 all of the real property owners in the proposed district,
 13 exclusive of mortgagees and other lien holders, the
 14 governing body, after verifying such ownership and making a
 15 finding of ~~such~~ the fact, shall adopt a resolution of
 16 intention to order the improvement ~~pursuant to the~~
 17 ~~provisions of section~~ as provided in 11-2204, and shall have
 18 immediate jurisdiction to adopt the resolution ordering the
 19 improvement pursuant to the following provisions, without
 20 the necessity of the publication and posting of the
 21 resolution of intention provided for in section 11-2204.

22 ~~(4)(6)~~ The governing body shall make annual statements
 23 and estimates of the expenses of the district, which shall
 24 be provided for by the levy and collection of ad valorem
 25 taxes upon the assessed taxable value of all the real and

1 personal property in the district, shall publish notice
 2 thereof, and shall have hearings thereon on the statements
 3 and estimates and adopt them at the times and in the manners
 4 as provided for incorporated cities and towns by the
 5 applicable portions of sections 11-2204 and 11-2206. The
 6 governing body, on or before the second Monday in August of
 7 each year, shall fix, levy, and assess the amount to be
 8 raised by ad valorem taxes upon all of the property of the
 9 district. All statutes providing for the levy and collection
 10 of state and county taxes, including the collection of
 11 delinquent taxes and sale of property for nonpayment of
 12 taxes, shall be applicable to the district taxes provided
 13 for under this section.

14 ~~17~~ An improvement district formed for the purposes
 15 of establishing a pedestrian mall or off-street parking may
 16 be financed in accordance with the provisions of section
 17 11-2214, R.C.M. 1947, and/or in accordance with the
 18 methods of financing set forth for the construction of water
 19 or sewer systems as set forth in section 11-2218, R.C.M.
 20 1947.

21 ~~15~~ ~~18~~ Create the governing body may create special
 22 lighting districts on any street or streets or public
 23 highway therein or portions thereof for the purposes of
 24 lighting such street or streets or public highway and is
 25 hereby empowered to them and assess each the costs for

1 installation and maintenance to property abutting thereto
 2 and to collect each the costs by special assessment against
 3 said the property.

4 ~~19~~ Further, that in addition to the powers heretofore
 5 granted, the city or town council is empowered to may make
 6 assessments in the manner provided in section 11-2245
 7 hereafter on property abutting said the street or highway
 8 and lying outside the boundaries of said the city or town,
 9 so as long as that portion of the street or public highway
 10 to be lighted is adjacent to the boundary line of said the
 11 city or town, or lies partially within said the city or
 12 town, or extends from one point within said the city or town
 13 to another point within said the city or town."

14 Section 24. Section 11-2205, R.C.M. 1947, is amended
 15 to read as follows:

16 "11-2205. Assessment of extended district including
 17 lots not fronting on improvement. Whenever the contemplated
 18 work of improvement, in the opinion of the city council, is
 19 of more than local or ordinary public benefit, or whenever,
 20 according to estimates furnished by the city engineer, the
 21 total estimated costs and expenses thereof would exceed
 22 one-half 1/5 of the total assessed taxable value of the lots
 23 and lands assessed, if assessed upon the lots or lands
 24 fronting upon said proposed work or improvement, according
 25 to the valuation fixed by the last assessment roll, whereon

1 ~~it was assessed for taxes for municipal purposes, the city~~
 2 council may make ~~charge~~ the expenses of ~~such the work or~~
 3 improvement ~~chargeable upon~~ to an extended district and
 4 which ~~that~~ may include other lots not fronting on the
 5 improvement, and which the ~~said~~ city council shall, in its
 6 resolution of intention, ~~declare~~ declares to be the district
 7 benefited by ~~said~~ the work or improvements and ~~to be~~
 8 ~~assessed to pay the costs and expenses thereof."~~

9 Section 25. Section 11-2303, R.C.M. 1947, is amended
 10 to read as follows:

11 "11-2303. Limitation on amount of indebtedness. No
 12 city or town ~~shall~~ may issue bonds for any purpose in an
 13 amount which, with all outstanding and unpaid indebtedness,
 14 will exceed ~~five per centum~~ 18% of the ~~assessed~~ taxable
 15 value of the ~~taxable~~ property therein subject to taxation,
 16 to be ascertained by the last assessment for state and
 17 county taxes, ~~provided, however, that for~~ for the purpose
 18 of constructing a sewerage system, ~~or~~ procuring a water
 19 supply, or constructing or acquiring a water system for a
 20 city or town, which shall own and control ~~such the~~ water
 21 supply and water system and devote the revenues therefrom to
 22 the payment of the debt, a city or town may incur an
 23 additional indebtedness by borrowing money or issuing bonds.
 24 The additional total indebtedness ~~which~~ that may be incurred
 25 by borrowing money or issuing bonds for the construction of

1 a sewerage system, ~~or~~ for the procurement of a water supply,
 2 or for both such purposes, including all indebtedness
 3 theretofore contracted, which is unpaid or outstanding,
 4 ~~shall~~ may not in the aggregate exceed ~~ten per centum~~ 10%
 5 over and above the ~~five per centum~~ 5% ~~18%~~ heretofore
 6 referred to, of the total taxable value of the ~~taxable~~
 7 property therein subject to taxation as ascertained by the
 8 last assessment for state and county taxes. The issuing of
 9 bonds for the purpose of funding or refunding outstanding
 10 warrants or bonds ~~shall~~ is not ~~be deemed~~ the incurring of a
 11 new or additional indebtedness, but ~~shall~~ be deemed is
 12 merely the changing of the evidence of outstanding
 13 indebtedness."

14 Section 26. Section 11-3921, R.C.M. 1947, is amended
 15 to read as follows:

16 "11-3921. Allocation of taxes. (1) Any urban renewal
 17 plan, as defined in ~~section~~ 11-3901, may contain a provision
 18 or be amended to contain a provision providing that taxes
 19 levied on taxable property in an urban renewal area each
 20 year by or for the benefit of the state, any city, county,
 21 or other political subdivisions for which taxes are levied,
 22 ~~hereafter referred to as taxing bodies~~ shall be allocated,
 23 after the effective date of such provision as provided in
 24 subsections (3) and (4) of this section.

25 (2) For the purposes of this section:

1 (a) "prior assessed taxable value" means the assessed
 2 taxable value of the taxable property in the urban renewal
 3 area subject to taxation as shown on the assessment roll
 4 last equalized prior to the effective date of the urban
 5 renewal plan; notwithstanding notwithstanding the
 6 provisions of this act, any increase resulting from a
 7 comprehensive revaluation of all property within the county
 8 may be applied to the property for the purpose of
 9 determining the "prior assessed taxable value";

10 (b) the word "taxes" includes, but is not limited to,
 11 all levies on an ad valorem basis upon land or real
 12 property;

13 (c) "taxing body" is any city, county, or other
 14 political subdivision for which taxes are levied.

15 (3) The portion of taxes produced by levies for a
 16 taxing body upon the total sum of the prior assessed taxable
 17 value of the taxable property in the urban renewal area
 18 subject to taxation shall be allocated and paid into the
 19 funds of the taxing body like taxes paid by or for the
 20 taxing body on all other property. For the purpose of
 21 allocating taxes levied by a taxing body that did not
 22 include the urban renewal area on the effective date of the
 23 provision allocating the taxes but to which the urban
 24 renewal area has since been annexed or otherwise included,
 25 the assessment roll of the county last equalized prior to

1 the effective date of the provision shall be used in
 2 determining the prior assessed taxable value.

3 (4) The portion of taxes levied by such the taxing
 4 body each year in excess of the amount levied under
 5 subsection (3) shall be paid by the county treasurer into a
 6 special fund held by the city treasurer to pay the principal
 7 and interest on bonds issued under authority of section
 8 11-3910, except that taxes for the payment of all bonds and
 9 interest of each taxing body must be levied against all
 10 taxable property within the taxing body without limitation
 11 by the provisions of this subsection. Until the actual
 12 assessed valuation taxable value of all property in the
 13 urban renewal area exceeds the prior assessed taxable value
 14 of all taxable property within such area, the actual
 15 assessed taxable value of all property shall be used for
 16 taxation purposes.

17 (5) The portion of taxes allocated in subsection (4)
 18 above, and the special fund into which they are paid, may be
 19 pledged by a municipality for the payment of the principal
 20 and interest on bonds issued under the authority of section
 21 11-3910, or bonded indebtedness, incurred by a municipality
 22 to refinance in whole or in part, the urban renewal project.
 23 Prior to the sale of any bonds, there shall be ~~at~~ an
 24 election under sections 11-2308 and 11-2309 approving such
 25 sale, or ~~at~~ a petition for the sale signed by the owners of

1 record of at least ~~fifty-one percent~~ (51%) of the land
 2 within the urban renewal district.

3 (6) After all bonds and interest have been paid, all
 4 ~~seales~~ ~~moneys~~ received from taxes upon property within the
 5 urban renewal area shall be allocated as taxes on all other
 6 property."

7 Section 27. Section 11-4111, R.C.M. 1947, is amended
 8 to read as follows:

9 "11-4111. Levy authorized -- uses -- restrictions. (1)
 10 Upon an affirmative vote of a majority of the qualified
 11 voters voting in a city, county, or town on the question of
 12 whether the governing body may levy a tax for economic
 13 development, the governing body of that city, county, or
 14 town is authorized to levy in any one election up to one
 15 ~~11~~ mill upon the assessed taxable value of all the taxable
 16 property in the county, city, or town subject to taxation
 17 for the purpose of economic development, for a period not to
 18 exceed five (5) years, ~~by any one election~~.

19 (2) Funds derived from this levy may be used for
 20 purchasing land for industrial parks, constructing buildings
 21 to house manufacturing and processing operations, conducting
 22 preliminary feasibility studies, promoting economic
 23 development opportunities in a particular area, and other
 24 activities generally associated with economic development.
 25 These funds ~~may not be used to directly assist an industry's~~

1 operations by loan or grant ~~nor~~ or to pay the salary or
 2 salary supplements of government employees.

3 (3) The governing body of the county, city, or town
 4 may use the funds derived from this levy to contract with
 5 local development companies, and other associations or
 6 organizations capable of implementing the economic
 7 development function."

8 Section 28. Section 14-307, R.C.M. 1947, is amended to
 9 read as follows:

10 "14-307. Lien of corporate indebtedness upon
 11 membership lands. ~~From and after~~ After the date of the
 12 inclusion of any land or property as a member ~~thereof~~ in any
 13 corporation, or district, organized under the provisions
 14 ~~hereof~~ of this section, all mortgage or bonded indebtedness
 15 ~~hereafter~~ created by such corporation, or district, ~~shall~~
 16 be deemed ~~is~~ a first lien upon ~~such~~ the membership lands, to
 17 the ~~an~~ extent of not to exceed five ~~per cent~~ 18% of the
 18 assessed ~~valuation~~ taxable value thereof if the same ~~shall~~
 19 be land ~~is~~ grazing or agricultural, and not to exceed ten
 20 ~~per cent~~ 36% of the ~~assessed valuation~~ taxable value thereof
 21 if the ~~same~~ ~~shall~~ ~~be~~ land ~~is~~ horticultural or
 22 vegetable-producing lands. The recording of the copy of the
 23 articles of incorporation, or petition to become a member of
 24 such corporation, or district, ~~shall be~~ is notice to all
 25 subsequent lien claimants that ~~such~~ the lands are subject to

1 a first lien, ~~of not to exceed the amount specified herein,~~
 2 ~~provided, However, nothing herein shall in this section may~~
 3 be construed as placing a limit upon the indebtedness that
 4 may be made a lien against any of the corporate or property
 5 assets of the corporation, or district, as distinguished
 6 from membership lands individually owned, ~~and included~~
 7 ~~therein for the purposes hereof."~~

8 Section 29. Section 16-502, R.C.M. 1947, is amended to
 9 read as follows:

10 "16-502. Basis of taxation upon creation of new county
 11 — terms used in law defined. For the purposes of this act,
 12 the assessed valuation of all property, whether included
 13 within the boundaries of a proposed new county, or remaining
 14 within the boundaries of any existing county or counties
 15 from which territory is taken, shall be fixed and determined
 16 on the same basis as is used for the imposition of taxes in
 17 the state of Montana, ~~to wit: By taking that percentage of~~
 18 ~~the true and full value of all taxable property in any~~
 19 ~~county specified by section 84-302.~~

20 ~~Whenever in this act the term "assessed valuation" or~~
 21 ~~valuation based on the last assessment roll is used, said~~
 22 ~~terms shall be construed as meaning taxable valuation~~
 23 ~~determined as herein provided, not the full and true~~
 24 ~~valuation of property."~~

25 Section 30. Section 16-807, R.C.M. 1947, is amended to

1 read as follows:

2 "16-807. Limit of indebtedness. No county may become
 3 indebted in any manner or for any purpose to an amount,
 4 including existing indebtedness, in the aggregate exceeding
 5 ~~five per centum~~ 18% of the assessed taxable value of the
 6 taxable property therein subject to taxation, ~~to be as~~
 7 ascertained by the last assessment for state and county
 8 taxes previous to the incurring of such indebtedness, ~~and~~
 9 ~~all~~ All bonds or obligations in excess of such amount given
 10 by or on behalf of ~~such the~~ county are void. No county may
 11 incur ~~any~~ indebtedness or liability for any single purpose
 12 to an amount exceeding ~~forty thousand dollars~~ (\$40,000)
 13 without the approval of a majority of the electors thereof
 14 voting at an election to be provided by law, except as
 15 provided in sections 16-1407.1 and 16-1407.2."

16 Section 31. Section 16-808, R.C.M. 1947, is amended to
 17 read as follows:

18 "16-808. Counties indebted beyond constitutional limit
 19 may operate on cash basis. That is In case the total
 20 indebtedness of a county, lawful when incurred, ~~by reason of~~
 21 ~~great diminution of assessed value~~ exceeds the limit of ~~five~~
 22 ~~per centum~~ 18%, ~~by reason of~~ great diminution of
 23 taxable value, it shall be lawful for ~~the~~ county and it
 24 is hereby authorized and empowered to thereafter manage and
 25 may conduct its business affairs on a cash basis and pay the

1 reasonable and necessary current expenses of said the county
 2 out of the cash in the county treasury and derived from its
 3 current revenue, and under such restrictions and regulations
 4 as may be imposed by the board of county commissioners of
 5 said the county by a resolution duly adopted and ~~spread upon~~
 6 included in the minutes of said the board, provided,
 7 ~~however, that nothing herein shall restrict~~ Nothing in this
 8 section restricts the right of said the board to make the
 9 necessary tax levies for interest and sinking fund purposes,
 10 and ~~provided further that nothing herein shall affect~~ in
 11 this section affects the right of any creditor of said the
 12 county to pursue any remedy now given him by law to obtain
 13 payment of his claim."

14 Section 32. Section 16-1152, R.C.M. 1947, is amended
 15 to read as follows:

16 "16-1152. Tax levy for payment of warrants. The board
 17 of county commissioners shall annually determine the amount
 18 of ~~such~~ the warrants drawn on the general fund for the
 19 purposes of controlling insect pests under a cropland
 20 spraying program approved by the department of agriculture,
 21 and In the succeeding year, the board shall levy a tax for
 22 the purpose of insect pest extermination sufficient ~~in~~
 23 amount to reimburse said the general fund for the money so
 24 paid out on ~~such~~ the warrants, ~~which~~ said The tax shall be
 25 levied upon all the property in the county and shall not

1 exceed ~~three~~ {3} mills on each dollar of ~~assessed valuation~~
 2 taxable value. If there ~~be~~ is no money in the general fund
 3 with which to pay such warrants, they shall be registered
 4 and bear interest in the same manner as other county
 5 warrants, ~~but in such~~ In this case the interest shall be
 6 computed and added to the amount for which such tax is
 7 levied."

8 Section 33. Section 16-1412, R.C.M. 1947, is amended
 9 to read as follows:

10 "16-1412. Budget for district fairs — consideration
 11 by county commissioners — tax levy — district fair fund —
 12 expenditures. (1) ~~Aside from the revenue derived from~~
 13 ~~annual fairs or other exhibitions conducted, the necessary~~
 14 ~~revenue shall be raised as follows: The To raise the revenue~~
 15 necessary to hold district fairs, the board of directors
 16 shall meet during the first week of May of each year, and
 17 shall make a budget of the amounts required in the conduct
 18 of the affairs of the district, for the following year, and
 19 the board shall deduct ~~therefrom from the budget~~ the
 20 probable income from the annual district fair and other
 21 exhibitions to be held by said the district during the
 22 following year, and shall then apportion the remaining
 23 balance among the various counties forming said the district
 24 in proportion to the assessed property of each county as
 25 determined by the assessment rolls of the preceding year."

1 save in the case of By mutual agreement of the directors,
 2 the share apportioned to the county in which the fair is
 3 being conducted, in which county the levy may, by mutual
agreement of the directors, may be made larger than in other
 5 counties comprising the district, and the The secretary
 6 shall certify to each board of county commissioners the
 7 amount of said the budget and the amount of revenue to be
 8 raised by such the county for such these purposes, and shall
 9 file a certified copy thereof with the clerk of the board of
 10 county commissioners of each of the counties in said the
 11 district on or before the first day of June 1 of each year.
 12 The respective boards of county commissioners of the
 13 counties comprising said the district, shall meet in joint
 14 assembly with their county fair commissioners during the
 15 first week of June of each year and shall jointly consider
 16 the budget proposed by the board of directors of the
 17 district, and shall give such approval or suggest such
 18 amendments or modifications as to them may seem they think
 19 proper and desirable.

20 (2) If the county commissioners shall fail to hold
 21 such the joint meeting, or shall fail to take any action,
 22 then the budget, certified by the secretary of the fair
 23 district shall be, without further action, deemed approved,
 24 and the sums of money apportioned to the county shall be the
 25 sums to be raised by special levy for said this purpose. For

1 the purpose of raising the foreaid revenues, the board of
 2 county commissioners of each county in the district shall
 3 annually make a levy to raise the required sum apportioned
 4 to the respective counties, provided however that However,
 5 the said levy shall not exceed one -(1) mill on the dollar of
 6 the assessed valuation taxable value of all the taxable
 7 property in the county, except in the case of the county in
 8 which the fair is being conducted, in which In this county,
 9 the levy shall not exceed one and one half -(1 1/2) mill on
 10 the dollar of taxable property in the county, in In
 11 addition thereto to this levy, any and all moneys available
 12 to for the holding of county fairs may be allotted and
 13 transferred to the use of the district fair as the
 14 respective county fair commissioners may elect, The
 15 funds available to a district fair shall, on the first
 16 Monday in August or as soon thereafter as may be possible,
 17 be deposited with the county treasurer of the county in
 18 which the district fair is to be held and by his and
 19 credited to a fund to be known as the district fair fund,
 20 held and paid out in the same manner as the county fair
 21 fund, except that it shall be paid out on district fair
 22 board warrants signed by the chairman or the vice-chairman
 23 and the secretary of the district fair board, provided that
 24 The treasurer of the county in which the district fair
 25 shall will be held shall carry the moneys received from the

1 various counties in the district in the regular county fair
 2 fund in the same manner as regular county fair moneys,
 3 payable, however, only on district fair warrants."

4 Section 34. Section 16-2010.1, R.C.M. 1947, is amended
 5 to read as follows:

6 "16-2010.1. Limit on city-county consolidated
 7 indebtedness. No city-county consolidated local government
 8 may issue bonds for any purpose which, with all outstanding
 9 indebtedness, ~~will may exceed seven-and-one-half-percent~~ ~~(7~~
~~4-1/2%)~~ ~~27%~~ of the assessed taxable value of the ~~taxable~~
 11 property therein subject to taxation, ~~to be as~~ as ascertained
 12 by the last assessment for state and county taxes.
 13 provided, however, that However, for the purpose of
 14 constructing a sewerage system or procuring a water supply
 15 or constructing or acquiring a water system for a
 16 city-county consolidated government, which shall own and
 17 control such water supply and water system and devote the
 18 revenues therefrom to the payment of the debt, a city-county
 19 consolidated government may incur an additional indebtedness
 20 by borrowing money or issuing bonds. The additional
 21 indebtedness, which may be incurred by borrowing money or
 22 issuing bonds for the construction of a sewerage system, or
 23 for the procurement of a water supply, or for both such
 24 purposes, ~~including all indebtedness theretofore contracted~~
 25 which is unpaid or outstanding, may not in the aggregate

1 exceed ~~ten percent~~ (10%), over and above the ~~seven-and~~
 2 ~~one-half percent~~ (7 1/2%) ~~27%~~ heretofore referred to, of the
 3 assessed taxable value of the ~~taxable~~ property therein
 4 subject to taxation as ascertained by the last assessment
 5 for state and county taxes. The issuing of bonds for the
 6 purpose of funding or refunding outstanding warrants or
 7 bonds is not the incurring of a new or additional
 8 indebtedness, but is merely the changing of the evidence of
 9 outstanding indebtedness."

10 Section 35. Section 16-4020, R.C.M. 1947, is amended
 11 to read as follows:

12 "16-4020. Disposal of property -- leasing -- sale. (1)
 13 Each county to which any part of an abandoned and abolished
 14 county is attached ~~and made a part and becomes~~ becomes the
 15 owner under the provisions of this act of the real and ~~any~~
 16 tangible personal property of ~~as the~~ abandoned and abolished
 17 ~~county and~~ may use all of ~~such this~~ this property for county
 18 purposes, ~~or~~ may lease any of ~~such this~~ this real estate, or ~~may~~
 19 sell any of ~~such the~~ this real estate or personal property.

20 (2) provided that no such ~~No~~ personal property having
 21 a value in excess of one-hundred-dollars (\$100.00) shall be
 22 sold unless the same may be sold unless it has been
 23 appraised within one 1 year immediately prior to the date of
 24 sale by three taxpayers, residing who reside within the
 25 territory embraced within the boundaries of the abandoned

1 and abolished county, and who were appointed by the judge of
 2 the district court to which the county succeeding to the
 3 ownership of such the property is attached, on petition of
 4 the board of county commissioners thereof, and no sale
 5 of any such personal property shall may be made except at
 6 public sale after notice or for a price less than ninety per
centum (90%) of such the appraised value.

7 (2) (3) No such real property shall may be leased
 8 unless the board of county commissioners shall present
 9 presents to the judge of the district court to which the
 10 county is attached a petition describing the real estate,
 11 with any improvements thereon, and setting forth the terms
 12 of the proposed lease, and the same The petition shall be
 13 approved by such the judge, which approval shall be endorsed
 14 on such petition and filed in the office of the clerk of
 15 said the county.

16 (3) (4) No real estate shall may be sold by said the
 17 board of county commissioners unless the same property has
 18 been appraised within one 1 year immediately prior to the
 19 date of sale by three taxpayers residing who reside within
 20 the territory embraced within the boundaries of the
 21 abandoned and abolished county, and who were appointed by
 22 the judge of the district court to which the county is
 23 attached, on petition of the board of county commissioners
 24 of such county, and every such Every sale of real estate

1 shall be made at public sale, and notice of such sale shall
 2 abolished county, such moneys shall be applied in payment of
 3 such warrants and interest;

4 (b) if there are no such warrants outstanding but
 5 district bonds have been issued under the provisions of
 6 subdivision (b) of section 16-4016, then such the moneys
 7 shall be deposited in the sinking and interest fund for such
 8 district bond bonds;

9 (c) if there be are no such district bonds
 10 outstanding, then such the moneys shall be deposited to the
 11 credit of the sinking and interest funds for bonds issued
 12 and outstanding when the abandoned and abolished county
 13 ceased to exist, and

14 (d) if there be are no such bonds outstanding and
 15 unpaid, then such the moneys shall be apportioned to all of
 16 the counties to which parts of the abandoned county were
 17 attached in the proportion which the assessed valuation
 18 taxable value of the property in each such part on the first
 19 day of January 1 immediately preceding the abandonment bears
 20 to the assessed valuation taxable value of all the property
 21 in such the abandoned county, and The apportioned moneys
 22 shall be deposited in such the funds of such each county as
 23 the boards of county commissioners of such the counties may
 24 direct."

25 Section 36. Section 32-3107, R.C.M. 1947, is amended

1 to read as follows:

2 "32-3107. Report of county road superintendent —
 3 order creating district. (1) At the next annual meeting of
 4 the board after the road superintendent has completed
 5 surveying the road and making estimates, he shall make a
 6 detailed report. ~~(a)~~ The report shall state that the maps,
 7 descriptions, plans, specifications, and details and
 8 estimates of damages, costs, and expenses have been
 9 completed.

10 (2) The whole amount of damages, costs, and expenses
 11 shall not exceed fifty per cent (50%) 135% of the total
 12 ~~assessed~~ valuation taxable value of the parcels of land in
 13 the district, as determined from the last annual assessment
 14 roll of the county. If it does not, the board shall make and
 15 enter upon the report an order that the road be made.

16 (3) That order shall create the local improvement
 17 district to be known and designated as local improvement
 18 district No. in county, Montana. Copies of the
 19 report shall be kept in the offices of the board and road
 20 superintendent."

21 Section 37. Section 46-1914, R.C.M. 1947, is amended
 22 to read as follows:

23 "46-1914. Levy of tax for purpose of paying for
 24 destruction of wild animals — limitation on levy. The
 25 department of revenue shall annually prescribe the levy

1 recommended by the department to be made against livestock
 2 of all classes, for paying for the destruction of wild
 3 animals killed in this state. The tax in any one year may
 4 not exceed one and one-half (1 1/2) mills on the assessed
 5 ~~valuation~~ taxable value of the livestock. The money received
 6 shall be used only for the payment of claims for the
 7 destruction of wild animals and for the administration of
 8 this act, approved by the department. The money received for
 9 the taxes levied shall be sent annually with other taxes ~~for~~
 10 ~~state~~ purposes to the state treasurer by the county
 11 treasurer of each county, and when when the money is
 12 received by the state treasurer, it shall be placed in the
 13 earmarked revenue fund, and the ~~money~~ may then be paid out
 14 on claims approved under the law governing the payment of
 15 claims."

16 Section 38. Section 53-114, R.C.M. 1947, is amended to
 17 read as follows:

18 "53-114. Application for registration of motor
 19 vehicles and payment of license fees thereon — assessment
 20 of motor vehicles in the stock of licensed motor vehicle
 21 dealers as merchandise. (1) Every owner of a motor vehicle
 22 operated or driven upon the public highways of this state
 23 shall, for each motor vehicle owned, except as herein
 24 otherwise expressly provided, file, or cause to be filed, in
 25 the office of the county treasurer wherein where such the

1 motor vehicle is owned or taxable, an application for
 2 registration, or reregistration, upon a blank form to be
 3 prepared and furnished by the registrar of motor vehicles,
 4 which the application shall contain:

5 (a) Name name and address of owner, giving county,
 6 school district, and town or city within whose corporate
 7 limits the motor vehicle is taxable;

8 (b) Name name and address of conditional sales vendor,
 9 mortgagee, or holder of other lien against said the motor
 10 vehicle, with statement of amount owing under such contract
 11 or lien;

12 (c) Description description of motor vehicle,
 13 including make, year model, engine or serial number,
 14 manufacturer's model or letter, gross weight, type of body,
 15 and, if truck, the rated capacity;

16 (d) In in case of reregistration, the license number
 17 for the preceding year; and

18 (e) Such such other information as the registrar of
 19 motor vehicles may require.

20 (2) Whoever a person who files an application for
 21 registration or reregistration of a motor vehicle, except of
 22 a mobile home as defined in section 84-101, R.G.M., 1947,
 23 shall before filing such application with the county
 24 treasurer submit the same to the county assessor of said the
 25 county, and said the county assessor shall enter on said the

1 application in a space to be provided for that purpose, the
 2 ~~full and true and the assessed valuation market value~~ of
 3 said the vehicle for the year for which said the application
 4 for registration is made.

5 (3) Whoever a person who files an application for
 6 registration or reregistration of a motor vehicle, except of
 7 a mobile home as defined in section 84-101, R.G.M., 1947,
 8 shall upon the filing of said the application ~~is~~ pay to the
 9 county treasurer the registration fee, as provided in
 10 sections 53-122 and sections 53-115, and ~~shall also at such~~
 11 ~~time~~ ~~(2)~~ pay the personal property taxes assessed or the new
 12 motor vehicle sales tax against said the vehicle for the
 13 current year of registration, (unless the same shall have
 14 been theretofore paid for said the year), before the
 15 application for registration or reregistration may be
 16 accepted by the county treasurer. The county treasurer is
 17 ~~hereby empowered to~~ may make full and complete investigation
 18 of the tax status of said the vehicle, and any any applicant
 19 for registration or reregistration must submit proof with
 20 ~~respect thereto~~ from the tax records of the proper county at
 21 the request of the county treasurer.

22 (4) The amount of taxes on said the motor vehicle,
 23 except a mobile home as defined in section 84-101, R.G.M.,
 24 1947, shall be ~~is~~ computed and determined by the county
 25 treasurer on the basis of the levy of the year preceding the

1 current year of application for registration or
 2 reregistration, and such the determination shall be is
 3 entered on the application form in a space provided
 4 therefor.

5 (5) Motor vehicles, except mobile homes as defined in
 6 section 84-101, R.C.M., 1947, are hereby declared to be
 7 assessable assessed for taxation as of and taxes on the
 8 first day of January 1 in each year irrespective of the time
 9 fixed by law for the assessment of other classes of personal
 10 property, and irrespective of whether or not the levy and
 11 tax may be a lien upon real property within the state of
 12 Montana, provided that in no event shall any motor
 13 vehicle be subject to assessment, levy, and taxation more
 14 than once in each year.

15 (6) The applicant for original registration of any
 16 wholly new and unused motor vehicle, except a mobile home as
 17 defined in section 84-101, R.C.M., 1947, acquired by
 18 original contract after the first day of January 1 of any
 19 year shall be required, whenever such vehicle has not been
 20 otherwise assessed, to pay the motor vehicle sales tax
 21 provided by section 32-3315, R.C.M., 1947, irrespective of
 22 whether or not such the vehicle was in the state of Montana
 23 on the first day of January 1 of such the year.

24 (7) Upon accepting application for registration or
 25 reregistration of any motor vehicle which is subject to

1 taxation in this state on January 1 in any year, and upon
 2 payment of taxes, the county treasurer shall stamp on said
 3 the application: "Taxes on this vehicle due January 1 of
 4 current year paid by applicant, prior applicant, or owner,
 5 and this vehicle is eligible for registration." Upon
 6 accepting application for registration of any motor vehicle
 7 which was not subject to taxation in this state on January
 8 1st 1 in any year, the county treasurer shall indicate such
 9 the fact by proper entry on said the application.

10 (8) The registrar of motor vehicles shall have
 11 authority to make proper entry of the payment of taxes
 12 in accord with the facts on any certificate of title to any
 13 motor vehicle respecting payment of taxes in accord with
 14 the facts.

15 (9) Motor vehicles subject to anniversary date
 16 registration as provided in sections 53-154 through 53-162
 17 are exempt from the provisions of subsections (5), (6), and
 18 (7) of this section."

19 Section 39. Section 53-1025, R.C.M. 1947, is amended
 20 to read as follows:

21 "53-1025. Display of tax-paid decals on snowmobiles
 22 required — application and issuance. ~~to~~ 11 No snowmobile
 23 shall may be operated by any person in the state of Montana
 24 unless there is displayed in a conspicuous place thereon on
 25 it a decal as visual proof that Montana personal property

1 taxes have been paid ~~thereon~~ on it for the current year.

2 ~~(2)~~ Application for the ~~issuance of such~~ tax-paid
 3 decal shall be made to the county treasurer upon forms to be
 4 furnished for this purpose, which may be obtained from the
 5 registrar of motor vehicles or at the county assessor's
 6 office in the county ~~wherein~~ where the owner resides, and
 7 ~~is to provide for substantially~~ The application shall
 8 contain the following information:

9 ~~(a)~~ name of owner;
 10 ~~(b)~~ address;
 11 ~~(c)~~ registration number;
 12 ~~(d)~~ name of manufacturer;
 13 ~~(e)~~ model number;
 14 ~~(f)~~ make;
 15 ~~(g)~~ horsepower;
 16 ~~(h)~~ year of manufacture;
 17 ~~(i)~~ statement evidencing assessment, and payment of
 18 property tax; and
 19 ~~(j)~~ such other information as the registrar of motor
 20 vehicles may require.

21 ~~(3)~~ Said The application shall be signed by the county
 22 treasurer and transmitted by him to the registrar of motor
 23 vehicles accompanied by a fee of ~~two dollars~~ (\$2). All
 24 moneys collected from payment of ~~such the~~ fees shall be
 25 turned over to the state treasurer and placed ~~by him~~ in the

1 earmarked revenue fund to the credit of the state fish and
 2 game commission, with ~~one dollar~~ (\$1) designated for use in
 3 enforcing the purposes of this act and ~~one dollar~~ (\$1)
 4 designated for use in developing snowmobile facilities. Upon
 5 receipt of the application in approved form, the registrar
 6 of motor vehicles or county treasurer shall issue to the
 7 applicant a decal in the style and design prescribed by the
 8 registrar of motor vehicles and of a different color than
 9 the preceding year, numbered numerically in sequence.

10 ~~(4)~~ Before filing the application with the county
 11 treasurer, the applicant shall submit ~~the same~~ it to the
 12 county assessor of the county and the county assessor shall
 13 enter on the application in a place provided for that
 14 purpose, the ~~full and true~~ market ~~and assessed~~ valuation
 15 value of the snowmobile for the year for which the
 16 application is made.

17 ~~(5)~~ The applicant shall pay the county treasurer
 18 the application fee and ~~shall also pay~~ the personal property
 19 taxes assessed against the snowmobile for the current year
 20 before the application for registration or reregistration
 21 may be accepted by the county treasurer."

22 Section 40. Section 69-3504, B.C.M. 1947, is amended
 23 to read as follows:

24 "69-3504. Identification number. ~~(a)~~ 11 The owner of
 25 each motorboat requiring numbering by this state shall file

1 an application for number in the office of the county
 2 treasurer ~~wherein where~~ the motorboat or vessel is owned or
 3 taxable, on forms prepared and furnished by the registrar of
 4 motor vehicles. The application shall be signed by the owner
 5 of the motorboat and shall be accompanied by a fee of ~~one~~
 6 ~~+\$1~~—dollars. Any alteration, change₄ or false statement
 7 contained in the application for certificate of registration
 8 will render the certificate of number null and void. Upon
 9 receipt of the application in approved form₄, the county
 10 treasurer shall issue to the applicant a certificate of
 11 number prepared and furnished by the registrar of motor
 12 vehicles, stating the number awarded to the motorboat and
 13 the name and address of the owner. The number awarded must
 14 be painted on or attached to each outboard side of the
 15 forward half of the motorboat₇, or₄, if there are no such
 16 sides, at a corresponding location on both outboard sides of
 17 the foredeck of the motorboat ~~for which it is issued~~. The
 18 number awarded shall read from left to right, in Arabic
 19 numerals, in block characters of good proportion, a ~~minimum~~
 20 of at least three—3 inches ~~in height tall~~, excluding
 21 border or trim, and of a color which ~~shall~~ contrast ~~that~~
 22 contrasts with the color of the background₇, and so
 23 maintained as to be clearly visible and legible. The number
 24 ~~shall~~ may not be placed on the obscured underside of the
 25 flared bow where ~~the angle is such that the numbers it~~

1 cannot be easily seen from another vessel or ashore. No
 2 numerals, letters₄ or devices other than those used in
 3 connection with the identifying number issued ~~shall~~ may be
 4 placed in the proximity of the identifying number₇, and ~~so~~
 5 No numerals, letters₄ or devices which might interfere with
 6 the ready identification of the motorboat by its identifying
 7 number ~~shall~~ may be carried as to interfere with the
 8 motorboat's identification. The certificate of number shall
 9 be pocket size and ~~shall~~ be available to federal, state₄, or
 10 local law enforcement officers at all reasonable times for
 11 inspection on the motorboat ~~for which issued~~, whenever the
 12 motorboat is on waters of this state₇, ~~except~~ boat ~~Boat~~
 13 liveries are not required to have the certificate of number
 14 on board each motorboat₇, ~~except~~ that ~~a~~ 1 rental agreement
 15 must be carried on board livery motorboats in place of the
 16 certificate of number.

17 ~~(b)(12)~~ Before filing ~~such~~ the application with the
 18 county treasurer, the applicant shall submit ~~the same~~ it to
 19 the county assessor of ~~said~~ the county and ~~said~~ the county
 20 assessor shall enter on ~~said~~ the application in a space to
 21 be provided for that purpose, the ~~full and true and assessed~~
 22 valuation market value of ~~said~~ the vehicle for the year for
 23 which ~~said~~ the application for registration is made.

24 ~~(b)(13)~~ The applicant shall, upon the filing of the
 25 application₇, pay to the county treasurer₇, the registration

1 fee and shall also pay the personal property taxes assessed
 2 against the motorboat or vessel for the current year of
 3 registration before the application for registration or
 4 reregistration may be accepted by the county treasurer.

5 (d) The numbering requirements of this act shall apply
 6 to motorboats operated by dealers, manufacturers or their
 7 employees as follows:

8 (1) A dealer or manufacturer may apply directly to
 9 the registrar of motor vehicles for one (1) identifying
 10 number and one (1) or more certificates of number. A
 11 dealer's or manufacturer's identifying number shall be
 12 displayed on a dealer's or manufacturer's his boat while the
 13 boat is operating for a purpose related to the buying,
 14 selling, or exchanging of the boat by the dealer or
 15 manufacturer. (2) The application for a dealer's or
 16 manufacturer's identifying number shall include the his name
 17 of the dealer or manufacturer and the business address of
 18 the dealer or manufacturer. Each dealer or manufacturer
 19 shall will have one (1) identifying number assigned to his
 20 business. (3) An application for dealer's or manufacturer's
 21 identifying number and certificate of number shall must be
 22 accompanied by the following fees:

23 (a) for the identifying number, first certificate
 24 of number, and set of license decals, ~~five dollars-\$5~~;

25 (b) for each additional certificate of number and

1 set of license decals applied for in any application, ~~two~~
 2 dollars-\$2.

3 (4) (5) The registrar of motor vehicles shall issue
 4 certificates of number for the identifying number awarded to
 5 a dealer or manufacturer in the same manner as provided in
 6 section 69-3504(a), except that no boat shall be described
 7 in the certificate and each certificate shall state that the
 8 identifying number has been awarded to a dealer or
 9 manufacturer. A dealer's or manufacturer's certificate of
 10 number expires on April 30 of the year for which it is
 11 issued. (6) A dealer's or manufacturer's identifying number
 12 shall be displayed in the same manner as provided in section
 13 69-3504(a) of this act, except that the number may be
 14 temporarily attached, and that the last three (3) letters
 15 shall be "DLR" for dealer and "MFR" for manufacturer. These
 16 These letters shall be included, respectively, in dealer or
 17 manufacturer identification numbers only. (7) No person
 18 other than a dealer or manufacturer or an employee of a
 19 dealer or manufacturer shall display or use a dealer's or
 20 manufacturer's identifying number. A dealer's or
 21 manufacturer's identifying number may be displayed only on
 22 motorboats owned by the dealer or manufacturer. (8) No
 23 dealer or manufacturer or employee of a dealer or
 24 manufacturer shall may use a dealer's or manufacturer's
 25 identifying number for any purpose other than the purpose

1 described in subsection ~~4~~ 4 of this section.

2 ~~4~~ 6 The owner of any motorboat already covered by a
 3 number in full force and effect, ~~which that~~ has been awarded
 4 to it ~~pursuant to the~~ under operative federal law or a
 5 federally approved numbering system of another state, shall
 6 record the number prior to operating the motorboat on the
 7 waters of this state in excess of the ~~sixty~~ 60 day
 8 reciprocity period provided for in ~~section~~ 69-3506 (1) of
 9 this act. ~~Such recordation~~ The record shall be ~~in the manner~~
 10 and ~~pursuant to the~~ made according to the procedure required
 11 for the award of number under subsection ~~4~~ 11 of this
 12 section.

13 ~~4~~ 7 Should the ownership of a motorboat change,
 14 ~~within a reasonable time~~ a new application form with fee
 15 shall be filed within a reasonable time with the county
 16 treasurer and a new certificate of number shall be awarded
 17 in the same manner as provided for in an original award of
 18 number.

19 ~~4~~ 8 If an agency of the United States government
 20 has in force an ~~over-all~~ a comprehensive system of
 21 identification numbering for motorboats in the United
 22 States, the numbering system employed pursuant to this act
 23 by the registrar of motor vehicles shall be in conformity
 24 therewith.

25 ~~4~~ 9 Every certificate of number and the license

1 decals awarded under this act shall continue in effect for a
 2 period not to exceed one ~~1~~ year, unless sooner terminated
 3 or discontinued in accordance with the provisions of this
 4 act. Certificates of number and license decals shall show
 5 the date of expiration ~~thereon~~ and may be renewed by the
 6 owner in the same manner provided for in the initial
 7 securing of the certificate.

8 ~~4~~ 10 Certificates of number ~~doe~~ shall expire on
 9 April 30 of each ~~calendar~~ year and shall ~~no longer~~ may not
 10 be ~~of any~~ in effect unless renewed under this act.

11 ~~4~~ 11 In event of transfer of ownership, the
 12 purchaser shall furnish the county treasurer notice within
 13 reasonable time of the acquisition of all or any part of his
 14 interest, other than the creation of a security interest, in
 15 a motorboat numbered in this state ~~under this section~~, or of
 16 the loss, theft, destruction, or abandonment of the
 17 motorboat, ~~within reasonable time thereof~~. ~~Such~~ The
 18 transfer, loss, theft, destruction, or abandonment shall
 19 ~~terminate~~ terminates the certificate of number for the
 20 motorboat, ~~except that in the case of a recovery~~ Recovery
 21 from theft, or transfer of a part interest ~~which that~~ does
 22 not affect the owner's right to operate the motorboat, the
 23 ~~cessory or transfer~~ does not terminate the certificate of
 24 number.

25 ~~4~~ 12 A holder of a certificate of number shall

1 notify the county treasurer within reasonable time if his
 2 address no longer conforms to the address appearing on the
 3 certificate and ~~shall, as a part of the notification,~~
 4 furnish the county treasurer with his new address. The
 5 registrar of motor vehicles may provide in its bureau rules
 6 for the surrender of the certificate bearing the former
 7 address and its replacement with a certificate bearing the
 8 new address or the alteration of an outstanding certificate
 9 to show the new address of the holder.

10 ~~(13)~~ No number other than the number and license
 11 decal awarded to a motorboat or granted reciprocity under
 12 this act, shall be painted, attached, or otherwise displayed
 13 on either side of the forward half of the motorboat.

14 ~~(18)~~ Fees collected under this section shall be
 15 transmitted to the state treasurer who shall deposit the
 16 fees in the motorboat certificate identification account of
 17 an earmarked revenue fund. These fees shall be used only for
 18 the administration and enforcement of ~~sections~~ 69-3501
 19 through 69-3518.

20 ~~(15)~~ An owner of a motorboat must within reasonable
 21 time notify the registrar of motor vehicles, giving the
 22 motorboat's identifying number and the owner's name, within
 23 reasonable time, when that motorboat becomes documented as a
 24 vessel of the United States, ~~or~~ is transferred, lost,
 25 destroyed, abandoned, frauded, or within sixty ~~60~~ days

1 after change of state of principal use."

2 Section 41. Section 75-7104, R.C.S. 1947, is amended
 3 to read as follows:

4 "75-7104. Limitations on amount of bond issue. (1) The
 5 maximum amount for which each school district ~~shall may~~
 6 become indebted by the issuance of bonds, including all
 7 indebtedness represented by outstanding bonds of previous
 8 issues and registered warrants, is ~~eight percent~~ 29% of
 9 the ~~assessed~~ taxable value of the ~~taxable~~ property ~~therein~~
 10 subject to taxation as ascertained by the last completed
 11 assessment for state, county, and school taxes previous to
 12 the incurring of such indebtedness. The ~~eight percent~~ ~~8%~~
 13 29% maximum, however, ~~shall may~~ not pertain to indebtedness
 14 imposed by special improvement district obligations or
 15 assessments against the school district. All bonds issued
 16 in excess of such amount shall be null and void, except as
 17 provided in subsection (2) this section.

18 (2) When the total indebtedness of a school district
 19 has reached the ~~eight percent~~ ~~8%~~ 29% limitation prescribed
 20 in this section, ~~such~~ the school district ~~shall have the~~
 21 ~~power and authority to~~ ~~may~~ pay all reasonable and necessary
 22 expenses of the school district on a cash basis in
 23 accordance with the financial administration provisions of
 24 this title chapter. Whenever bonds are issued for the
 25 purpose of refunding bonds, any moneys to the credit of the

1 debt service fund for the payment of the bonds to be
 2 refunded ~~shall be~~ ~~are~~ applied towards the payment of such
 3 bonds and the refunding bond issue ~~shall be~~ ~~is~~ decreased
 4 accordingly.

5 ~~(2)(3)~~ In the case of a school district within which a
 6 new major industrial facility which seeks to qualify for
 7 taxation as class seven ~~7~~ property under ~~sections 84-301,~~
~~84-301.8~~ ~~1947,~~ ~~84-301.8~~ is being constructed or is about to be
 9 constructed, the school district may require, as a
 10 precondition of the new major industrial facility qualifying
 11 as class seven ~~7~~ property, that the owners of the proposed
 12 industrial facility enter into an agreement with the school
 13 district concerning the issuing of bonds in excess of the
 14 eight percent ~~8%~~ ~~29%~~ limitation prescribed in ~~subsection~~
 15 ~~one—(1)~~ this section. Under such an agreement, the school
 16 district may, with the approval of the voters, issue bonds
 17 which exceed the limitation prescribed in ~~subsection~~~~one—(1)~~
~~this section~~ by a maximum of eight percent ~~8%~~ ~~29%~~ of the
 19 estimated assessed taxable value of the taxable property of
 20 the new major industrial facility subject to taxation when
 21 completed. The estimated assessed taxable value of the
 22 taxable property of the new major industrial facility
~~subject to taxation~~ shall be computed by the department of
 24 revenue when requested to do so by a resolution of the board
 25 of trustees of the school district, and a copy of the

1 department's statement of estimated assessed taxable value
 2 shall be printed on each ballot used to vote on a bond issue
 3 proposed under this ~~subsection~~ section.

4 ~~(4)~~ Pursuant to the agreement between the new major
 5 industrial facility and the school district, and as a
 6 precondition to qualifying as class seven ~~7~~ property, the
 7 new major industrial facility and its owners shall pay in
 8 addition to ~~such the taxes as may be imposed by the school~~
 9 district on property owners generally pay, so much of the
 10 principal and interest ~~interest~~ on the bonds provided for
 11 under this ~~subsection~~ section as ~~shall represent~~ represents
 12 payment on an indebtedness in excess of the limitation
 13 prescribed in ~~subsection~~~~one—(1)~~ this section. After the
 14 completion of the new major industrial facility and when the
 15 indebtedness of the school district no longer exceeds the
 16 limitation prescribed in ~~subsection~~~~one—(1)~~ this section,
 17 the new major industrial facility shall be entitled, after
 18 all the current indebtedness of the school district has been
 19 paid, to a tax credit over a period of no more than ~~twenty~~
 20 ~~420~~ years, which The credit shall, as a total amount, be
 21 equal to the amount by which the facility paid the principal
 22 and interest of the school district's bonds in excess of its
 23 general liability as a taxpayer within the district.

24 ~~(5)~~ A major industrial facility is a facility, subject
 25 to the taxing power of the school district, whose

1 construction or operation will increase the population of
 2 the district, ~~so as to impose~~ imposing a significant burden
 3 upon the resources of the district and ~~to require~~ requiring
 4 construction of new school facilities. A significant burden
 5 is an increase in ANB of at least ~~twenty percent~~ {20%} in a
 6 single year."

7 Section 42. Section 75-8104, R.C.M. 1947, is amended
 8 to read as follows:

9 "75-8104. Requirements for organization of community
 10 college district. The registered electors in any area of the
 11 state of Montana may request an election for the
 12 organization of a community college district where the
 13 proposed community college district conforms to the
 14 following requirements:

15 (1) The proposed area ~~shall coincide~~ coincides with
 16 the ~~then~~existing boundaries of contiguous elementary
 17 districts of one or more counties.

18 (2) The ~~assessed valuation~~ taxable value of the
 19 proposed area is at least ~~thirty million dollars~~
 20 ~~\$30,000,000~~ \$1 million.

21 (3) There are at least ~~seven hundred~~ {700} pupils
 22 regularly enrolled in public and private high schools
 23 located in the proposed area."

24 Section 43. Section 84-101, R.C.M. 1947, is amended to
 25 read as follows:

1 "84-101. Definition of terms. Whenever the ~~when~~ terms
 2 mentioned in this section are employed in dealing with the
 3 ~~subject of~~ used in connection with taxation, they are
 4 employed in the sense hereafter affixed to them, defined in
 5 the following manner:

6 First— (1) The term "property" includes moneys,
 7 credits, bonds, stocks, franchises, and all other matters
 8 and things real, personal, and mixed, capable of private
 9 ownership, ~~but this~~ This definition must not be construed
 10 ~~so as to authorize the taxation of the stocks of any company~~
 11 or corporation when the property of such company or
 12 corporation represented by ~~such~~ the stocks is within the
 13 state and has been taxed.

14 Second— (2) The term "real estate" includes:

15 ~~1-(a)~~ the ~~the~~ possession of, claim to, ownership of,
 16 or right to the possession of land;

17 ~~2-(b)~~ all ~~all~~ mines, minerals, and quarries in and
 18 under the land, subject to the provisions of section
 19 84-5401*v1* all timber belonging to individuals or
 20 corporations growing or being on the lands of the United
 21 States, *v1* and all ~~right~~ rights and privileges appertaining
 22 thereto.

23 3. Improvements.

24 Third—(3) The term "improvements" includes all
 25 buildings, structures, fixtures, fences, and improvements,

1 including mobile homes and house trailers situated upon,
2 erected upon, or affixed to land, when when the department
3 of revenue or its agent determines that the permanency of
4 location of the a mobile home or housetrailer has been
5 established, and for this purpose any the mobile home or
6 housetrailer is presumed to be an improvement to real
7 property. If the mobile home or house trailer is an
8 improvement located on land not owned by the owner of such
9 improvement, the improvement shall be is assessed as a
10 leasehold improvement to real property and delinquent taxes
11 can be a lien only on the leasehold improvement.

12 ~~Fourth—(4)~~ The term "personal property" includes
13 everything which that is the subject of ownership, but that
14 is not included within the meaning of the term "real estate"
15 and "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.~~

19 Sixth—(5) The term "credit" means these solvent debts,
20 secured or unsecured, owing to a person.

21 Seventh—(6) The term "mobile home" means forms of
22 housing known as "trailers", "house trailers", or "trailer
23 coaches" exceeding ~~eight~~—(8) feet in width or ~~thirty-two~~
24 ~~432~~ feet in length, designed to be moved from one place to
25 another by an independent power connected thereto to them.

1 (7) The term "assessed value" means the value of
2 property as defined in 84-401.

3 (8) The term "taxable value" means the percentage of
4 assessed value as provided for in 84-301.2 through 84-301.15
5 and 84-308."

6 Section 44. Section 84-402, R.C.M. 1947, is amended to
7 read as follows:

1 property on the assessment roles. The assessors shall
 2 perform such other duties as are required by law, not in
 3 conflict with the provisions of this subsection.

4 ~~(3)~~ (2) The department of revenue shall have full
 5 charge of ~~appealing~~ assessing all property subject to
 6 taxation and equalizing values and shall secure such
 7 personnel as is necessary to properly perform ~~their~~ its
 8 duties.

9 ~~(4)~~ (3) The salaries salary of the county assessor
 10 shall be the same amount as provided by law for the salary
 11 of the county clerk and recorder; deputy assessors' salaries
 12 shall be the same as paid the deputy clerk and recorder.

13 ~~(5)~~ (4) The county commissioners of the various
 14 counties shall provide existing office space in the county
 15 courthouse for use by the county assessor, his deputies and
 16 staff, and the state appraiser and staff, if such space is
 17 reasonably available; ~~if~~ If such space is not reasonably
 18 available in the courthouse and the same must be contracted
 19 for, the department shall pay the cost thereof. Additional
 20 personal property required by the department for the
 21 assessor to perform his duties as agent of the department
 22 shall be provided by the department."

23 Section 45. Section 84-404, R.C.M. 1947, is amended to
 24 read as follows:

25 "84-404. State-department Department of revenue to

1 assign percentage basis, ~~as~~ when. The percentage basis of
 2 ~~true and full assessed~~ value as provided for in section
 3 84-302, ~~shall be 84-301.2 through 84-301.15 and 84-308 is~~
 4 determined and assigned by the state department of revenue,
 5 or its agent when it makes its annual assessment of the
 6 property, ~~which it is required to assess~~ under the laws of
 7 this state, and The department shall transmit such
 8 determination and assignment to the various county clerks
 9 with the assessments so made, and its determination ~~shall be~~
 10 is final except as to the right of review in the proper
 11 court."

12 Section 46. Section 84-406, R.C.M. 1947, is amended to
 13 read as follows:

14 "84-406. Time of assessment ~~motor vehicles~~
 15 ~~mobile homes~~ ~~livestock~~ ~~snowmobiles~~ General assessment
 16 ~~day~~. (1) The department of revenue or its agent must,
 17 between ~~the first day of January 1~~ and the second Monday of
 18 July in each year, ascertain the names of all taxable
 19 inhabitants, and assess all property in each county subject
 20 to taxation, ~~except such as is required to be assessed by~~
 21 ~~the state department of revenue, and~~ The department or its
 22 agent must assess ~~such~~ property to the persons person by
 23 whom it was owned or claimed, or in whose possession or
 24 control it was at 12 midnight of ~~the first day of January 1~~
 25 next preceding. It must also ascertain and assess all

1 mobile homes arriving in the county after 12 midnight of the
 2 ~~first day of January 1~~ next preceding.

3 (2) The procedure provided by this section shall ~~may~~
 4 not apply to:

5 (a) ~~Motor~~ motor vehicles which ~~that~~ are required by
 6 subdivision (2) hereof subsection (4) to be assessed as of
 7 the ~~first day of~~ ~~on~~ January 1, or upon their anniversary
 8 registration date, but no mistake in the name of the
 9 owner or supposed owner of real property, however, renders
 10 the assessment ~~thereof~~ invalid.

11 (b) ~~Livestock~~ livestock which are required by
 12 subdivision (3) subsection (6) of this section to be
 13 assessed on an average inventory basis in each county;
 14 Credits must be assessed as provided in section 84-101,
 15 subdivision 6.

16 (c) Property defined in section 53-642 as
 17 "special mobile equipment" which ~~that~~ is subject to
 18 assessment of for personal property taxes on the date that
 19 application is made for a special mobile equipment plate;

20 (d) ~~Mobile~~ mobile homes held by a distributor or
 21 dealer of mobile homes as a part of his stock in trade; and

22 (e) Campers which are required by subdivision 4 hereof
 23 to be assessed as of the first day of January.

24 (f) (el) Snowmobiles which ~~snowmobiles~~ that are required
 25 by subdivision 5 hereof subsection (8) to be assessed as of

1 the first day of July 1.

2 (3) Credits must be assessed as provided in 84-101,
 3 subsection (5).

4 (2) (4) The department or its agent must ascertain and
 5 assess all motor vehicles, except mobile homes, in each
 6 county subject to taxation as of January 1, or as of the
 7 anniversary registration date of those vehicles subject to
 8 sections 53-154 through 53-162, in each year, and the same
 9 The motor vehicles shall be assessed to the persons by whom
 10 owned or claimed, or in whose possession or control each
 11 vehicle was ~~they were~~ at 12 midnight of the first day of
 12 January 1 or the anniversary registration date thereof,
 13 whichever is applicable, in each year. ~~provided that each~~ ~~no~~
 14 tax shall not ~~may~~ be assessed against motor vehicles which
 15 that constitute inventory of motor vehicle dealers as of
 16 January 1, but ~~said~~ These vehicles, and all other motor
 17 vehicles brought into the state subsequent to January 1, as
 18 motor vehicle dealers' dealers' inventories, inventories shall
 19 be assessed to their respective purchasers as of the dates
 20 ~~said~~ the vehicles are registered by ~~said~~ the purchasers,
 21 and ~~purchasers~~ means and "Purchasers" includes dealers who
 22 apply for registration or re-registration reregistration of
 23 motor vehicles, except as otherwise provided by section
 24 32-3315. Goods, wares, and merchandise of motor vehicle
 25 dealers, other than new motor vehicles and new mobile homes,

1 shall be assessed at ~~full and true market~~ value as of the
 2 ~~first day of January 1.~~

3 ~~(5) Except that this paragraph shall not apply to an~~
 4 ~~applicant for registration or re-registration of a mobile~~
 5 ~~home, nothing herein contained shall relieve the The~~
 6 ~~applicant for registration or re-registration reregistration~~
 7 ~~of any other a motor vehicle, other than a mobile home, is~~
 8 ~~not relieved so assessed or subject to assessment of the~~
 9 ~~duty of paying taxes thereon as a condition precedent to~~
 10 ~~registration or re-registration in the event said if the~~
 11 ~~taxes have not been paid by any a prior applicant or owner~~
 12 ~~in all cases where taxes were required to be paid.~~

13 ~~(4)(6) The assessed value of livestock in each county~~
 14 ~~on the assessment date shall be is computed by adding the~~
 15 ~~assessed value of all livestock more than nine (9) months of~~
 16 ~~age owned by the taxpayer in each county on the last day of~~
 17 ~~each month since the last assessment date and dividing the~~
 18 ~~sum by twelve (12). For purposes of this subdivision~~
 19 ~~subsection, "livestock" means cattle, sheep, horses, and~~
 20 ~~mules.~~

21 ~~(4)(7) The department of revenue or its agent must~~
 22 ~~ascertain and assess all campers in each county subject to~~
 23 ~~taxation as of January 1 in each year, and the same The~~
 24 ~~campers shall be assessed to the persons including dealers~~
 25 ~~by whom owned or claimed, or in whose possession or control~~

1 ~~each camper was, including dealers, they were at 12 midnight~~
 2 ~~of the first day of January 1 in each year.~~

3 ~~(5)(8) The department of revenue or its agent must~~
 4 ~~ascertain and assess all snowmobiles in each county subject~~
 5 ~~to taxation as of July 1 in each year, and the same 1~~
 6 ~~snowmobile shall be assessed to the persons person by whom~~
 7 ~~owned or claimed, or in whose possession or control each~~
 8 ~~snowmobile it was at 12 midnight on the first day of July 1~~
 9 ~~in each year, provided, however, that except snowmobiles~~
 10 ~~which constitute in the inventory of snowmobile dealers~~
 11 ~~which shall be assessed to the dealers as of 12 midnight of~~
 12 ~~the first day of January 1 in each year, and further~~
 13 ~~provided that all snowmobiles that have been assessed and~~
 14 ~~for which taxes have been paid for the period of January 1,~~
 15 ~~1975 through December 31, 1975, shall be assessed for only~~
 16 ~~six (6) months during the period July 1, 1975 through June~~
 17 ~~30, 1976."~~

18 Section 47. Section 84-602, R.C.S. 1947, is amended to
 19 read as follows:

20 ~~*84-602. Equalization of assessments. The department~~
 21 ~~of revenue has power after after giving notice, in writing,~~
 22 ~~to the a taxpayer, by registered or certified mail,~~
 23 ~~addressed to him at his last known place of residence, of~~
 24 ~~its intention, to the department of revenue may increase or~~
 25 ~~lower his the taxpayer's assessment contained in the~~

1 assessment book, ~~so as~~ to equalize the assessment of the
 2 property contained therein and make the assessment conform
 3 to the ~~true~~ assessed value of such property ~~as may be~~, as
 4 defined in 84-401 and 84-308, which The notice shall specify
 5 the date and hour when ~~the~~ the taxpayer may appear and be
 6 heard thereon, ~~which date shall be a date and hour~~ not be
 7 less than five (5) days from date of mailing ~~such~~ the
 8 notice, and immediately Immediately after reaching a
 9 decision, the department shall notify the taxpayer, in
 10 writing, of ~~such~~ the decision, specifying the change, if
 11 any, made in the assessment, ~~said~~ The notice to ~~must~~ be
 12 given by registered or certified mail, and addressed to the
 13 taxpayer at his last known place of residence. The
 14 department may also ~~have~~ power to raise or lower the
 15 valuation of all the property in a class by a certain
 16 percentage, ~~in the event that if~~ any class of property is
 17 assessed as a class, at more or less than its ~~actual~~
 18 assessed value, as defined by 84-401 by its the department's
 19 agent and if the valuation of such property within the
 20 county demands a general reclassification."

21 Section 48. Section 84-708.1, R.C.S. 1947, is amended
 22 to read as follows:

23 "84-708.1. Powers and duties of the state department
 24 of revenue. (1) ~~To~~ The department of revenue shall annually
 25 assess the franchise, roadway, roadbeds, rails, and rolling

1 stock, and all other property of all railroads, ~~in~~ and the
 2 pole lines and ~~rights-of-way~~ rights-of-way and all other
 3 property of all telegraph and telephone lines, electric
 4 power and transmission lines, ditches, canals, and flumes, ~~in~~
 5 and other similar property, constituting a single and
 6 continuous property operated in more than one ~~in~~ county in
 7 the state, or more than one ~~in~~ state. To apportion ~~such~~ the
 8 assessments to the counties in which ~~such~~ the properties are
 9 located on a mileage basis, or if the property of any
 10 company assessable under this section is of such a character
 11 that its value cannot reasonably be apportioned on the basis
 12 of mileage, the department may adopt ~~such~~ any other method
 13 or basis of apportionment to the county or counties in which
 14 the property is situated as may be just and proper.

15 (2) All The department may not consider the following
 16 property as part of any single or continuous property: lots
 17 and parcels of real estate not included in ~~right-of-way~~
 18 right-of-way, with the buildings, structures, and
 19 improvements thereon, ~~in~~ dams and power houses, depots,
 20 stations, shops, and other buildings, erected upon ~~right-of-way~~
 21 ~~way~~ right-of-way, and furniture, machinery, and other
 22 personal property, ~~which~~ shall not be considered as a part of any
 23 ~~such~~ single and continuous property, but shall be considered
 24 as separate and distinct therefrom, and shall be The
 25 property is considered separate and distinct and is assessed

1 by the agent of the department of revenue in the county
 2 wherein they are situated where it is situated.

3 ~~(2)~~ (3) ~~To~~ The department shall transmit to the county
 4 clerk of each county its apportionment of all assessments
 5 made by the department.

6 ~~(3)~~ (4) ~~To~~ The department shall adjust and equalize the
 7 valuation of taxable property among the several counties,
 8 and the different classes of taxable property in any county
 9 and in the several counties and between individual
 10 taxpayers; supervise and review the acts of agents of the
 11 department; change, increase, or decrease valuations made by
 12 its agents; and exercise such authority and do all things
 13 necessary to secure a fair, just, and equitable valuation of
 14 all taxable property among counties between the different
 15 classes of property and between individual taxpayers.

16 ~~(4)~~ (5) ~~To~~ have and ~~The department shall~~ exercise
 17 general supervision over the administration of the
 18 assessment and tax laws of the state, and over its agents
 19 and any officers of municipal corporations, having any
 20 duties to perform under any of the laws of this state
 21 relating to taxation to the end that all assessments of
 22 property be made relatively just and equal at ~~true~~ a value
 23 in substantial compliance with law, and ~~to~~ supervise the
 24 administration of all revenue laws of the state and assist
 25 in their enforcement. ~~Further, the state~~ The department of

1 revenue is empowered to organize, and it shall be its duty
 2 to schedule and hold area schools within the state for
 3 appraisers and assessors as often as is deemed it considers
 4 necessary, ~~in the judgment of the department and the~~ The
 5 costs of such appraisers and assessors attending shall be
 6 borne by the state. ~~Further, the department shall determine~~
 7 ~~if there is a need for a taxing, assessing, and appraising~~
 8 ~~school, and such school shall be held, when deemed~~
 9 ~~necessary.~~ The department shall notify all assessors and
 10 appraisers at least ~~six~~ ~~6~~ months before such school is
 11 scheduled, ~~and it shall be the duty of all~~ All assessors and
 12 appraisers to shall attend and the cost of their attendance
 13 shall be borne by the state.

14 ~~(5)~~ (6) ~~To~~ The department may confer with, advise, and
 15 direct officers of municipal corporations as to their
 16 duties, with respect to taxation, under the statutes of the
 17 state.

18 ~~(6)~~ (7) ~~To~~ The department shall direct proceedings,
 19 actions, and prosecutions to be instituted to enforce the
 20 laws relating to the penalties, liabilities, and punishment
 21 of public officials and persons, or their agents, for
 22 failure or neglect to comply with the provisions of the
 23 statutes governing the revenue of the state or municipal
 24 corporations, ~~and to~~ The department shall cause complaints
 25 to be made against assessors and other public officers to

1 the proper district court for their removal from office for
 2 official misconduct or neglect of duty.

3 ~~47~~(8) ~~to~~ The department shall require county
 4 attorneys to assist in the commencement and prosecution of
 5 actions and proceedings for penalties, forfeitures,
 6 removals, and punishment for violations of the laws of the
 7 state in respect to the assessment of property and other
 8 revenue laws, in their respective counties.

9 ~~48~~(9) ~~to~~ The department shall collect annually from
 10 the proper officers of the municipal corporations
 11 information as to ~~about~~ the assessment of property,
 12 collection of taxes, receipts from licenses and other
 13 sources, the expenditure of public funds for all purposes,
 14 and such other information as may be needful and helpful in
 15 the work of the department in such form and upon such blanks
 16 as the department shall prescribe, and it shall be the
 17 duty of all public officers so called upon to fill out
 18 properly and return promptly to the department all blanks so
 19 transmitted and in every way aid the department in its
 20 work, to The department may examine the records of all
 21 municipal corporations for such purposes as are deemed
 22 needful or helpful ~~by~~ the department.

23 ~~49~~(10) ~~in~~ The department may, in its discretion, to
 24 inspect and examine, or cause an inspection and examination
 25 of the records of the officers of any municipality, whenever

1 ~~each~~ an officer ~~shall have has~~ failed, neglected, or refused
 2 to return properly the information required by this section
 3 within the time set by the department. Upon completion of
 4 such inspection and examination, the department shall
 5 transmit to the clerk, or other proper official of the
 6 municipality, a statement of the expenses incurred by the
 7 department to secure the necessary information. Within
 8 ~~sixty~~ ~~60~~ days after the receipt by the municipality of the
 9 above statement, the same shall be audited, as other claims
 10 of the municipal corporation are audited and shall be paid
 11 into the state treasury, and if ~~if the same statement~~ is not
 12 ~~so~~ paid, the attorney general shall institute an action, in
 13 the proper court, against the municipality to recover the
 14 same. The officers responsible for the furnishing of the
 15 information collected pursuant to this section, shall be
 16 jointly and severally liable for any loss the municipality
 17 may suffer, through their delinquency, and no payment
 18 shall ~~may~~ be made to them for salary, or on any other
 19 account, until the cost of such inspection and examination
 20 as provided above ~~shall have has~~ been paid into the
 21 treasury, or to the proper officers of such municipality.
 22 They shall also be subject to ~~such~~ the other fines and
 23 penalties as prescribed by law.

24 ~~40~~(11) ~~to~~ The department may require persons, as
 25 defined above, to furnish information concerning their

1 capital, funded or other debt, current assets and
 2 liabilities, cost and value of property, earnings, operating
 3 and other expenses, taxes, and all other facts which may
 4 enable the department to ascertain the value of the relative
 5 burdens borne by all kinds of property and occupations in
 6 the state.

7 ~~444~~(12) ~~to~~ The department may summon witnesses to
 8 appear and give evidence, and to produce records, books,
 9 papers, and documents relating to any matter which the
 10 department ~~shall have~~ has authority to investigate and
 11 determine.

12 ~~445~~(13) ~~to~~ The department may cause the deposition of
 13 witnesses residing within or without the state, or absent
 14 therefrom, to be taken upon notice to the interested party,
 15 if any, in like manner that depositions are taken in actions
 16 pending in the district court, in any matter which the
 17 department ~~shall have~~ has authority to investigate and
 18 determine.

19 ~~446~~(14) ~~to~~ The department may examine into all cases
 20 where evasion or violation of the laws for taxation of
 21 property, proceeds, occupation, or business is alleged,
 22 complained of, or discovered, and ~~to~~ ascertain wherein
 23 existing laws are ineffective or are improperly or
 24 negligently administered.

25 ~~447~~(15) ~~to~~ The department may investigate the tax

1 systems of other states and countries and ~~to~~ formulate and
 2 recommend legislation for the better administration of the
 3 fiscal laws so as to secure just and equal taxation and
 4 improvement in the system of taxation and the economical
 5 expenditure of public revenue in the state.

6 ~~448~~(16) ~~to~~ The department may consult and confer with
 7 the governor of the state upon the subject of taxation, the
 8 administration of the laws relating thereto, and the
 9 progress of the work of the department, and ~~to~~ furnish the
 10 governor such assistance as he may require.

11 ~~449~~(17) ~~to~~ The department shall transmit to the
 12 governor and to each member of the legislature ~~twenty~~ 420
 13 days before the meeting of the legislature, a report of the
 14 department, showing all the taxable property of the state
 15 and the its value of the same in tabulated form, with
 16 recommendations for improvements in the system of taxation,
 17 together with ~~such~~ measures as may be formulated for the
 18 consideration of the legislature, and ~~to~~ The department may
 19 include therein a report showing the selling price of
 20 gasoline at the wholesale level in prime market centers of
 21 Montana and in surrounding states during the biennium, with
 22 indexes tabulated at sufficient intervals to show the
 23 comparative state price structures.

24 ~~450~~(18) In its discretion, ~~to~~ The department may waive
 25 the assessment of penalty for the late filing of any tax

1 statement or return required to be filed with the department
 2 when the filing is done within ~~five~~-(5) days of the date
 3 specified for filing the return or statement, and for the
 4 late payment of any tax collected by the department when the
 5 payment is made within ~~five~~-(5) days of the date specified
 6 for payment of the tax.

7 ~~(18)~~-(19) In its discretion, the department may to enter
 8 into reciprocal agreements with the taxing authorities of
 9 states contiguous to the state of Montana which tax the
 10 income of Montana residents earned in that state to provide
 11 that the tax imposed by Title 84, chapter 49, ~~R.C.M.~~ 1947,
 12 on income derived by persons who are nonresidents of this
 13 state shall need not be payable paid when such other state
 14 or states agree to grant similar treatment to residents of
 15 Montana."

16 Section 49. Section 84-728, R.C.M. 1947, is amended to
 17 read as follows:

18 "84-728. Valuation of interstate fleets —
 19 determination of aggregate tax due. The state department of
 20 revenue shall assess any interstate motor vehicle fleet
 21 making application for proportional registration as follows:

22 ~~(a)~~-(1) The purchase price depreciated by a schedule as
 23 prescribed by the department shall determine the depreciated
 24 value.

25 ~~(b)~~-(2) The depreciated value multiplied by the per

1 cent percent of miles traveled in Montana as prescribed by
 2 section 53-712 shall be the assessed value.

3 ~~(c)~~-(3) The sum of the assessed value of all vehicles
 4 included in the fleet multiplied by ~~twenty~~-(20)-per-cent 12%
 5 shall be the taxable value for the entire fleet.

6 ~~(d)~~-(4) To determine the amount of tax due, the taxable
 7 value of the entire fleet shall be multiplied by the
 8 state-wide statewide average county mill levy plus state
 9 levies as hereinafter provided."

10 Section 50. Section 84-4605, R.C.M. 1947, is amended
 11 to read as follows:

12 "84-4605. Taxation of banks and shares of stock in.
 13 (1) Every state bank or banking corporation located and
 14 doing business in this state, and every private banker doing
 15 business in this state, shall be taxable taxed upon the
 16 value of all real estate and personal property owned by such
 17 the bank, banking corporation, or private banker, and also
 18 upon the moneied capital employed in such the business, such
 19 and upon the moneied capital to be ascertained as provided
 20 by section 84-301-84-301.7, and the The cashier or secretary
 21 of every such bank or banking corporation, and every such
 22 private banker, shall furnish to the department of revenue
 23 or its agent in the county in which its or his bank is
 24 located, within five 5 days after demand therefor, a
 25 statement verified by his oath, showing all the resources

1 and liabilities of ~~such~~ the bank as disclosed by its books,
 2 at the close of business on December 31 of the preceding
 3 year, ~~if~~~~such~~ If the cashier, secretary, or private banker
 4 ~~shall fail~~ fails to make the statement, ~~hereby~~ required, the
 5 department or its agent shall forthwith obtain ~~such~~ the information
 6 from any other available source, and for this
 7 purpose shall have access to the books of ~~such~~ the bank,
 8 banking corporation, or private banker. The department or
 9 its agent shall thereupon make an assessment of the real
 10 estate and personal property owned by ~~such~~ the bank, banking
 11 corporation, or private banker, and of the moneyed capital
 12 employed in the business of ~~such~~ the bank, banking
 13 corporation, or private banker, ~~which~~ the assessment shall
 14 be as fair and equitable as can be made from the best
 15 information available, ~~or~~, for the purpose of said the
 16 assessment, the figures disclosed by any prior report made
 17 by ~~such~~ the bank, banking corporation, or private banker to
 18 any state or federal officer pursuant to any state or
 19 federal law may be adopted. Any person required by this
 20 section to make the statement hereinabove provided, who
 21 ~~shall fail~~ fails to furnish ~~the~~ same, it shall be guilty of
 22 a misdemeanor and ~~shall~~ be punished accordingly.

23 (2) All shares of stock in any ~~such~~ the bank or banking
 24 corporation shall be assessed at their full cash value,
 25 except to the extent that that value is represented in

1 property which is assessable and taxable to ~~such~~ the bank or
 2 banking corporation in this state, and shall be taxable to
 3 the owners of ~~such~~ the shares in the county, school
 4 district, city, town, or place where ~~such~~ the bank or
 5 banking corporation is located ~~and not elsewhere~~, whether or
 6 not the owners of ~~such~~ the shares are residents of such
 7 county, school district, city, town, or place.

8 (3) The cashier or secretary of any ~~such~~ the bank or
 9 banking corporation shall furnish to the department or its
 10 agent, upon demand, the name of each stockholder with his
 11 residence and the number of shares belonging to him at the
 12 close of business on December 31 of the preceding year, and
 13 ~~if~~~~such~~ If the cashier or secretary, for more than ~~five~~ 5
 14 days after ~~such~~ the demand, ~~shall fail~~ fails to furnish such
 15 information, he ~~shall be~~ is guilty of a misdemeanor and the
 16 department or its agent may obtain ~~such~~ the information from any
 17 other available source, ~~and for such purposes shall have~~
 18 ~~access to or from~~ the books of ~~such~~ the bank or banking
 19 corporation. For convenience, the assessment of ~~such~~ the
 20 shares shall be entered on the personal property assessment
 21 list under the name of the bank or banking corporation
 22 concerned, but in the assessment list the names of the
 23 owners of such shares shall be set forth and the number of
 24 shares owned by ~~each~~, and ~~such~~ the assessment, when so
 25 entered, ~~shall have~~ has all the force and effect as if made

1 in the names of the owners of ~~such the~~ shares individually.
 2 The bank or banking corporation in which ~~such the~~ shares are
 3 owned ~~shall be~~ ~~is~~ liable for the payment of taxes assessed
 4 against ~~such the~~ shares, and ~~such the~~ taxes ~~shall be~~ ~~are~~
 5 payable by and ~~may be~~ collected from ~~such the~~ bank or
 6 banking corporation in the same manner and under the same
 7 penalties as other taxes, ~~provided that~~ ~~such the~~ bank or
 8 banking corporation may recover from ~~such the~~ owners of
 9 shares any taxes ~~so~~ paid on ~~such the~~ shares, and ~~shall have~~
 10 ~~has~~ a lien therefor upon ~~such the~~ shares and upon any
 11 dividends accrued or to accrue thereon."

12 Section 51. Section 84-4701, R.C.M. 1947, is amended
 13 to read as follows:

14 "84-4701. Limitation on amount of tax for municipal
 15 purposes -- distribution of funds -- levy for ~~park~~ parks,
 16 swimming pools, playgrounds, youth centers, and other
 17 purposes. The amount of taxes to be assessed and levied for
 18 general municipal or administrative purposes in cities and
 19 towns ~~must~~ ~~may~~ not exceed two-and-four-tenths (2.4%) ~~per~~
 20 ~~centum on the per centum~~ 2.4% of the assessed taxable value
 21 of the taxable property of the city or town, subject to
 22 taxation, and the The council or commission in each city or
 23 town may distribute the money collected into ~~such the~~ funds
 24 as are prescribed by ordinance, ~~provided, that for~~ the
 25 purpose of procuring, equipping, and maintaining public

1 parks, swimming pools, skating rinks, playgrounds, civic
 2 centers, youth centers, museums, and combinations thereof,
 3 the council or commission in any city or town may ~~assess~~ and
 4 levy, in addition to the ~~said~~ levy for general municipal or
 5 administrative purposes, ~~an amount not exceeding seven (7)~~
 6 mills on the dollar on the ~~per centum~~ ~~of the assessed~~
 7 taxable value of the taxable property to be taxed of the
 8 city or town."

9 Section 52. Section 84-4701.2, R.C.M. 1947, is amended
 10 to read as follows:

11 "84-4701.2. Maximum rate of all-purpose levy.
 12 ~~Notwithstanding the provisions of the statutes of Montana to~~
 13 ~~the contrary~~ (1) Except as provided elsewhere, the cities
 14 and towns of the state of Montana may make an all-purpose
 15 annual levy upon the assessed taxable value of all the
 16 taxable property in ~~such the~~ cities and towns, subject to
 17 taxation for municipal purposes in lieu of the multiple
 18 levies now authorized by statute. The total of ~~such the~~
 19 all-purpose levy ~~shall~~ ~~may~~ not exceed ~~sixty-five (65)~~ mills
 20 on the dollar, ~~which~~ This levy ~~shall~~ ~~may~~ not include any
 21 levies necessary for bonded indebtedness, judgments, or
 22 special improvement district revolving ~~funds~~ funds of
 23 municipalities, ~~which~~ levies ~~may~~ be made in addition to
 24 all-purpose levy as provided in sections 84-4701.1 and
 25 84-4701.6. The moneys received from ~~such the~~ all-purpose

1 levy shall be accounted for in a common fund known as the
 2 all-purpose general fund.

3 (2) An amount not to exceed ~~five-per-centum~~ (5%) of
 4 the moneys received from and as a part of the all-purpose
 5 levy aforesaid may be placed in a separate fund known as the
 6 capital improvement program fund to be earmarked for the
 7 replacement and acquisition of property, plant, or equipment
 8 costing in excess of ~~five thousand dollars~~ (\$5,000) with a
 9 life expectancy of ~~five~~ (5) years or more, provided that a
 10 capital improvement program has been formally adopted by
 11 city or town ordinance.

12 (3) The moneys held in the capital improvement program
 13 fund shall, whenever possible, be invested in savings or
 14 time deposits in a state or national bank insured by the
 15 federal deposit insurance corporation or in direct
 16 obligations of the United States government and credited
 17 back to the fund plus interest earned."

18 Section 53. Section 84-4713, R.C.M. 1947, is amended
 19 to read as follows:

20 "84-4713. Taxes in cities and towns ~~which~~ that have
 21 exceeded the statutory limit of indebtedness. All taxes
 22 ~~heretofore~~ levied and collected, or to be collected for
 23 municipal and administrative purposes by any city or town,
 24 in which the indebtedness ~~of which~~ equals or exceeds the
 25 limit provided ~~allowed~~ in statute, may be used in payment of

1 current expenses during the fiscal year for which ~~said the~~
 2 taxes were levied, ~~the same as though if~~ a special levy had
 3 been made for each of ~~said the~~ purposes, ~~and the~~ The council
 4 of any such city or town is ~~hereby~~ authorized to may
 5 designate the amount of ~~said the~~ general levy applicable to
 6 each of ~~said the~~ purposes, ~~and the~~ The amount so designated
 7 ~~shall constitute~~ constitutes a special fund for the special
 8 purpose of paying the expenses incurred for ~~such the~~
 9 ~~purpose~~, ~~and such~~ The expenses shall be payable out of ~~such~~
 10 ~~the~~ fund and not otherwise, ~~provided, that~~ However, the
 11 aggregate of all taxes authorized for general municipal and
 12 administrative purposes ~~shall~~ may not exceed one and
 13 ~~one-half per cent~~ 5 1/2% annually ~~upon of the per centum of~~
 14 ~~the assessed taxable~~ value of all ~~taxable~~ property subject
 15 to taxation in such city or town."

16 Section 54. Section 84-5103, R.C.M. 1947, is amended
 17 to read as follows:

18 "84-5103. Taxation of credits of insurance companies
 19 — other property. All property other than credits of
 20 insurance companies required by law to have and maintain a
 21 legal reserve for the protection of policyholders shall be
 22 assessed, classified, and taxed as other property of like
 23 character. Credits, including evidence of indebtedness
 24 secured by mortgages, less legal reserves for the protection
 25 of policyholders and other indebtedness, shall be classified

1 and taxed on the basis of thirty-per-centus-(30%) of full
 2 ~~each market~~ value as thus ascertained."

3 Section 55. Section 84-5211, R.C.M. 1947, is amended
 4 to read as follows:

5 "84-5211. Limitation of levies -- livestock moneys.
 6 The amount of ~~such the~~ levy shall ~~may~~ not in any event
 7 exceed ~~two~~-(2) mills upon the ~~assessed valuation taxable~~
 8 ~~value~~ of sheep and ~~three~~-(3) mills upon the ~~assessed~~
 9 ~~valuation taxable value~~ of other livestock, ~~which shall be~~
 10 ~~levied~~ ~~The levy is raised~~ to aid in the payment of the
 11 general ~~expense expenses~~ of the brands-enforcement functions
 12 of the department of livestock, including salaries, office
 13 ~~expense~~, detective ~~expense~~, ~~expense of~~ prosecution, travel,
 14 and all incidental ~~expense expenses~~, and a ~~separate~~ levy
 15 ~~of not exceeding to exceed~~ ~~three~~-(3) mills on all livestock
 16 ~~may be raised~~ for the use of the animal health functions of
 17 the department of livestock to be ~~and~~ placed in ~~the~~ an
 18 earmarked revenue fund for the payment of indemnity for
 19 animals slaughtered, and for salaries and expenses incurred
 20 in investigating, controlling, and suppressing diseases,
 21 including expenses of quarantine and salaries and expenses
 22 incurred for such purposes, and for laboratory maintenance;
 23 ~~provided further that~~ ~~At the written request of the~~
 24 ~~department of livestock~~ the state treasurer and state
 25 controller, ~~at the written request of the department of~~

1 livestock shall set aside in a separate account in the
 2 earmarked revenue fund ~~such any~~ moneys as may be available
 3 and requested, ~~which~~ ~~The~~ moneys shall ~~may~~ be expended only
 4 when the department of livestock determines that a livestock
 5 disease emergency exists requiring its expenditure, ~~and they~~
 6 ~~shall then be expended~~ for such purposes as the department
 7 of livestock may order and direct."

8 Section 56. Section 84-5214, R.C.M. 1947, is amended
 9 to read as follows:

10 "84-5214. Levy for bounty moneys -- use of proceeds.
 11 The department of revenue shall, annually ~~prescribe~~, make
 12 and levy an ad valorem tax on all livestock in the state of
 13 Montana for the purpose of protecting ~~such~~ livestock ~~them~~
 14 ~~against destruction, depredation, and injury by wild~~
 15 ~~animals, whether the livestock is on lands in private~~
 16 ~~ownership, in the ownership of the state, or in the~~
 17 ~~ownership of the United States, including open ranges and~~
 18 ~~all lands in or of the public domain. This protection may be~~
 19 ~~by all any means of effective predatory animal destruction,~~
 20 ~~extermination, and control, including systematic hunting,~~
 21 ~~and trapping in planned campaigns, or otherwise, and payment~~
 22 ~~of bounties, against destruction, depredation and injury by~~
 23 ~~wild animals, whether on lands in private ownership, in the~~
 24 ~~ownership of the state, or in the ownership of the United~~
 25 ~~States, including open ranges and all lands in or of the~~

1 public domain. The tax levy shall may not exceed in any one
 2 ~~44~~ year ~~(a) one-and-one-half (1 1/2) mills on the assessed~~
 3 valuation taxable value of all sheep, and ~~(b) one (1) mill~~
 4 on the assessed valuation taxable value of other livestock.
 5 The moneys received from ~~such~~ the tax levies shall be
 6 transmitted monthly with other taxes for state purposes, by
 7 the county treasurer of each county, to the state treasurer,
 8 and be by the The state treasurer placed in and to the
 9 credit of the ~~shall place the money in an~~ earmarked revenue
 10 fund ~~with the other moneys in that fund under the~~
 11 provisions of section as provided in 46-1901, and ~~such~~ The
 12 moneys shall thereafter be paid out only on claims duly and
 13 regularly presented to the department of livestock, and
 14 thereafter approved by ~~said~~ the department, in accordance
 15 with the law applicable either to claims for bounties, when
 16 ~~such~~ claims are approved, or to claims for other
 17 expenditures necessary and proper for predatory animal
 18 control by other means and methods other than payment of
 19 bounties, as may be determined by the department of
 20 livestock. All ~~such~~ the moneys shall be available for the
 21 payment of bounty claims and for expenditures in and for
 22 planned, seasonal, or other campaigns directed, or operated
 23 by the department in cooperation with other agencies, for
 24 the systematic destruction, extermination, and control of
 25 predatory wild animals, as may be determined by the

1 department and ~~the~~ its advisory committee ~~thereto~~. No claims
 2 ~~shall~~ may be approved in excess of moneys available for such
 3 purposes, and no warrants ~~shall~~ may be registered against
 4 ~~such~~ the moneys."

5 Section 57. Section 84-5216, R.C.M. 1947, is amended
 6 to read as follows:

7 "84-5216. Tax levy for bounties on predatory animals.
 8 Whenever the owners, ~~or~~ agent, or agents of ~~such~~ the owners,
 9 representing fifty-one per cent 51% of the livestock of any
 10 county in this state ~~shall~~ present a petition to the board
 11 of county commissioners of such county, asking for the levy
 12 of a tax upon the livestock of ~~such~~ the county for the
 13 purpose of paying bounties on predatory animals killed in
 14 ~~such~~ the county, it ~~shall~~ be ~~is~~ the duty of ~~such~~ the board
 15 of county commissioners to make ~~such~~ the levy, which ~~shall~~
 16 may not exceed ~~ten~~ 10 mills on the dollar ~~or~~ of the assessed
 17 valuation taxable value of all livestock in ~~such~~ the
 18 county, ~~which~~ The tax shall be assessed and collected in
 19 the same manner as all other state and county taxes."

20 Section 58. Section 84-5406, R.C.M. 1947, is amended
 21 to read as follows:

22 "84-5406. Assessment of royalties. Upon receipt of the
 23 list or schedule setting forth the names and addresses of
 24 any and all persons, corporations, and associations owning
 25 or claiming royalty, and the amount ~~or~~ amounts paid or

1 yielded as royalty to such the royalty owners or claimants
 2 during the year for which such the return is made, the state
 3 department of revenue shall proceed to the assessment of all
 4 such assess and tax the royalties, and shall assess the same
 5 at the full cash value of the money or product yielded
 6 during such preceding calendar year, and the same shall be
 7 taxed on the same basis as net proceeds of mines are taxed
 8 as provided by section 84-304 84-301.12."

9 Section 59. Section 84-6008, R.C.M. 1947, is amended
 10 to read as follows:

11 "84-6008. Assessment of personal property brought into
 12 the state — exceptions. (1) Property in the following cases
is subject to taxation and assessment for all taxes levied
that year in the county in which it is located:

13 (a) Any personal property, including livestock,
 14 brought, driven, or coming into this state at any time
 15 during the year which that is used in the state for hire,
 16 compensation, or profit;

17 (b) or if the property whose owner and/or the user of
 18 the property is engaged in gainful occupation or business
 19 enterprise in the state; or

20 (c) the property otherwise which comes to rest and
 21 becomes a part of the general property of the state, shall
 22 be subject to taxation and shall be assessed for all taxes,
 23 levied or leviable for that year in the county in which the

1 same shall thus be,

2 (2) The taxes on this property are levied in the same
 3 manner and to the same extent, except as hereinafter
 4 otherwise provided, as though such the property had been in
 5 the county on the regular assessment date, provided that
 6 such the property has not been regularly assessed for the
 7 year in some other county of the state,

8 (3) provided further that nothing herein contained
 9 Nothing in this section shall be construed into authority to
 10 assess or levy any a tax against any a merchant or dealer
 11 within this state on goods, wares, or merchandise brought
 12 into the county to replenish the stock of such the merchant
 13 or dealer, in addition to the tax levied against the
 14 inventory of said merchant or dealer on the regular
 15 assessment date,

16 (4) provided further that this act This section shall
 17 not apply to motor vehicles brought, driven, or coming into
 18 this state by any nonresident, migratory, bona fide
 19 agricultural workers temporarily employed in agricultural
 20 work in Montana where said if the motor vehicles are used
 21 exclusively for transportation of agricultural workers.

22 (5) Agricultural harvesting machinery classified under
 23 Class 2 class two, section 84-301, R.C.M. 1947, licensed in
 24 other states, and operated on the lands of persons other
 25 than the owner of the machinery, under contracts for hire

1 shall be subject to a fee, in lieu of taxation, of
 2 ~~thirty-five dollars (\$35)~~ per machine for a ~~sixty~~-~~60~~-day
 3 period. ~~such~~ ~~The~~ machines shall be subject to taxation under
 4 ~~Class 2~~ class two only if they are sold in Montana."

5 Section 60. Section 84-6102, R.C.S. 1947, is amended
 6 to read as follows:

7 "84-6102. United States property held under contract
 8 of sale—~~assessment~~—at ~~full~~ ~~value~~. When ~~such~~ ~~the~~ property
 9 is held under a contract of sale or other agreement whereby
 10 ~~cer~~—~~tain~~ upon payment or ~~payments~~ the legal title is or
 11 may be acquired by ~~such~~ ~~the~~ person, corporation, or
 12 association, ~~such~~ ~~the~~ real property shall be assessed and
 13 taxed as ~~for~~ ~~the~~ ~~full~~ ~~value~~ ~~thereof~~ defined in 84-301.5,
 14 84-301.6, 84-301.8, 84-301.9, 84-301.11, 84-301.15, or
 15 84-401 without deduction on account of the whole or any part
 16 of the purchase price or other sum due on ~~such~~ ~~the~~ property
 17 remaining unpaid, ~~provided~~, that the ~~the~~ ~~li~~en for ~~such~~ ~~the~~
 18 ~~tax shall neither~~ may not attach to, impair, ~~nor~~ or be
 19 enforced against any interest of the United States in ~~such~~
 20 ~~the~~ ~~real~~ ~~property~~."

21 Section 61. Section 84-6103, R.C.M. 1947, is amended
 22 to read as follows:

23 "84-6103. United States property held under lease —
 24 assessment at value of leasehold. When ~~such~~ ~~the~~ property is
 25 held under lease, ~~or~~ other interest, or estate therein less

1 than the fee, except under contract of sale, ~~such~~ ~~the~~
 2 property shall be assessed and taxed as for the ~~true~~ ~~each~~
 3 value as defined in 84-301.2 through 84-301.15 and 84-401 of
 4 such leasehold, interest, or estate in ~~such~~ ~~the~~ property and
 5 the lien for ~~such~~ ~~the~~ tax shall attach to and be enforced
 6 against only the leasehold, interest, or estate in ~~such~~ ~~the~~
 7 property; ~~provided~~, that where ~~the~~ the United States
 8 authorizes the taxation of ~~such~~ ~~the~~ property for the full
 9 assessed ~~value~~ of the fee thereof, ~~such~~ ~~the~~ property shall
 10 be assessed for ~~such~~ ~~the~~ full assessed value, as defined in
 11 84-401."

12 Section 62. Section 84-6205, R.C.M. 1947, is amended
 13 to read as follows:

14 "84-6205. Assessment of royalties. The amount of
 15 royalty received shall be considered net proceeds to the
 16 recipient and shall be assessed as follows: ~~Upon~~ upon
 17 receipt of the lists or schedules setting forth the names
 18 and addresses of any and all persons owning or claiming
 19 royalty, and the amount ~~or~~ amounts paid or yielded as
 20 royalty to such royalty owners or claimants during the year
 21 for which such return is made, the state department of
 22 revenue shall proceed to the ~~assessment~~ of all such
 23 royalties, and shall assess and ~~tax~~ the same at the ~~full~~
 24 ~~cash value of the money or product yielded or accrued during~~
 25 ~~such preceding calendar year~~, and the same shall be taxed as

1 net proceeds of mines."

2 Section 63. Section 84-6407, R.C.M. 1947, is amended
3 to read as follows:

4 "84-6407. Transmission of statement of amount
5 apportioned to counties. On or before the second Monday in
6 July, the department shall apportion ~~such the~~ the assessment to
7 the counties in or through which the airline operates. The
8 county assessor must enter the amount of the assessment
9 apportioned to the county in the column of the assessment
10 roll or book which shows the total value of all property for
11 taxation in the county. The assessment shall be assigned to
12 class 7 ~~seven having a taxable value of forty per cent (40%)~~
13 ~~of assessed value.~~"

14 Section 64. Section 84-7403, R.C.M. 1947, is amended
15 to read as follows:

16 "84-7403. Tax treatment of certain energy-related
17 investments. (1) Upon application by a taxpayer, approved
18 under ~~section~~ 84-7404, a capital investment by the taxpayer
19 in a recognized nonfossil form of energy generation shall be
20 treated by the department of revenue as:

21 (a) property exempt from taxation, to the extent the
22 appraised assessed value of the investment does not exceed
23 ~~one hundred thousand dollars (\$100,000)~~ or

24 (b) class seven property, as defined in ~~sections~~
25 ~~84-301 and 84-302, 84-301.8 for such portion of the~~

1 appraised assessed value of the investment that exceeds ~~one~~
2 ~~hundred thousand dollars (\$100,000).~~

3 (2) Upon application by a taxpayer, approved under
4 ~~section~~ 84-7404, a capital investment in a building by the
5 taxpayer for an energy conservation purpose shall be treated
6 by the department of revenue as class eight property, as
7 defined in ~~sections 84-301 and 84-302 84-301.9~~, to the
8 extent the appraised assessed value of the investment does
9 not exceed ~~twenty percent (20%)~~ of the appraised assessed
10 value of the building in which the investment is made."

11 Section 65. Section 84-7513, R.C.M. 1947, is amended
12 to read as follows:

13 "84-7513. Valuation of commercial land. After
14 classification as commercial, land, whether occupied or not,
15 ~~shall~~ ~~may~~ not change in value for tax purposes unless it
16 meets or is governed by the following provisions:

17 (1) Class A -- open undeveloped land. Open
18 undeveloped land within the boundaries ~~set-as of designated~~
19 commercial land which has value and is not designated for
20 usage as a parking area or park~~y~~ and developed as such
21 within ~~two (2)~~ years from the effective date of this act,
22 shall be subject to taxation in the following method (after
23 the ~~two (2)~~ year grace period):

24 1st year taxation -- 1% over valuation existing at the
25 beginning of the ~~said two (2)~~ years;

- 1 2nd year taxation — +2% over the previous year's valuation;
- 2 3rd year taxation — +10% over the previous year's valuation;
- 3 3-5 years taxation — +20% over the previous year's valuation;
- 4 over five years — +30% over the previous year's valuation.

16 (3) Class C — existing improved land. Existing
17 structures and buildings shall be frozen in their existing
18 tax base for a period of ~~ten~~—10 years, unless remodeled,
19 where section 12(1)(a) shall apply. If not remodeled after
20 ~~ten~~—10 years, the following shall apply:

1	12-15	2%	4%	6%	8%
2	15-20	4%	8%	12%	16%
3	21-25	10%	12%	16%	18%
4	26-30	15%	18%	20%	24%
5	31-40	25%	28%	30%	35%
6	40-50	40%	45%	50%	60%
7	50-Over	50%	60%	75%	100%
8	(4) Class D — new improved land.				
9	(a) The construction cost and land cost of any				
10	commercial development within a classified commercial or				
11	residential area shall <u>may</u> not be taxed for its construction				
12	period.				
13	(b) Following the nontaxable period the total cost of				
14	land and improvements developed as new commercial property				
15	shall be taxed as follows:				
16	Commercial land location		Taxable schedule		
17	(i) Land within and		Improvements shall be		
18	extending one hundred		taxed in additional		
19	4900 feet beyond that		increments as follows:		
20	area designated by the		A ten percent (10%)		
21	governing authority as		increase in valuation <u>assessed</u>		
22	the central business		value per year until a total		
23	district of a community.		value for tax purposes		
24			is one hundred percent (100%)		
25			of assessed value.		

1 natural resources and conservation provided for in Title
 2 82A, chapter 15*vi*

3 (7) "~~Board~~ board of supervisors" means the board of
 4 supervisors of the soil and water conservation district in
 5 which the largest portion of the taxable valuation of real
 6 property of the proposed district is located*vi*

7 (8) "~~Works~~ works" means all property, rights,
 8 easements, franchises, and other facilities including, but
 9 not limited to, land, reservoirs, dams, canals, dikes,
 10 ditches, pumping units, mains, pipelines, waterworks
 11 systems, recreational facilities, facilities for fish and
 12 wildlife, and facilities to control and correct pollution*vi*

13 (9) "~~Cost~~ cost of works" means the cost of
 14 construction, acquisition, improvement, extension, and
 15 development of works, including financing charges, interest,
 16 and professional services*vi*

17 (10) "~~Applicant~~ applicants" means any person residing
 18 within the boundaries of the proposed district making a
 19 request for a study of the feasibility of forming a
 20 conservancy district*vi*

21 (11) "~~Notice~~ notice" means publication at least once
 22 each week for ~~three-43~~ consecutive weeks in a newspaper
 23 published in each county, or, if no newspaper is published
 24 in a county, a newspaper of general circulation in the
 25 county, or counties, in which a district is or will be

1 located. The last published notice shall appear not less
 2 than ~~five-45~~ days prior to any hearing or election held
 3 under this act*vi*

4 (12) "~~Owners~~ owners" are the person or persons who
 5 appear as owners of record of the legal title to real
 6 property according to the county records whether such title
 7 is held beneficially or in a fiduciary capacity, except that
 8 a person holding a title for purposes of security is not an
 9 owner nor shall ~~may~~ be affect the previous title for
 10 purposes of this act*vi*

11 (13) "~~Taxable~~ taxable valuation" shall mean is the
 12 ~~valuation determined according to section 84-303, R.C.M.~~
 13 ~~1947, value as defined in 84-401~~ and does not mean assessed
 14 valuation."

15 Section 67. Repealer. Sections 69-3923, 84-301,
 16 84-302, 84-304, 84-305, 84-307, and 84-308, R.C.M. 1947, are
 17 repealed.

-End-

STATE OF MONTANA

REQUEST NO. 40-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 10, 1977, there is hereby submitted a Fiscal Note for House Bill 70 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 PROPOSED LEGISLATION

This bill is an act to clarify the property tax system by generally revising and recodifying sections relating to property classification and taxation and by establishing market value as the basis of taxation, except for certain cases, and adjusting the taxable percentage.

ASSUMPTIONS

All administrative costs involved in changing to the new system would be absorbed.

FISCAL IMPACT

No change. The percentages of market value in the proposed law at which various items of property are taxed were selected to reflect current practice. Since this is the case the state's tax base should be preserved under the proposed law and there should be no effect on revenue to the state.

There should be no effect on local revenues since local tax bases are preserved.

TECHNICAL NOTES

1. There doesn't seem to be any reason other than historical precedent for not consolidating sections 3 and 4 of the proposed legislation. The same is true of sections 6 and 8. If this were done section 11 (1)(b) would have to be amended to read "seven preceding classes" rather than "nine preceding classes" and the remaining classes would have to be renumbered.
2. Section 84-301.12 (1) and (2) do not, strictly speaking, make sense because (1) indicates that the only item of property in class eleven is "the annual net proceeds of all mines" while (2) indicates that class eleven property "is taxed at 100% of its annual net proceeds" leading to the conclusion that annual net proceeds are to be taxed at 100% of their annual net proceeds. The same sort of criticism also may be made of sections 13 and 14. Following are suggested changes:

84-301.12 Class eleven property - description - taxable percentage. (1) Class eleven property includes the value of the net product of all mines and mining claims, except coal mines, calculated from the value of the gross product of such mines by deducting the expenses specified and allowed by 84-5403.

(Continued on page 2)

RJZ for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-17-77

STATE OF MONTANA

REQUEST NO. 40-77

FISCAL NOTE

Form BD-15

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(Page 2)

(2) Class eleven property is taxed at 100% of its assessed value.

84-301.13 Class twelve property - description - taxable percentage. (1) Class twelve property includes the value of the gross product of underground coal mines.

(2) Class twelve property is taxed at 33 1/3% of its assessed value.

84-301.14 Class thirteen property - description - taxable percentage. (1) Class thirteen property includes the value of the gross product of coal mines which use the strip-mining method.

(2) Class thirteen property is taxed at 45% of its assessed value.

3. Section 65 of the proposed legislation consists of amendments to the Montana Economic Land Development Act (MELDA) found in chapter 75 of Title 84. From 84-7504(13) it can be inferred that the concept of value being used in MELDA is taxable value, thus, to insert the word "assessed" as is done on page 102 line 21, and page 102 lines 7 and 10, may alter the intent of MELDA.

(Prepared by Department of Revenue)

Richard J. Tracy Jr.
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-14-77

SECOND READING

MISSING

HOUSE BILL NO. 70

INTRODUCED BY FABREGA, MOORE, O'KEEFE, FAGG,
WILLIAMS, LIEN, HUENNEKENS, VINCENT, UNDERDAL

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROPERTY
6 TAX SYSTEM BY GENERALLY REVISING AND RECODIFYING SECTIONS
7 RELATING TO PROPERTY CLASSIFICATION AND TAXATION AND BY
8 ESTABLISHING MARKET VALUE AS THE BASIS OF TAXATION, EXCEPT
9 FOR CERTAIN CASES, AND ADJUSTING THE TAXABLE PERCENTAGE
10 ACCORDINGLY; AMENDING SECTIONS 11-988, 11-1011, 11-1019,
11 11-1301, 11-1909, 11-1919, 11-2201, 11-2205, 11-2303,
12 11-3921, 11-4111, 14-307, 16-502, 16-807, 16-808, 16-1152,
13 16-1412, 16-2010.1, 16-4020, 32-3107, 46-1914, 53-114,
14 53-1025, 69-3504, 69-3923, 75-7104, 75-8104, 84-101, 84-401,
15 84-402, 84-404, 84-406, 84-602, 84-708.1, 84-728, 84-4505,
16 84-4701, 84-4701.2, 84-4713, 84-5103, 84-5211, 84-5214,
17 84-5216, 84-5406, 84-6008, 84-6102, 84-6103, 84-6205,
18 84-6407, 84-7403, 84-7513, AND 89-3403, R.C.M. 1947; AND
19 REPEALING SECTIONS 69-3923, 84-301, 84-302, 84-304, 84-305,
20 84-307, AND 84-308, R.C.M. 1947."

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

23 Section 1. There is a new R.C.M. section numbered

24 84-391.1 that reads as follows:

84-36111. Classification of taxable property. For the

1 purpose of taxation, the taxable property in the state shall
2 be classified in accordance with 84-301.2 through 84-301.15
3 84-301.19.

4 Section 2. There is a new R.C.M. section numbered
5 84-301.2 that reads as follows:

84-301.2. Class one property — description — taxable
percentage. (1) Class one property includes the right of
entry which is a property right reserved in land or received
by mesne conveyance (exclusive of leasehold interests),
devise, or succession to enter land whose surface title is
held by another to explore, prospect, or dig for oil, gas,
coal, or minerals. The market value of the right of entry
is determined by the department of revenue.

14 (2) Class one property is taxed at 100% of its market
15 value.

16 Section 3. There is a new R.C.S. section numbered
17 84-301.3 that reads as follows:

18 84-301.3. Class two property — description — taxable
19 percentage. (4) ~~Class two property includes:~~
20 (a) all agricultural and other tools, implements, and
21 machinery.

(b) gas and other engines and boilers and threshing machines and outfit used therewith;

(c) automobiles, motor-trucks, and other power-driven cars and vehicles of all kinds except mobile homes.

1 (d) boats and all watercraft;
 2 (e) harness, saddlery, and robes;
 3 (f) all property, except that included in class five,
 4 84-301.6, used and owned by persons, firms, corporations, or
 5 other organizations that are engaged in the business of
 6 furnishing telephone communications exclusively to rural
 7 areas or to rural areas and cities and towns of 900 persons
 8 or less. The average circuit miles for each station on the
 9 telephone communications system must be more than 1 1/4
 10 miles to qualify for this classification.

11 (2) Class two property is taxed at 13% of its market
 12 value. (1) CLASS TWO PROPERTY INCLUDES THE ANNUAL NET
 13 PROCEEDS OF ALL MINES AND MINING CLAIMS, EXCEPT COAL MINES.
 14 (2) CLASS TWO PROPERTY IS TAXED AT 100% OF ITS ANNUAL
 15 NET PROCEEDS AFTER DEDUCTING THE EXPENSES SPECIFIED AND
 16 ALLOWED BY 84-5403.

17 Section 4. There is a new R.C.M. section numbered
 18 84-301.4 that reads as follows:
 19 84-301.4. Class three property—description—
 20 percentage. (1) Class three property includes:
 21 (a) livestock, poultry, and unprocessed products of
 22 both;
 23 (b) furniture and fixtures used in commercial, office,
 24 and hotel activities, except improvements included in class
 25 nine.

1 (2) Class three property is taxed at 13% of its market
 2 value.
 3 Section 5. There is a new R.C.M. section numbered
 4 84-301.5 that reads as follows:
 5 84-301.5. Class four property—description—
 6 taxable percentage. (1) Class four property includes:
 7 (a) all land, except agricultural land meeting the
 8 qualifications of 84-437.2;
 9 (b) all improvements, except those included in class
 10 five, eight, or nine;
 11 (c) all trailers affixed to land owned, leased, or
 12 under contract for purchase by the trailer owner;
 13 (d) all mobile homes, except;
 14 (e) those held by a distributor or dealer of mobile
 15 homes as part of his stock in trade; and
 16 (ii) those included in class eight;
 17 (e) manufacturing and mining machinery, fixtures, and
 18 supplies, except those included in class five, seven, or
 19 eight.
 20 (2) Class four property is taxed at 12% of its market
 21 value.
 22 Section 6. There is a new R.C.M. section numbered
 23 84-301.6 that reads as follows:
 24 84-301.6. Class five property—description—
 25 taxable percentage. (1) Class five property includes:

1 (a) all property used and owned by cooperative rural
 2 electrical and cooperative rural telephone associations as
 3 provided in (2)(a) of this section;

4 (b) all unprocessed agricultural products on the farm
 5 or in storage, except:

6 (i) all perishable fruits and vegetables in farm
 7 storage and owned by the producer; and

8 (ii) livestock and poultry and the unprocessed products
 9 of both;

10 (c) a dwelling house and the lot on which it is
 11 erected, owned and occupied by a disabled veteran under the
 12 condition specified in (2)(b) of this section.

13 (2) (a) The property of all cooperative rural
 14 electrical and cooperative rural telephone associations
 15 organized under the laws of Montana is included in this
 16 class; except that when less than 95% of the electricity
 17 consumers or telephone users within the incorporated limits
 18 of a city or town are served by the cooperative
 19 organization, the property is included in class two.

20 (b) To be included in this class, a dwelling house and
 21 lot on which it is erected must be owned and occupied by a
 22 resident of the state.

23 (i) who has been honorably discharged from active
 24 service in any branch of the armed services; and

25 (ii) who is rated 100% disabled due to a

1 service-connected disability by the United States veterans
 2 administration or its successor. In the event of the
 3 veteran's death, the dwelling house and the lot on which it
 4 is erected shall remain in this class as long as the
 5 surviving spouse remains unmarried and the owner and
 6 occupant of the property.

7 (3) Class five property is taxed at 4.2% of its market
 8 value.

9 Section 7. There is a new B.C.B. section numbered
 10 84-301.7 that reads as follows:

11 84-301.7. Class six property description taxable
 12 percentage. (1) Class six property includes moneyed capital
 13 and shares of banks.

14 (2) Moneyed capital is defined as money, bonds,
 15 notes, and other evidence of indebtedness, including
 16 evidence of indebtedness secured by mortgage on real or
 17 personal property, in the hands of individual citizens and
 18 corporations in competition with the business of national
 19 banks or employed in conducting a banking or investment
 20 business.

21 (3) In ascertaining the value of moneyed capital for
 22 taxation, any deposits and any indebtedness borrowed for use
 23 as moneyed capital are deducted from the amount of bonds,
 24 notes, and other evidence of indebtedness.

25 (4) In ascertaining the value of the shares of a

1 national bank for taxation, the book value of all real
 2 estate owned by a bank is deducted from the value of the
 3 shares and assessed to the bank separately. The shares of
 4 banking corporations engaged in the banking business in
 5 Montana are assessed at 100% of book value, less the book
 6 value of the real estate, received capital, and other
 7 property of the bank that is assessed and taxed as the
 8 property of the bank.

9 (5) Class six property is taxed at 30% of its book
 10 value, with the exception of the surplus shown on the bank's
 11 books. The surplus, to the amount of the stated capital of
 12 the bank, is taxed at 7% of its book value. The amount of
 13 surplus in excess of the stated capital is taxed at 30%.

14 Section 8. There is a new S.C.S. section numbered
 15 84-301.8 that reads as follows:

16 84-301.8. Class seven property—description
 17 taxable percentage. (1) Class seven property includes:

18 (a) business inventories as defined in this section;
 19 (b) air pollution control equipment as defined in this
 20 section;

21 (c) all new industrial property as defined in this
 22 section;

23 (d) a capital investment in a recognized nonfossil
 24 form of energy generation, to the extent provided under
 25 84-7403.

1 (2) "Business inventories" includes goods intended for
 2 sale or lease in the ordinary course of business and raw
 3 materials and work in progress with respect to such goods.
 4 Business inventories shall not include goods leased or
 5 rented or mobile homes held by a dealer or distributor as
 6 part of his stock in trade.

7 (3) "Air pollution control equipment" means
 8 facilities, machinery, or equipment, attached or unattached
 9 to real property, utilized to reduce, eliminate, control, or
 10 prevent air pollution. The department of health and
 11 environmental sciences shall determine if such utilizations
 12 is being made.

13 (4) (a) "New industrial property" means any new
 14 industrial plant, including land, buildings, machinery, and
 15 fixtures, which is used by a new industry during the first 3
 16 years of its operation. The property must not have been
 17 assessed prior to July 1, 1961, within the state of Montana.

18 (b) New industrial property is limited to industries
 19 that:

20 (i) manufacture, mill, mine, produce, process, or
 21 fabricate materials;

22 (ii) do similar work, employing capital and labor, in
 23 which materials unserviceable in their natural state are
 24 extracted, processed, or made fit for use or are
 25 substantially altered or treated so as to create commercial

1 products or materials or
 2 (iii) engage in the mechanical or chemical
 3 transformation of materials or substances into new products
 4 in the manner defined as manufacturing in the 1972 Standard
 5 Industrial Classification Manual prepared by the United
 6 States Office of Management and Budget.

7 (c) New industrial property shall in no event include:
 8 (i) property used by retail or wholesale merchants,
 9 commercial services of any type, agriculture, trades, or
 10 professions;

11 (ii) a plant that will create adverse impact on
 12 existing state, county, or municipal services;

13 (iii) property used or employed in any industrial plant
 14 that has been in operation in this state for 3 years or
 15 longer.

16 (5) "New industry" means any person, corporation,
 17 firm, partnership, association, or other group that
 18 establishes a new plant or plants in Montana for the
 19 operation of a new industrial endeavor, as distinguished
 20 from a mere expansion, reorganization, or merger of an
 21 existing industry or industries.

22 (6) The department of revenue shall promulgate rules
 23 for the determination of what constitutes an adverse impact,
 24 taking into consideration the number of people to be
 25 employed and the size of the community in which the location

1 is contemplated. Any person, corporation, firm, partnership,
 2 association, or other group seeking to qualify its property
 3 for inclusion in this class shall make application to the
 4 department of revenue in such a manner and form as the
 5 department requires. Once the department has made an initial
 6 determination that the industrial facility qualifies as new
 7 industrial property, the department shall then, upon proper
 8 notice, hold a hearing to determine if the new industrial
 9 classification should be retained by the property. The local
 10 taxing authority may appear at the hearing and may waive its
 11 objections to retention of this classification if the
 12 industry agrees to the prepayment of taxes sufficient to
 13 satisfy tax requirements created by the location and
 14 construction of the facility during the construction period.
 15 When a prepayment of taxes is required, the maximum amount
 16 of prepayment shall be the amount of tax the industry would
 17 have paid without the application of the class seven
 18 percentage to such property.

19 (7) If a major new industrial facility qualifies under
 20 class seven, the reduction of its yearly payment of property
 21 taxes for reimbursement of its prepaid taxes as provided for
 22 in 84-41-105 does not begin until the class seven
 23 qualification expires.

24 (8) Class seven property shall be taxed at 4.2% of its
 25 market value.

1 Section 9. There is a new B.C.S. section numbered
 2 84-301.9 that reads as follows:
 3 84-301.9. Class eight property—description
 4 taxable percentage. (1) Class eight property includes:
 5 (a) a capital investment in a building for an energy
 6 conservation purpose, to the extent provided under 84-7403;
 7 (b) any improvement on real property, a trailer
 8 affixed to land, or a mobile home and appurtenant land not
 9 exceeding 5 acres, which together meet the following
 10 conditions:
 11 (i) have a market value of not more than \$27,500;
 12 (ii) are owned or under contract for deed and are
 13 actually occupied for at least 10 months per year as the
 14 primary residential dwelling of;
 15 (a) a widow or widower 62 years of age or older who
 16 qualifies under the income limitations of (c) of this
 17 section;
 18 (b) a widow or widower of any age with dependent
 19 children who qualifies under the income limitations of (c)
 20 of this section; or
 21 (c) a recipient or recipients of retirement or
 22 disability benefits whose total income from all sources is
 23 not more than \$6,000 a year for a single person or \$6,800 a
 24 year for a married couple.
 25 (2) (a) A person applying for classification of

1 property under this class must make an affidavit to the
 2 department of revenue on a form provided by the department
 3 without cost as to:
 4 (i) his income, if applicable;
 5 (ii) his retirement benefits, if applicable;
 6 (iii) his marital status, if applicable; and
 7 (iv) the fact that he maintains the land and
 8 improvements as his primary residential dwelling.
 9 (b) The county welfare board may investigate the
 10 applicant as to the answers given on the form. For the
 11 purpose of the affidavit required for classification of
 12 property under this class, it shall be sufficient if the
 13 applicant signs a statement swearing to or affirming the
 14 correctness of the information supplied, whether or not the
 15 statement is signed before a person authorized to administer
 16 oaths, and mails the application and statement to the
 17 department of revenue. This signed statement shall be
 18 treated as a statement under oath or equivalent affirmation
 19 for the purposes of 94-7-203, relating to the criminal
 20 offense of false swearing.
 21 (c) The assessed value of the property may not be
 22 increased during the life of the recipient of retirement
 23 benefits or widow or widower covered under this class,
 24 unless the owner resident makes a substantial improvement in
 25 the dwelling.

1 (3) Class eight property is taxed at 6% of its market
 2 value.

3 Section 10. There is a new R.C.M. section numbered
 4 84-301.10 that reads as follows:

5 84-301.10. Class nine property — description —
 6 taxable percentage. (1) Class nine property includes the
 7 incremental increase in the value of real estate produced by
 8 repairing, maintaining, or improving existing improvements.

9 (2) Class nine property is taxed at:
 10 (a) 2.4% of the market value for the first full year
 11 following completion of the repair, maintenance, or
 12 improving of existing improvements;

13 (b) 4.8% of the market value for the second full year
 14 following completion of the repair, maintenance, or
 15 improving of existing improvements;

16 (c) 7.2% of the market value for the third full year
 17 following completion of the repair, maintenance, or
 18 improving of existing improvements;

19 (d) 9.6% of the market value for the fourth full year
 20 following completion of the repair, maintenance, or
 21 improving of existing improvements; and

22 (e) 12% of the market value for the fifth full year
 23 and every year thereafter following completion of the
 24 repair, maintenance, or improving of existing improvements.

25 Section 11. There is a new R.C.M. section numbered

1 84-301.11 that reads as follows:
 2 84-301.11. Class ten property — description —
 3 taxable percentage. (1) Class ten property includes:
 4 (a) centrally assessed utility allocations after
 5 deductions of locally assessed properties, except as
 6 provided in:
 7 (i) class two for rural telephones; and
 8 (ii) class five for cooperatives;
 9 (b) all other property not included in the nine
 10 preceding classes.

11 (2) Class ten property is taxed at 16% of its market
 12 value.

13 Section 12. There is a new R.C.M. section numbered
 14 84-301.12 that reads as follows:

15 84-301.12. Class eleven property — description —
 16 taxable percentage. (1) Class eleven property includes the
 17 annual net proceeds of all mines and mining claims, except
 18 coal mines.

19 (2) Class eleven property is taxed at 100% of its
 20 annual net proceeds after deducting the expenses specified
 21 and allowed by 84-540.3.

22 Section 13. There is a new R.C.M. section numbered
 23 84-301.13 that reads as follows:

24 84-301.13. Class twelve property — description —
 25 taxable percentage. (1) Class twelve property includes the

1 annual gross proceeds of underground coal mines.

2 (2) Class twelve property is taxed at 33 1/3% of the

3 annual gross proceeds.

4 Section 14. There is a new R.C.M. section numbered

5 84-301.14 that reads as follows:

6 84-301.14. Class thirteen property -- description --

7 taxable percentage. (1) Class thirteen property includes

8 the annual gross proceeds of coal mines using the

9 strip mining method.

10 (2) Class thirteen property is taxed at 45% of the

11 annual gross proceeds.

12 Section 15. There is a new R.C.M. section numbered

13 84-301.15 that reads as follows:

14 84-301.15. Class fourteen property -- description --

15 taxable percentage. (1) Class fourteen property includes

16 agricultural land, as defined in 84-437.2.

17 (2) Class fourteen property is taxed at 12% of its

18 assessed value.

19 SECTION 4. THERE IS A NEW R.C.M. SECTION NUMBERED

20 84-301.4 THAT READS AS FOLLOWS:

21 84-301.4. Class three property -- description --

22 percentage. (1) Class three property includes the annual

23 gross proceeds of coal mines using the strip mining method.

24 (2) Class three property is taxed at 45% of its

25 assessed value, which is 100% of annual gross proceeds.

1 SECTION 5. THERE IS A NEW R.C.M. SECTION NUMBERED

2 84-301.5 THAT READS AS FOLLOWS:

3 84-301.5. Class four property -- description --

4 taxable percentage. (1) Class four property includes the

5 annual gross proceeds of underground coal mines.

6 (2) Class four property is taxed at 33 1/3% of its

7 assessed value, which is 100% of annual gross proceeds.

8 SECTION 6. THERE IS A NEW R.C.M. SECTION NUMBERED

9 84-301.6 THAT READS AS FOLLOWS:

10 84-301.6. Class five property -- description --

11 taxable percentage. (1) Class five property includes moneyed

12 capital and shares of banks.

13 (2) Moneyed capital is defined as moneys, bonds,

14 notes, and other evidence of indebtedness, including

15 evidence of indebtedness secured by mortgage on real or

16 personal property, in the hands of individual citizens and

17 corporations in competition with the business of national

18 banks or employed in conducting a banking or investment

19 business.

20 (3) In ascertaining the value of moneyed capital for

21 taxation, any deposits and any indebtedness borrowed for use

22 as moneyed capital are deducted from the amount of bonds,

23 notes, and other evidence of indebtedness.

24 (4) In ascertaining the value of the shares of a

25 national bank for taxation, the book value of all real

1 estate owned by a bank is deducted from the value of the
 2 shares and assessed to the bank separately. The shares of
 3 banking corporations engaged in the banking business in
 4 Montana are assessed at 100% of book value, less the book
 5 value of the real estate, moneyed capital, and other
 6 property of the bank that is assessed and taxed as the
 7 property of the bank.

8 (5) Class five property is taxed at 30% of its book
 9 value, with the exception of the surplus shown on the bank's
 10 books. The surplus, to the amount of the stated capital of
 11 the bank, is taxed at 7% of its book value. The amount of
 12 surplus in excess of the stated capital is taxed at 30%.

13 SECTION 7. THERE IS A NEW R.C.M. SECTION NUMBERED
 14 84-301.7 THAT READS AS FOLLOWS:

15 84-301.7. Class six property -- description -- taxable
 16 percentage. (1) Class six property includes agricultural
 17 land, as defined in 84-437.2.

18 (2) Class six property is taxed at 30% of its assessed
 19 value.

20 SECTION 8. THERE IS A NEW R.C.M. SECTION NUMBERED
 21 84-301.8 THAT READS AS FOLLOWS:

22 84-301.8. Class seven property -- description --
 23 taxable percentage. (1) Class seven property includes:

24 (a) centrally assessed utility allocations after
 25 deductions of locally assessed properties, except as

1 provided in:
 2 (i) class fourteen for rural telephones; and
 3 (ii) class eighteen for cooperatives;
 4 (b) all other property not included in classes one
 5 through six and classes eight through eighteen;
 6 (c) large trucks and commercial trailers valued in the
 7 department of revenue's truck and commercial trailer
 8 schedule.
 9 (2) Class seven property is taxed at 16% of its market
 10 value.

11 SECTION 9. THERE IS A NEW R.C.M. SECTION NUMBERED
 12 84-301.9 THAT READS AS FOLLOWS:

13 84-301.9. Class eight property -- description --
 14 taxable percentage. (1) Class eight property includes:

15 (a) all agricultural and other tools, implements, and
 16 machinery except:

17 (i) large farm machinery included in class twelve; and
 18 (ii) tools and implements included in class fourteen;
 19 (b) gas and other engines and boilers and threshing
 20 machines and outfits used therewith;

21 (c) harness, saddlery, and robes;
 22 (2) Class eight property is taxed at 13% of its market
 23 value.

24 SECTION 10. THERE IS A NEW R.C.M. SECTION NUMBERED
 25 84-301.10 THAT READS AS FOLLOWS:

1 84-301.10. Class nine property -- description --
 2 taxable percentage. (1) Class nine property includes:
 3 (a) automobiles, motor trucks, and other power-driven
 4 cars and vehicles of all kinds, except mobile homes,
 5 motorcycles, aircraft, camper trailers, and truck campers;
 6 (b) livestock, poultry, and unprocessed products of
 7 both; and
 8 (c) furniture and fixtures used in commercial, office,
 9 and hotel activities, except improvements included in class
 10 thirteen.
 11 (2) Class nine property is taxed at 13.3% of its
 12 market value.

13 SECTION 11. THERE IS A NEW B.C.H. SECTION NUMBERED
 14 84-301.11 THAT READS AS FOLLOWS:
 15 84-301.11. Class ten property -- description --
 16 taxable percentage. (1) Class ten property includes:
 17 (a) aerial, surface, and portable ski lifts and ski
 18 tows, including the towers, cables, ropes, sheave
 19 assemblies, conveying devices, power units, and all
 20 accessories;
 21 (b) manufacturing and mining machinery, fixtures, and
 22 supplies, except those included in class eighteen; and
 23 (c) camper trailers and truck campers valued in the
 24 "Official Boat Trailer Trade-in Guide Blue Book".
 25 (2) Class ten property is taxed at 12% of market

1 value.
 2 SECTION 12. THERE IS A NEW B.C.H. SECTION NUMBERED
 3 84-301.12 THAT READS AS FOLLOWS:
 4 84-301.12. Class eleven property -- description --
 5 taxable property. (1) Class eleven property includes:
 6 (a) all land, except agricultural land meeting the
 7 qualification of 84-437.2;
 8 (b) all improvements, except those included in classes
 9 fifteen and eighteen;
 10 (c) all trailers affixed to land owned, leased, or
 11 under contract for purchase by the trailer owner; and
 12 (d) all mobile homes, except:
 13 (i) those held by a distributor or dealer of mobile
 14 homes as part of his stock in trade; and
 15 (ii) those included in class fifteen.
 16 (2) Class eleven property is taxed at 12% of its
 17 market value.
 18 SECTION 13. THERE IS A NEW B.C.H. SECTION NUMBERED
 19 84-301.13 THAT READS AS FOLLOWS:
 20 84-301.13. Class twelve property -- description --
 21 taxable percentage. (1) Class twelve property includes:
 22 (a) boats and all watercraft;
 23 (b) aircraft;
 24 (c) motorcycles; and
 25 (d) large farm machinery valued in the official guide

1 tractors and farm implements and department valuation
 2 schedules.

3 (2) Class twelve property is taxed at 11% of its
 4 market value.

5 SECTION 14. THERE IS A NEW R.C.M. SECTION NUMBERED
 6 84-301.14 THAT READS AS FOLLOWS:

7 84-301.14. Class thirteen property — description —
 8 taxable percentage. (1) Class thirteen property includes the
 9 incremental increase in the value of real estate produced by
 10 repairing, maintaining, or improving existing improvements.

11 (2) Class thirteen property is taxed at:

12 (a) 2.4% of the market value for the first full year
 13 following completion of the repair, maintenance, or
 14 improving of existing improvements;

15 (b) 4.8% of the market value for the second full year
 16 following completion of the repair, maintenance, or
 17 improving of existing improvements;

18 (c) 7.2% of the market value for the third full year
 19 following completion of the repair, maintenance, or
 20 improving of existing improvements;

21 (d) 9.6% of the market value for the fourth full year
 22 following completion of the repair, maintenance, or
 23 improving of existing improvements; and

24 (e) 12% of the market value for the fifth full year
 25 and every year thereafter following completion of the

1 repair, maintenance, or improving of existing improvements.

2 SECTION 15. THERE IS A NEW R.C.M. SECTION NUMBERED
 3 84-301.15 THAT READS AS FOLLOWS:

4 84-301.15. Class fourteen property — description —
 5 taxable percentage. (1) Class fourteen property includes:
 6 (a) all poles, lines, transformers, transformer
 7 stations, meters, tools, improvements, machinery and other
 8 property, except that included in class eighteen, used and
 9 owned by persons, firms, corporations, or other
 10 organizations that are engaged in the business of furnishing
 11 telephone communications exclusively to rural areas or to
 12 rural areas and cities and towns of 800 persons or less. The
 13 average circuit miles for each station on the telephone
 14 communications system must be more than 1 1/4 miles to
 15 qualify for this classification;

16 (b) tools, implements, and machinery used to repair
 17 and maintain machinery not used for manufacturing and mining
 18 purposes; and

19 (c) electric transformers and meters and gas
 20 regulators and meters that are not part of the single and
 21 continuous property of a utility that is centrally assessed.

22 (2) Class fourteen is taxed at 8% of its market value.

23 SECTION 16. THERE IS A NEW R.C.M. SECTION NUMBERED
 24 84-301.16 THAT READS AS FOLLOWS:

25 84-301.16. Class fifteen property — description —

1 taxable percentage. (1) Class fifteen property includes:

2 (a) a capital investment in a building for an energy
3 conservation purpose, to the extent provided under 84-7403;
4 and

5 (b) any improvement on real property, a trailer
6 affixed to land, or a mobile home and appurtenant land not
7 exceeding 5 acres, which together meet the following
8 conditions:

9 (i) have a market value of not more than \$27,500;
10 (ii) are owned or under contract for deed and are
11 actually occupied for at least 10 months per year as the
12 primary residential dwelling of:

13 (A) a widow or widower 62 years of age or older who
14 qualifies under the income limitations of (C) of this
15 section;

16 (B) a widow or widower of any age with dependent
17 children who qualifies under the income limitations of (C)
18 of this section; or

19 (C) a recipient or recipients of retirement or
20 disability benefits whose total income from all sources is
21 not more than \$6,000 a year for a single person or \$6,800
22 for a married couple.

23 (2) (a) A person applying for classification of
24 property under this class must make an affidavit to the
25 department of revenue on a form provided by the department

1 without cost as to:

2 (i) his income, if applicable;
3 (ii) his retirement benefits, if applicable;
4 (iii) his marital status, if applicable; and
5 (iv) the fact that he maintains the land and
6 improvements as his primary residential dwelling.

7 (b) The county welfare board may investigate the
8 applicant as to the answers given on the form. For the
9 purpose of the affidavit required for classification of
10 property under this class, it shall be sufficient if the
11 applicant signs a statement swearing to or affirming the
12 correctness of the information supplied, whether or not the
13 statement is signed before a person authorized to administer
14 oaths, and mails the application and statement to the
15 department of revenue. This signed statement shall be
16 treated as a statement under oath or equivalent affirmation
17 for the purposes of 94-7-203, relating to the criminal
18 offense of false swearing.

19 (c) The assessed value of the property may not be
20 increased during the life of the recipient of retirement
21 benefits or widow or widower covered under this class,
22 unless the owner-resident makes a substantial improvement in
23 the dwelling.

24 (3) Class fifteen property is taxed at 6% of its
25 market value.

1 SECTION 17. THERE IS A NEW R.C.M. SECTION NUMBERED
 2 84-301.17 THAT READS AS FOLLOWS:

3 84-301.17. Class sixteen property -- description --
 4 taxable percentage. (1) Class sixteen property includes:

5 (a) business inventories as defined in this section;
 6 and

7 (b) mobile machines, valued as other heavy
 8 construction equipment is valued, used in new industries, as
 9 defined in class eighteen.

10 (2) Mobile machines used in new industry are subject
 11 to the conditions imposed in class eighteen for other
 12 property used in new industries.

13 (3) "Business inventories" includes goods intended for
 14 sale or lease in the ordinary course of business and raw
 15 materials and work in progress with respect to such goods.
 16 Business inventories shall not include goods leased or
 17 rented or mobile homes held by a dealer or distributor as
 18 part of his stock in trade.

19 (4) The market value of business inventories, for
 20 property tax purposes, is the cost to the person subject to
 21 the inventory tax.

22 (5) Class sixteen property is taxed at 4.2% of market
 23 value.

24 SECTION 18. THERE IS A NEW R.C.M. SECTION NUMBERED
 25 84-301.18 THAT READS AS FOLLOWS:

1 84-301.18. Class seventeen property -- description --
 2 taxable percentage. (1) Class seventeen property includes
 3 all unprocessed agricultural products on the farm or in
 4 storage, except:

5 (a) all perishable fruits and vegetables in farm
 6 storage and owned by the producer; and

7 (b) livestock and poultry and the unprocessed products
 8 of both.

9 (2) Class seventeen property is taxed at 3.5% of
 10 market value.

11 SECTION 19. THERE IS A NEW R.C.M. SECTION NUMBERED
 12 84-301.19 THAT READS AS FOLLOWS:

13 84-301.19. Class eighteen property -- description --
 14 taxable percentage. (1) Class eighteen property includes:

15 (a) a dwelling house and the lot on which it is
 16 erected, owned, and occupied by a resident of the state who:
 17 (i) has been honorably discharged from active service
 18 in any branch of the armed services; and

19 (ii) is rated 100% disabled due to a service-connected
 20 disability by the United States veterans administration or
 21 its successor. In the event of the veteran's death, the
 22 dwelling house and the lot on which it is erected shall
 23 remain in this class as long as the surviving spouse remains
 24 unmarried and the owner and occupant of the property.

25 (b) all property used and owned by cooperative rural

1 electrical and cooperative rural telephone associations as
 2 provided in (2) (a) of this section.

3 (c) air pollution control equipment as defined in this
 4 section;

5 (d) new industrial property as defined in this
 6 section; and

7 (e) a capital investment in a recognized nonfossil
 8 form of energy generation, to the extent provided under
 9 84-7403.

10 (2) (a) The property of all cooperative rural
 11 electrical and cooperative rural telephone associations
 12 organized under the laws of Montana is included in this
 13 class; except that when less than 95% of the electricity
 14 consumers or telephone users within the incorporated limits
 15 of a city or town are served by the cooperative
 16 organization, the property is included in class eighteen.

17 (b) "Air pollution control equipment" means
 18 facilities, machinery, or equipment, attached or unattached
 19 to real property, utilized to reduce, eliminate, control, or
 20 prevent air pollution. The department of health and
 21 environmental sciences determines if such utilization is
 22 being made.

23 (c) "New industrial property" means any new industrial
 24 plant, including land, buildings, machinery, and fixtures,
 25 except mobile machinery, which is used by a new industry

1 during the first 3 years of its operation. The property may
 2 not have been assessed prior to July 1, 1961, within the
 3 state of Montana.

4 (i) New industrial property is limited to industries
 5 that:

6 (A) manufacture, mill, mine, produce, process, or
 7 fabricate materials;

8 (B) do similar work, employing capital and labor, in
 9 which materials unserviceable in their natural state are
 10 extracted, processed, or made fit for use or are
 11 substantially altered or treated so as to create commercial
 12 products or materials; or

13 (C) engage in the mechanical or chemical
 14 transformation of materials or substances into new products
 15 in the manner defined as manufacturing in the 1972 Standard
 16 Industrial Classification Manual prepared by the United
 17 States Office of Management and Budget.

18 (ii) New industrial property does not include:

19 (A) property used by retail or wholesale merchants,
 20 commercial services of any type, agriculture, trades, or
 21 professions;

22 (B) a plant that will create adverse impact on
 23 existing state, county, or municipal services; or

24 (C) property used or employed in any industrial plant
 25 that has been in operation in this state for 3 years or

1 longer.

2 (c) "New industry" means any person, corporation,
 3 firm, partnership, association, or other group that
 4 establishes a new plant or plants in Montana for the
 5 operation of a new industrial endeavor, as distinguished
 6 from a mere expansion, reorganization, or merger of an
 7 existing industry or industries.

8 (3) The department of revenue shall promulgate rules
 9 for the determination of what constitutes an adverse impact,
 10 taking into consideration the number of people to be
 11 employed and the size of the community in which the location
 12 is contemplated. Any person, corporation, firm, partnership,
 13 association, or other group seeking to qualify its property
 14 for inclusion in this class shall make application to the
 15 department of revenue in such a manner and form as the
 16 department requires. Once the department has made an initial
 17 determination that the industrial facility qualifies as new
 18 industrial property, the department shall then, upon proper
 19 notice, hold a hearing to determine if the new industrial
 20 classification should be retained by the property. The local
 21 taxing authority may appear at the hearing and may waive its
 22 objection to retention of this classification if the
 23 industry agrees to the prepayment of taxes sufficient to
 24 satisfy tax requirements created by the location and
 25 construction of the facility during the construction period.

1 When a prepayment of taxes is required, the maximum amount
 2 of prepayment shall be the amount of tax the industry would
 3 have paid without the application of the class seven
 4 percentage to such property.

5 (4) If a major new industrial facility qualifies under
 6 class eighteen, the reduction of its yearly payment of
 7 property taxes for reimbursement of its prepaid taxes as
 8 provided for in 84-41-105 does not begin until the class
 9 eighteen qualification expires.

10 (5) Class eighteen property shall be taxed at 2.8% of
 11 its market value.

12 Section 20. Section 84-401, R.C.M. 1947, is amended to
 13 read as follows:

14 ~~84-401. Property assessed at forty percent (40%) of~~
 15 ~~its full cash value—exceptions Assessments, definitions,~~
 16 ~~and exceptions.~~ (1) All taxable real property and
 17 improvements must be assessed at ~~forty percent (40%)~~ 100% of
 18 its full cash market value except as provided in subsection
 19 (5) of this section AND IN 84-429, 18 THROUGH 84-429, 17.

20 (2) Market value is the value at which property would
 21 change hands between a willing buyer and a willing seller,
 22 neither being under any compulsion to buy or to sell and
 23 both having reasonable knowledge of relevant facts.

24 (3) The department of revenue or its agents may not
 25 adopt a lower or different standard of value from market

1 value in making the official assessment and appraisal of the
 2 value of property in classes one through ten, with the
 3 exception of class six CLASS ONE AND CLASSES SEVEN THROUGH
 4 EIGHTEEN. For purposes of taxation, assessed value is the
 5 same as appraised value.

6 (4) The taxable value for all property in classes one
 7 through ten, with the exception of class six, CLASS ONE AND
 8 CLASSES SEVEN THROUGH EIGHTEEN is the percentage of market
 9 value established for each class of property in 84-301.2
 10 through 84-301.11, excluding 84-301.7 AND 84-301.8 THROUGH
 11 84-301.19.

12 (5) The assessed value of properties in 84-301.7 and
 13 84-301.12 through 84-301.15 84-301.3 THROUGH 84-301.7 is as
 14 follows:

15 (a) Property in 84-301.7 84-301.6, under class six
 16 FIVE, is assessed at 100% of book value, by the method
 17 established in 84-301.7 84-301.6, 84-4604, and 84-4605.

18 (3) (b) Properties in section 84-301 84-301.12
 19 84-301.3, under Class One class eleven TWO, shall be are
 20 assessed at one hundred percent (100%) of full cash value of
 21 the annual net proceeds after deducting the expenses
 22 specified and allowed by 84-5403.

23 (c) Properties in 84-301.13 and 84-301.14 84-301.4 AND
 24 84-301.5, under classes twelve THREE and thirteen FOUR, are
 25 assessed at 100% of the annual gross proceeds.

1 (2) (d) The assessment of agricultural lands shall be
 2 based upon Properties in 84-301.15 84-301.7, under class
 3 fourteen SIX, are assessed at 100% of the productive
 4 capacity of the lands when valued for agricultural purposes.
 5 All lands that meet the qualifications of 84-437.2 shall be
 6 are valued as agricultural lands for tax purposes that meet
 7 the qualifications of section 84-437.2, R.C.B. 1947.

8 (6) Land and the improvements thereon shall be are
 9 separately assessed when any of the following conditions
 10 occur:

11 (a) when ownership of the improvements is different
 12 from ownership of the land;
 13 (b) when requested in writing by the taxpayer, the
 14 taxpayer makes a written request; or

15 (c) when the land is outside an incorporated city or
 16 town.

17 (7) The taxable value of all property shall be
 18 determined by sections 84-301 and 84-308 in classes eleven
 19 TWO through fourteen SIX is the percentage of assessed value
 20 established in 84-301.12 84-301.3 through 84-301.15 84-301.7
 21 for each class of property."

22 Section 21. Section 11-988, R.C.B. 1947, is amended to
 23 read as follows:

24 "11-988. Power of cities and towns to acquire natural
 25 gas and distributing system therefor. The city or town

1 Council has power to contract an indebtedness of a city or
 2 town upon the credit thereof by borrowing money or issuing
 3 bonds for the construction, purchase, or development of an
 4 adequate supply of natural gas, and to construct or purchase
 5 a system of gas lines for the distribution thereof to the
 6 inhabitants of said the city or town or vicinity, provided,
 7 that—the The total amount of indebtedness authorized to be
 8 contracted in any form, including the then-existing
 9 indebtedness, must not at any time exceed three-per-centum
 10 ~~43%~~ 11% of the total assessed—valuation taxable value of
 11 the taxable property of the city or town subject to taxation
 12 as ascertained by the last assessment for state and county
 13 taxes, and provided further, that no money must may be
 14 borrowed or bonds issued for the purposes herein specified
 15 in this section until the proposition has been submitted to
 16 the vote of the taxpayers affected thereby of the city or
 17 town, affected thereby and the majority vote cast in its
 18 favor thereof."

19 Section 22. Section 11-1011, R.C.M. 1947, is amended
 20 to read as follows:

21 "11-1011. Tax levy for band concerts. For the purpose
 22 of providing band concerts ~~as—in this act—provided~~, the
 23 council or other governing body in any town or city of the
 24 first, second, or third class, or of any incorporated town,
 25 may assess and levy, in addition to the levy for general

1 municipal or administrative purposes, an amount not
 2 exceeding to exceed one 1 mill on the dollar on the assessed
 3 taxable value of the taxable property of the said city or
 4 town subject to taxation."

5 Section 23. Section 11-1019, R.C.M. 1947, is amended
 6 to read as follows:

7 "11-1019. Operation of bus lines — contracting
 8 indebtedness. Whenever a city or town is not being served by
 9 a bus company or operator, operating on a regular schedule,
 10 and under the jurisdiction of the public service commission
 11 or if such service ~~is—to-be-ex~~ is likely to be discontinued
 12 in the immediate future, the city or town council of any
 13 incorporated city or town ~~shall~~ have the power to may
 14 contract an indebtedness of any such city or town upon the
 15 credit thereof by borrowing money or issuing bonds for the
 16 purchase, development, operation, or leasing of motor buses
 17 and bus lines for the transportation of passengers within
 18 the corporate limits of such cities and towns, and to
 19 operate the same to any point or points beyond said these
 20 limits not to exceed eight ~~48~~ miles, measured along the
 21 route of said the bus line, provided that the the total
 22 amount of indebtedness authorized to be contracted in any
 23 form, including the then-existing indebtedness, must may not
 24 at any time exceed five-per-centum ~~45%~~ 18% of the total
 25 assessed—valuation taxable value of the taxable property of

1 the city or town subject to taxation as ascertained by the
 2 last assessment for state and county taxes, and provided
 3 further, that no money ~~must~~ may be borrowed or bonds
 4 issued for the purposes herein specified in this section
 5 until the proposition has been submitted to the vote of the
 6 taxpayers ~~affected thereby~~ of the city or town, and the
 7 majority vote cast in its favor ~~thereof~~."

8 Section 24. Section 11-1301, R.C.S. 1947, is amended
 9 to read as follows:

10 "11-1301. Presentation of claims — limitation of
 11 actions. All accounts and demands against a city or town
 12 must be presented to the council duly itemized. All claims
 13 against a city or town shall contain the following
 14 statement: "I certify that this claim is correct and just in
 15 all respects, and that payment or credit has not been
 16 received." Claims need not be accompanied by affidavit by
 17 the party or his agent. These claims must be presented with
 18 all necessary and proper vouchers, within one-(1) year from
 19 the date the same accrued, and any any claim or demand not
 20 so presented within the this time aforesaid is forever
 21 barred, and the council has no authority to allow any
 22 account or demand not so presented, ~~nor~~ must ~~any~~ No action
 23 ~~may~~ be maintained against the city or town for or on account
 24 of any demand or claim against the same, city or town until
 25 such demand or claim has first been presented to the

1 council, ~~for action thereon~~, provided, however, that in the
 2 case the total indebtedness of a city or town has reached
 3 three per centum (3%) 11% of the total assessed valuation
 4 taxable value of the taxable property of such the city or
 5 town, subject to taxation as ascertained by the last
 6 assessment for state and county taxes, it shall be lawful
 7 for, and such the city or town is hereby authorized and
 8 empowered, ~~to~~ may conduct its affairs and business on a cash
 9 basis as provided and contemplated by the next section of
 10 this code 11-1302."

11 Section 25. Section 11-1909, R.C.S. 1947, is amended
 12 to read as follows:

13 "11-1909. Levy of tax for volunteer fire departments.
 14 For the purpose of supporting volunteer fire departments in
 15 any city or town which does not have a paid fire department,
 16 and for the purpose of purchasing the necessary equipment
 17 ~~therefor~~ for them, the council in any city or town may
 18 assess and levy, in addition to other levies permitted by
 19 law, a special tax not exceeding two-(2) mills on each
 20 dollar of the assessed valuation taxable value of the
 21 taxable property of the city or town and, provided, further,
 22 that the words "assessed valuation" as used in this section
 23 shall be the percentage of the true and full valuation of
 24 the taxable property provided in section 84-302 and shall
 25 not be deemed to be the true and full valuation of such

1 property subject to taxation."

2 Section 26. Section 11-1919, R.C.M. 1947, is amended
3 to read as follows:

4 "11-1919. State auditor to pay fire department relief
5 association out of premium taxes collected from insurance
6 companies. (1) At the end of the fiscal year, the state
7 auditor shall issue and deliver to the treasurer of every
8 city or town of the first and second class, for the use and
9 benefit of the fire department relief association legally
10 existing in ~~every such the city or town, entitled by law to~~
11 receive the same, ~~out of the premium taxes on insurance~~
12 ~~risks enumerated in subsection (6) collected by him,~~ an
13 amount equal to ~~ten per centem (10%)~~ of the total annual
14 compensation paid by such city or town to its paid or
15 part-paid firemen for services in the previous calendar
16 year. This amount is paid out of the premium taxes on
17 insurance risks enumerated in subsection (6) and collected
18 by the state auditor. The city clerk of each such city or
19 town shall certify in writing to the state auditor, on or
20 before April 1 of each year, the amount so paid by ~~such the~~
21 city or town as compensation for services to paid or
22 part-paid firemen.

23 (2) ~~In the event of a disaster resulting in the death~~
24 ~~or injury sufficient to draw pension of ten percent (10%) of~~
25 ~~the active force when 10% of the active force, due to a~~

1 disaster, suffers injury or death sufficient to draw pension
2 and ~~when~~ the fund of ~~such the~~ fire department relief
3 association after receiving all moneys as designated in
4 section 11-1911 and section 11-1912 and the ~~ten--percent~~
5 ~~(10%)~~ of annual compensation as designated in this chapter
6 does not show at least the ~~one-(1)-mill~~ growth as referred
7 to in section 11-1912, then the treasurer of such relief
8 association shall request and the state auditor shall issue
9 and deliver to the treasurer of every city or town of the
10 first and second class, for the use and benefit of the fire
11 department relief association legally existing in ~~every the~~
12 city or town entitled to receive the same, ~~out of the~~
13 ~~premium tax collected by him,~~ an additional amount to show
14 at least the ~~one-(1)-mill~~ growth referred to in section
15 11-1912. This amount is paid out of the premium tax
16 collected by the state auditor.

17 (3) In the event a city of the first or second class
18 is not entitled to receive a sum equal to ~~forty-five-one~~
19 ~~hundredths-(45/100)~~ 1 1/2 mills of its total assessed
20 valuation taxable value under the foregoing method of
21 computation, then, ~~in that event,~~ the fire department relief
22 association of that city shall receive its money in the same
23 manner as provided below for cities of the third class.

24 (4) At the end of the fiscal year, the state auditor
25 shall issue and deliver to the treasurer of every city or

1 town, except cities or towns of the first or second class,
 2 for the use and benefit of the fire department relief
 3 association legally existing in every such city or town
 4 entitled by law to receive the same, his warrant for an
 5 amount equal to forty-five-one-hundredths (45.100) 1 1/2
 6 mills of the total ~~assessed valuation taxable value~~ of the
 7 city or town. This amount is to be paid from premium taxes,
 8 after deducting cancellations and return premiums, collected
 9 by the state auditor, ~~ex officio insurance commissioner~~,
 10 from insurers authorized to effect insurance on risks
 11 enumerated in subsection (6) of this section, ~~as said to~~
 12 which the cities or towns are each severally entitled to.

13 (5) ~~The legally organized and existing fire department~~
 14 ~~relief associations in~~ all cities or towns where the
 15 taxes on premiums collected and distributed pursuant to
 16 subsection (4) above ~~is are~~ insufficient to make an amount
 17 equal to one hundred dollars (\$100), ~~the fire department~~
 18 ~~relief association~~ shall receive such an additional amount
 19 from the total taxes on premiums collected from insurers
 20 authorized to effect insurance against ~~of the~~ risks
 21 enumerated in subsection (6) of this section as may be
 22 necessary to make the total amount received by ~~said the~~ fire
 23 department relief association equal to the sum of one
 24 hundred dollars (\$100).

25 (6) The risks referred to in subsection (4) above, are

1 enumerated as follows:
 2 (a) insurance ~~in~~ urance of houses, buildings, and all
 3 other kinds of property and goods against loss or damage by
 4 fire or other casualty; and all kinds of insurance on
 5 goods, merchandise, or other property in the course of
 6 transportation, whether on land or water or air;
 7 (b) insurance against loss or damage to motor vehicles
 8 resulting from accident, collision, or marine and inland
 9 navigation and transportation perils;
 10 (c) insurance of growing crops against loss or damage
 11 resulting from hail or the elements;
 12 (d) insurance against loss or damage by water to any
 13 goods or premises arising from the breakage or leakage of
 14 sprinklers, pumps, or other apparatus;
 15 (e) and insurance against loss or legal liability for
 16 loss because of damage to property caused by the use of
 17 teams or vehicles; and whether by accident or collision or
 18 by explosion of any engine or tank or boiler or pipe or tire
 19 of any vehicle, and also including
 20 (f) insurance against theft of the whole or any part
 21 of any vehicle."

22 Section 27. Section 11-2201, R.C.M. 1947, is amended
 23 to read as follows:

24 "11-2201. Special improvements -- powers of city
 25 council. (1) All streets, alleys, places, or courts in the

1 municipalities of this state, now open or dedicated, or
 2 which may hereafter be opened or dedicated to public use,
 3 ~~shall be deemed and held to be are~~ open public streets,
 4 alleys, places, or courts, for the purposes of this chapter,
 5 and the city council of each municipality is hereby
 6 empowered to ~~may~~ establish and change the grades of ~~said the~~
 7 streets, alleys, places, or courts, and fix the width
 8 thereof, and is hereby invested with jurisdiction to ~~pay~~
 9 acquire private property for ~~right-of-way, right-of-way~~ and
 10 to order to be done any of the work mentioned in this
 11 chapter under the proceedings hereinafter described.

12 ~~Further, that in addition to the powers heretofore~~
 13 granted, when ~~(2)~~ When the public interest or convenience
 14 requires, the governing body of a municipality may:

15 ~~(4)(a)~~ Establish ~~establish~~ pedestrian malls;

16 ~~(4)(b)~~ Prohibit ~~prohibit~~, in whole or in part,
 17 vehicular traffic on a pedestrian mall;

18 ~~(4)(c)~~ Pay ~~pay~~, from general funds of the municipality
 19 or other available moneys or from the proceeds of
 20 assessments levied on lands benefited by the establishment
 21 of a pedestrian mall, the damages, if any, allowed or
 22 awarded to any property owner by reason of the establishment
 23 of a pedestrian mall, ~~provided that the~~ The resolution of
 24 intention ~~contains~~ must contain a statement that an
 25 assessment will be levied to pay the whole or a stated

1 portion of such damages, if any, allowed or awarded to any
 2 property owner by reason of the establishment of such
 3 pedestrian mall;

4 ~~(4)(d)~~ Construct ~~construct~~ improvements on public
 5 streets ~~which that~~ have been or will be established as a
 6 pedestrian mall, ~~improvements of any kind or nature~~
 7 ~~necessary or convenient to the operation of such streets as~~
 8 a pedestrian mall, including but not limited to paving,
 9 sidewalks, curbs, sewers, covered walkways or areas, air
 10 conditioning, drainage works, street lighting facilities,
 11 fire protection facilities, flood protection facilities,
 12 water distribution facilities, vehicular parking areas,
 13 retaining walls, landscaping, tree planting, statuary,
 14 fountains, decorative structures, benches, rest rooms, child
 15 care facilities, display facilities, information booths,
 16 public assembly facilities, and other structures, works, or
 17 improvements necessary or convenient to serve members of the
 18 public using such pedestrian mall, including the
 19 reconstruction or relocation of existing municipally owned
 20 works, improvements, or facilities on such streets. ~~Such~~ The
 21 improvements or structures may be attached to abutting
 22 private buildings or structures, provided that ~~such the~~
 23 improvements or structures ~~shall be are~~ located on public
 24 property.

25 ~~(4)(3)~~ It is further provided that in addition to the

1 purposes for which an improvement district may be formed, as
 2 heretofore set forth, an An improvement district may also be
 3 formed for the sole purpose of the operation, maintenance,
 4 repair and improvements of operating, maintaining,
 5 repairing, and improving pedestrian malls, off-street
 6 parking facilities, and parkings and parkways.

7 ~~{b} (6)~~ Subject to the powers granted and the
 8 limitations contained in this section, the powers and duties
 9 of the municipality and the procedure to be followed shall
 10 be are as provided in this article chapter for other types
 11 of special improvement districts.

12 ~~{e} (5)~~ If a petition for the formation of an
 13 improvement district under the provisions of this section is
 14 presented to the governing body purporting to be signed by
 15 all of the real property owners in the proposed district,
 16 exclusive of mortgagees and other lien holders, the
 17 governing body, after verifying such ownership and making a
 18 finding of such the fact, shall adcp a resolution of
 19 intention to order the improvement pursuant to the
 20 provisions of section as provided in 11-2204, and shall have
 21 immediate jurisdiction to adopt the resolution ordering the
 22 improvement pursuant to the following provisions, without
 23 the necessity of the publication and posting of the
 24 resolution of intention provided for in section 11-2204.

25 ~~{d} (6)~~ The governing body shall make annual statements

1 and estimates of the expenses of the district, which shall
 2 be provided for by the levy and collection of ad valorem
 3 taxes upon the assessed taxable value of all the real and
 4 personal property in the district, shall publish notice
 5 thereof, and shall have hearings thereon on the statements
 6 and estimates and adopt them at the time and in the manner
 7 as provided for incorporated cities and towns by the
 8 applicable portions of sections 11-2204 and 11-2206. The
 9 governing body, on or before the second Monday in August of
 10 each year, shall fix, levy, and assess the amount to be
 11 raised by ad valorem taxes upon all of the property of the
 12 district. All statutes providing for the levy and collection
 13 of state and county taxes, including the collection of
 14 delinquent taxes and sale of property for nonpayment of
 15 taxes, shall be applicable to the district taxes provided
 16 for under this section.

17 ~~{e} (7)~~ An improvement district formed for the purposes
 18 of establishing a pedestrian mall or off-street parking may
 19 be financed in accordance with the provisions of section
 20 11-2214, R. G. M., 1947, and/or in accordance with the
 21 methods of financing set forth for the construction of water
 22 or sewer systems as set forth in sections 11-2218, R. G. M.
 23 1947.

24 ~~{5} (8)~~ Create The governing body may create special
 25 lighting districts on any street or streets or public

1 highway ~~therein or portions thereof~~ for the purposes of
 2 lighting ~~such street or streets or public highway and is~~
 3 ~~hereby empowered to then and assess such the costs for~~
 4 installation and maintenance to property abutting thereto
 5 and to collect ~~such the~~ costs by special assessment against
 6 ~~said the~~ property.

7 ~~(9) Further, that in addition to the powers heretofore~~
 8 ~~granted, the city or town council is empowered to~~ may make
 9 assessments in the manner provided in section 11-2245
 10 hereafter on property abutting ~~said the~~ street or highway
 11 and lying outside the boundaries of ~~said the~~ city or town,
 12 ~~so as~~ long as that portion of the street or public highway
 13 to be lighted is adjacent to the boundary line of ~~said the~~
 14 city or town, or lies partially within ~~said the~~ city or
 15 town, or extends from one point within ~~said the~~ city or town
 16 to another point within ~~said the~~ city or town."

17 Section 28. Section 11-2205, R.C.B. 1947, is amended
 18 to read as follows:

19 "11-2205. Assessment of extended district including
 20 lots not fronting on improvement. Whenever the contemplated
 21 work of improvement, in the opinion of the city council, is
 22 of more than local or ordinary public benefit, or whenever,
 23 according to estimates furnished by the city engineer, the
 24 total estimated costs and expenses thereof would exceed
 25 one-half 1/5 of the total assessed taxable value of the lots

1 and lands ~~assessed, if assessed upon the lots or lands~~
 2 fronting upon said proposed work or improvement, according
 3 to the valuation fixed by the last assessment roll, ~~whereas~~
 4 ~~it was assessed for taxes for municipal purposes,~~ the city
 5 council may make charge the expenses of ~~such the~~ work or
 6 improvement chargeable upon to an extended district and
 7 which ~~that~~ may include other lots not fronting on the
 8 improvement, and which the said city council shall, in its
 9 resolution of intention, declare to be the district
 10 benefited by ~~said the~~ work or improvements ~~and to be~~
 11 ~~assessed to pay the costs and expenses thereof."~~

12 Section 29. Section 11-2303, R.C.B. 1947, is amended
 13 to read as follows:

14 "11-2303. Limitation on amount of indebtedness. No
 15 city or town shall may issue bonds for any purpose in an
 16 amount which, with all outstanding and unpaid indebtedness,
 17 will exceed ~~five per centum~~ ~~5%~~ 18% of the assessed taxable
 18 value of the taxable property therein subject to taxation,
 19 to be ascertained by the last assessment for state and
 20 county taxes, ~~provided, however, that for~~ for the purpose
 21 of constructing a sewerage system, or procuring a water
 22 supply, or constructing or acquiring a water system for a
 23 city or town, which shall own and control ~~such the~~ water
 24 supply and water system and devote the revenues therefrom to
 25 the payment of the debt, a city or town may incur an

1 additional indebtedness by borrowing money or issuing bonds.
 2 The additional total indebtedness which that may be incurred
 3 by borrowing money or issuing bonds for the construction of
 4 a sewerage system, or for the procurement of a water supply,
 5 or for both such purposes, including all indebtedness
 6 theretofore contracted, which is unpaid or outstanding,
 7 shall not in the aggregate exceed ~~ten per centus~~ (10%)
 8 over and above the ~~five per centus~~ (5%) 18% heretofore
 9 referred to, of the total taxable value of the taxable
 10 property therein subject to taxation as ascertained by the
 11 last assessment for state and county taxes. The issuing of
 12 bonds for the purpose of funding or refunding outstanding
 13 warrants or bonds shall not be deemed the incurring of a
 14 new or additional indebtedness, but shall be deemed is
 15 merely the changing of the evidence of outstanding
 16 indebtedness."

17 Section 30. Section 11-3921, R.C.M. 1947, is amended
 18 to read as follows:

19 "11-3921. Allocation of taxes. (1) Any urban renewal
 20 plan, as defined in section 11-3901, may contain a provision
 21 or be amended to contain a provision providing that taxes
 22 levied on taxable property in an urban renewal area each
 23 year by or for the benefit of the state, any city, county,
 24 or other political subdivisions for which taxes are levied,
 25 ~~hereafter referred to as taxing bodies~~ shall be allocated

1 after the effective date of such provision as provided in
 2 subsections (3) and (4) of this section.

3 (2) For the purposes of this section:

4 (a) "prior assessed taxable value" means the assessed
 5 taxable value of the taxable property in the urban renewal
 6 area subject to taxation as shown on the assessment roll
 7 last equalized prior to the effective date of the urban
 8 renewal plan, notwithstanding Notwithstanding the
 9 provisions of this act, any increase resulting from a
 10 comprehensive revaluation of all property within the county
 11 may be applied to the property for the purpose of
 12 determining the "prior assessed taxable value";

13 (b) the word "taxes" includes, but is not limited to,
 14 all levies on an ad valorem basis upon land or real
 15 property;

16 (c) "taxing body" is any city, county, or other
 17 political subdivision for which taxes are levied.

18 (3) The portion of taxes produced by levies for a
 19 taxing body upon the total sum of the prior assessed taxable
 20 value of the taxable property in the urban renewal area
 21 subject to taxation shall be allocated and paid into the
 22 funds of the taxing body like taxes paid by or for the
 23 taxing body on all other property. For the purpose of
 24 allocating taxes levied by a taxing body that did not
 25 include the urban renewal area on the effective date of the

1 provision allocating the taxes but to which the urban
 2 renewal area has since been annexed or otherwise included,
 3 the assessment roll of the county last equalized prior to
 4 the effective date of the provision shall be used in
 5 determining the prior assessed taxable value.

6 (4) The portion of taxes levied by each the taxing
 7 body each year in excess of the amount levied under
 8 subsection (3) shall be paid by the county treasurer into a
 9 special fund held by the city treasurer to pay the principal
 10 and interest on bonds issued under authority of section
 11 11-3910, except that taxes for the payment of all bonds and
 12 interest of each taxing body must be levied against all
 13 taxable property within the taxing body without limitation
 14 by the provisions of this subsection. Until the actual
 15 assessed valuation taxable value of all property in the
 16 urban renewal area exceeds the prior assessed taxable value
 17 of all taxable property within such area, the actual
 18 assessed taxable value of all property shall be used for
 19 taxation purposes.

20 (5) The portion of taxes allocated in subsection (4)
 21 above, and the special fund into which they are paid, may be
 22 pledged by a municipality for the payment of the principal
 23 and interest on bonds issued under the authority of section
 24 11-3910, or bonded indebtedness, incurred by a municipality
 25 to refinance in whole or in part, the urban renewal project.

1 Prior to the sale of any bonds, there shall be ~~at~~ an
 2 election under sections 11-2308 and 11-2309 approving such
 3 sale, or ~~at~~ a petition for the sale signed by the owners of
 4 record of at least fifty-one percent ~~(51%)~~ of the land
 5 within the urban renewal district.

6 (6) After all bonds and interest have been paid, all
 7 series moneys received from taxes upon property within the
 8 urban renewal area shall be allocated as taxes on all other
 9 property."

10 Section 31. Section 11-4111, R.C.M. 1947, is amended
 11 to read as follows:

12 "11-4111. Levy authorized — uses — restrictions. (1)
 13 Upon an affirmative vote of a majority of the qualified
 14 voters voting in a city, county, or town on the question of
 15 whether the governing body may levy a tax for economic
 16 development, the governing body of that city, county, or
 17 town is authorized to levy in any one election up to one
 18 ~~1~~ mill upon the assessed taxable value of all the taxable
 19 property in the county, city, or town subject to taxation
 20 for the purpose of economic development, for a period not to
 21 exceed five ~~(5)~~ years, by any one election.

22 (2) Funds derived from this levy may be used for
 23 purchasing land for industrial parks, constructing buildings
 24 to house manufacturing and processing operations, conducting
 25 preliminary feasibility studies, promoting economic

1 development opportunities in a particular area, and other
 2 activities generally associated with economic development.
 3 These funds may not be used to directly assist an industry's
 4 operations by loan or grant ~~nor or~~ to pay the salary or
 5 salary supplements of government employees.

6 (3) The governing body of the county, city, or town
 7 may use the funds derived from this levy to contract with
 8 local development companies, and other associations or
 9 organizations capable of implementing the economic
 10 development function."

11 Section 32. Section 14-307, R.C.M. 1947, is amended to
 12 read as follows:

13 "14-307. Lien of corporate indebtedness upon
 14 membership lands. ~~From and after~~ After the date of the
 15 inclusion of any land or property as a member ~~thereof~~ in any
 16 corporation, or district, organized under the provisions
 17 hereof of this section, all mortgage or bonded indebtedness
 18 thereafter created by such corporation, or district, shall
 19 be deemed is a first lien upon ~~such the~~ membership lands, to
 20 the ~~an~~ extent of not to exceed five per cent 18% of the
 21 assessed valuation taxable value thereof if the same shall
 22 be land is grazing or agricultural, and not to exceed ten
 23 per cent 36% of the assessed valuation taxable value thereof
 24 if the same shall be land is horticultural or
 25 vegetable-producing lands. The recording of the copy of the

1 articles of incorporation, or petition to become a member of
 2 such corporation, or district, shall be is notice to all
 3 subsequent lien claimants that ~~such the~~ lands are subject to
 4 a first lien, ~~of not to exceed the amount specified herein,~~
 5 provided, However, nothing herein shall in this section may
 6 be construed as placing a limit upon the indebtedness that
 7 may be made a lien against any of the corporate or property
 8 assets of the corporation, or district, as distinguished
 9 from membership lands individually owned, ~~and included~~
 10 ~~therein for the purposes hereof.~~"

11 Section 33. Section 16-502, R.C.M. 1947, is amended to
 12 read as follows:

13 "16-502. Basis of taxation upon creation of new county
 14 — terms used in law defined. For the purposes of this act,
 15 the assessed valuation of all property, whether included
 16 within the boundaries of a proposed new county, or remaining
 17 within the boundaries of any existing county or counties
 18 from which territory is taken, shall be fixed and determined
 19 on the same basis as is used for the imposition of taxes in
 20 the state of Montana, ~~to wit: By taking that percentage of~~
 21 ~~the true and full value of all taxable property in any~~
 22 ~~county specified by section 84-302.~~

23 ~~Whenever in this act the term "assessed valuation" or~~
 24 ~~valuation based on the last assessment roll" is used, said~~
 25 ~~terms shall be construed as meaning "taxable valuation"~~

1 determined as herein provided, not the full and true
 2 valuation of property."

3 Section 34. Section 16-807, R.C.M. 1947, is amended to
 4 read as follows:

5 "16-807. Limit of indebtedness. No county may become
 6 indebted in any manner or for any purpose to an amount,
 7 including existing indebtedness, in the aggregate exceeding
 8 five per centum 18% of the assessed taxable value of the
 9 taxable property therein subject to taxation, to be as
 10 ascertained by the last assessment for state and county
 11 taxes previous to the incurring of such indebtedness, and
 12 all bonds or obligations in excess of such amount given
 13 by or on behalf of such the county are void. No county may
 14 incur any indebtedness or liability for any single purpose
 15 to an amount exceeding ~~forty thousand dollars~~ (\$40,000)
 16 without the approval of a majority of the electors thereof
 17 voting at an election to be provided by law, except as
 18 provided in sections 16-1407.1 and 16-1407.2."

19 Section 35. Section 16-808, R.C.M. 1947, is amended to
 20 read as follows:

21 "16-808. Counties indebted beyond constitutional limit
 22 may operate on cash basis. That is in case the total
 23 indebtedness of a county, lawful when incurred, by reason of
 24 great diminution of assessed value exceeds the limit of five
 25 per centum (5%) 18% by reason of great diminution of

1 taxable value, it shall be lawful for said the county and it
 2 is hereby authorized and empowered to thereafter manage and
 3 may conduct its business affairs on a cash basis and pay the
 4 reasonable and necessary current expenses of said the county
 5 out of the cash in the county treasury and derived from its
 6 current revenue, and under such restrictions and regulations
 7 as may be imposed by the board of county commissioners of
 8 said the county by a resolution duly adopted and spread upon
 9 included in the minutes of said the board, provided,
 10 however, that nothing herein shall restrict Nothing in this
 11 section restricts the right of said the board to make the
 12 necessary tax levies for interest and sinking fund purposes,
 13 and provided further that nothing herein shall affect in
 14 this section affects the right of any creditor of said the
 15 county to pursue any remedy now given him by law to obtain
 16 payment of his claim."

17 Section 36. Section 16-1152, R.C.M. 1947, is amended
 18 to read as follows:

19 "16-1152. Tax levy for payment of warrants. The board
 20 of county commissioners shall annually determine the amount
 21 of such the warrants drawn on the general fund for the
 22 purposes of controlling insect pests under a cropland
 23 spraying program approved by the department of agriculture,
 24 and in the succeeding year, the board shall levy a tax for
 25 the purpose of insect pest extermination sufficient in

1 amount to reimburse said the general fund for the money so
 2 paid out on each the warrants, which said The tax shall be
 3 levied upon all the property in the county and shall not
 4 exceed three-(3) mills on each dollar of assessed valuation
 5 taxable value. If there be is no money in the general fund
 6 with which to pay such warrants, they shall be registered
 7 and bear interest in the same manner as other county
 8 warrants, but in each In this case the interest shall be
 9 computed and added to the amount for which such tax is
 10 levied."

11 Section 37. Section 16-1412, R.C.M. 1947, is amended
 12 to read as follows:

13 "16-1412. Budget for district fairs — consideration
 14 by county commissioners — tax levy — district fair fund —
 15 expenditures. (1) Aside from the revenue derived from
annual fairs or other exhibitions conducted, the necessary
revenue shall be raised as follows: The To raise the revenue
necessary to hold district fairs, the board of directors
shall meet during the first week of May of each year, and
shall make a budget of the amounts required in the conduct
of the affairs of the district, for the following year, and
The board shall deduct therefrom from the budget the
probable income from the annual district fair and other
exhibitions to be held by said the district during the
following year, and shall then apportion the remaining

1 balance among the various counties forming said the district
 2 in proportion to the assessed property of each county as
 3 determined by the assessment rolls of the preceding year,
 4 save in the case of By mutual agreement of the directors,
 5 the share apportioned to the county in which the fair is
 6 being conducted, in which county the levy may, by mutual
 7 agreement of the directors, may be made larger than in other
 8 counties comprising the district, and the The secretary
 9 shall certify to each board of county commissioners the
 10 amount of said the budget and the amount of revenue to be
 11 raised by such the county for such these purposes, and shall
 12 file a certified copy thereof with the clerk of the board of
 13 county commissioners of each of the counties in said the
 14 district on or before the first day of June 1 of each year.
 15 The respective boards of county commissioners of the
 16 counties comprising said the district, shall meet in joint
 17 assembly with their county fair commissioners during the
 18 first week of June of each year and shall jointly consider
 19 the budget proposed by the board of directors of the
 20 district, and shall give such approval or suggest such
 21 amendments or modifications as to them may seem they think
 22 proper and desirable.

23 (2) If the county commissioners shall fail to hold
 24 such the joint meeting, or shall fail to take any action,
 25 then the budget, certified by the secretary of the fair

1 district shall be, without further action, deemed approved,
 2 and the sums of money apportioned to the county shall be the
 3 sums to be raised by special levy for said this purpose. For
 4 the purpose of raising the aforere~~said~~ revenues, the board of
 5 county commissioners of each county in the district shall
 6 annually make a levy to raise the required sum apportioned
 7 to the respective counties, provided however that However,
 8 the said levy shall not exceed one-(1) mill on the dollar of
 9 the assessed valuation taxable value of all the taxable
 10 property in the county, except in the case of the county in
 11 which the fair is being conducted, in which In this county,
 12 the levy shall not exceed one-and-one-half-(1 1/2) mills on
 13 the dollar of taxable property in the county, is In
 14 addition thereto to this levy, any and all moneys available
 15 to for the holding of county fairs may be allotted and
 16 transferred to the use of the district fair as the
 17 respective county fair commissioners may elect, the The
 18 funds available to a district fair shall, on the first
 19 Monday in August or as soon thereafter as may be possible,
 20 be deposited with the county treasurer of the county in
 21 which the district fair is to be held and by him and
 22 credited to a fund to be known as the district fair fund,
 23 held and paid out in the same manner as the county fair
 24 fund, except that it shall be paid out on district fair
 25 board warrants signed by the chairman or the vice-chairman

1 and the secretary of the district fair board, provided that
 2 the The treasurer of the county in which the district fair
 3 shall will be held shall carry the moneys received from the
 4 various counties in the district in the regular county fair
 5 fund in the same manner as regular county fair moneys,
 6 payable, however, only on district fair warrants."

7 Section 38. Section 16-2010.1, R.C.S. 1947, is amended
 8 to read as follows:

9 "16-2010.1. Limit on city-county consolidated
 10 indebtedness. No city-county consolidated local government
 11 may issue bonds for any purpose which, with all outstanding
 12 indebtedness, will may exceed seven-and-one-half-percent-(7
 13 1/2%) 27% of the assessed taxable value of the taxable
 14 property therein subject to taxation, to be as ascertained
 15 by the last assessment for state and county taxes,
 16 provided, however, that However, for the purpose of
 17 constructing a sewerage system or procuring a water supply
 18 or constructing or acquiring a water system for a
 19 city-county consolidated government, which shall own and
 20 control such water supply and water system and devote the
 21 revenues therefrom to the payment of the debt, a city-county
 22 consolidated government may incur an additional indebtedness
 23 by borrowing money or issuing bonds. The additional
 24 indebtedness, which may be incurred by borrowing money or
 25 issuing bonds for the construction of a sewerage system, or

1 for the procurement of a water supply, or for both such
 2 purposes, ~~including all indebtedness theretofore contracted~~
 3 which is unpaid or outstanding, may not in the aggregate
 4 exceed ten percent (10%), over and above the seven-and
 5 one-half percent (7 1/2%) ~~27%~~ heretofore referred to, of the
 6 assessed taxable value of the taxable property therein
 7 subject to taxation as ascertained by the last assessment
 8 for state and county taxes. The issuing of bonds for the
 9 purpose of funding or refunding outstanding warrants or
 10 bonds is not the incurring of a new or additional
 11 indebtedness, but is merely the changing of the evidence of
 12 outstanding indebtedness."

13 Section 39. Section 16-4020, R.C.M. 1947, is amended
 14 to read as follows:

15 "16-4020. Disposal of property — leasing — sale. (1)
 16 Each county to which any part of an abandoned and abolished
 17 county is attached ~~and made a part and becomes~~ becomes the
 18 owner under the provisions of this act of the real and ~~any~~
 19 tangible personal property of ~~an~~ the abandoned and abolished
 20 county ~~and~~ may use all of ~~such~~ this property for county
 21 purposes, or may lease any of ~~such~~ this real estate, or may
 22 sell any of ~~such~~ the real estate or personal property.

23 ~~(2)~~ provided that no personal property having
 24 a value in excess of one hundred dollars (\$100.00) shall be
 25 sold ~~unless the same may be sold unless it has been~~

1 appraised within ~~one~~ 1 year immediately prior to the date of
 2 sale by three taxpayers ~~residing~~ who reside within the
 3 territory ~~embraced within the boundaries~~ of the abandoned
 4 and abolished county, ~~and who were~~ appointed by the judge of
 5 the district court to which the county succeeding to the
 6 ownership of ~~such~~ the property is attached, on petition of
 7 the board of county commissioners thereof, ~~and no~~ No sale
 8 of any ~~such~~ personal property ~~shall~~ may be made except at
 9 public sale after notice or for a price less than ~~ninety~~-per
 10 centus (90%) of ~~such~~ the appraised value.

11 ~~(3)~~ (3) No ~~such~~ real property ~~shall~~ may be leased
 12 unless the board of county commissioners ~~shall~~ present
 13 presents to the judge of the district court to which the
 14 county is attached a petition describing the real estate,
 15 with any improvements thereon, and setting forth the terms
 16 of the proposed lease, ~~and the same~~ the petition shall be
 17 approved by ~~such~~ the judge, ~~which approval shall be endorsed~~
 18 ~~on~~ such petition and filed in the office of the clerk of
 19 said the county.

20 ~~(4)~~ (4) No real estate ~~shall~~ may be sold by ~~said~~ the
 21 board of county commissioners unless the ~~same~~ property has
 22 been appraised within ~~one~~ 1 year immediately prior to the
 23 date of sale by three taxpayers ~~residing~~ who reside within
 24 the territory ~~embraced within the boundaries~~ of the
 25 abandoned and abolished county, ~~and who were~~ appointed by

1 the judge of the district court to which the county is
 2 attached, on petition of the board of county commissioners
 3 of such county, ~~and every such~~ Every sale of real estate
 4 shall be made at public sale, and notice of such sale shall
 5 be published once a week for at least two weeks immediately
 6 prior to the date for holding the same, in the official
 7 newspaper of the county, and no such real estate shall be
 8 sold for a price less than ninety per centum (90%) of the
 9 appraised value thereof.

10 ~~44151~~ The full purchase price of any real estate so
 11 sold shall not be required to be made in one payment but the
 12 purchaser thereof may pay the same in four installments, the
 13 first of which shall be not less than twenty five per centum
 14 (25%) of the purchase price to be paid at the time of
 15 purchase, the remainder to be paid in three equal annual
 16 installments with interest thereon at not less than five per
 17 centum (5%) per annum. All real estate sold, with any
 18 improvements thereon, shall be subject to assessment and
 19 taxation annually to the purchaser or his successor in
 20 interest, at a value equal to the amount paid on the
 21 purchase price thereof until the purchase price is fully
 22 paid when such real estate shall be assessed at its full
 23 cash value, and any and all improvements placed on any such
 24 real estate, after its purchase, shall be subject to
 25 assessment and taxation at the full cash value thereof.

1 Whenever the purchase price of any real estate is to be paid
 2 in installments the board of county commissioner shall enter
 3 into a contract with the purchaser thereof and such contract
 4 shall be recorded in the office of the county clerk. When
 5 payment in full has been made for any personal property or
 6 real estate the chairman of the board of county
 7 commissioners shall execute and deliver the proper bill of
 8 sale or deed to the purchaser or his successor in interest.

9 ~~55161~~ The compensation of all appraisers appointed
 10 under the provisions of this section shall be fixed by the
 11 district judge appointing the same. Moneys received from
 12 leases or sales of real or personal property by any county
 13 other than the county designated in the petition for
 14 abandonment as the county to which the territory of the
 15 abandoned county is to be allocated shall be transmitted by
 16 the officers of such counties to the treasurer of the county
 17 designated in such petition for abandonment.

18 ~~66171~~ All moneys received from the sales of personal
 19 property and from the leasing or sales of real estate, after
 20 deducting therefrom the amounts paid appraisers and for
 21 publishing notices of sale, shall be used and applied as
 22 follows:

23 If there are any warrants issued and outstanding
 24 against any of the funds of the abandoned and abolished
 25 county, such moneys shall be applied in payment of such

1 warrants and interest;

2 (b) if there are no such warrants outstanding but
 3 district bonds have been issued under the provisions of
 4 subdivision (b) of section 16-4016, then such the moneys
 5 shall be deposited in the sinking and interest fund for such
 6 district bond bonds:

7 (c) if there be are no such district bonds
 8 outstanding, then such the moneys shall be deposited to the
 9 credit of the sinking and interest funds for bonds issued
 10 and outstanding when the abandoned and abolished county
 11 ceased to exist; and

12 (d) if there be are no such bonds outstanding and
 13 unpaid, then such the moneys shall be apportioned to all of
 14 the counties to which parts of the abandoned county were
 15 attached in the proportion which the assessed—valuation
 16 taxable value of the property in each such part on the first
 17 day of January 1 immediately preceding the abandonment bears
 18 to the assessed—valuation taxable value of all the property
 19 in such the abandoned county, and The apportioned moneys
 20 shall be deposited in such the funds of such each county as
 21 the boards of county commissioners of such the counties may
 22 direct."

23 Section 40. Section 32-3107, R.C.M. 1947, is amended
 24 to read as follows:

25 "32-3107. Report of county road superintendent —

1 order creating district. (1) At the next annual meeting of
 2 the board after the road superintendent has completed
 3 surveying the road and making estimates, he shall make a
 4 detailed report. ~~for~~ The report shall state that the maps,
 5 descriptions, plans, specifications, and details and
 6 estimates of damages, costs, and expenses have been
 7 completed.

8 (2) The whole amount of damages, costs, and expenses
 9 shall not exceed ~~fifty-per-cent~~ 50% 135% of the total
 10 assessed—valuation taxable value of the parcels of land in
 11 the district, as determined from the last annual assessment
 12 roll of the county. If it does not, the board shall make and
 13 enter upon the report an order that the road be made.

14 (3) That order shall create the local improvement
 15 district to be known and designated as local improvement
 16 district No. in county, Montana. Copies of the
 17 report shall be kept in the offices of the board and road
 18 superintendent."

19 Section 41. Section 46-1914, R.C.M. 1947, is amended
 20 to read as follows:

21 "46-1914. Levy of tax for purpose of paying for
 22 destruction of wild animals — limitation on levy. The
 23 department of revenue shall annually prescribe the levy
 24 recommended by the department to be made against livestock
 25 of all classes, for paying for the destruction of wild

1 animals killed in this state. The tax in any one year may
 2 not exceed one and one half (1 1/2) ~~4.5~~ mills on the
 3 assessed valuation taxable value of the livestock. The money
 4 received shall be used only for the payment of claims for
 5 the destruction of wild animals and for the administration
 6 of this act, approved by the department. The money received
 7 for the taxes levied shall be sent annually with other taxes
 8 for state purposes to the state treasurer by the county
 9 treasurer of each county, and when when the money is
 10 received by the state treasurer, it shall be placed in the
 11 earmarked revenue fund, and the money may then be paid out
 12 on claims approved under the law governing the payment of
 13 claims."

14 Section 42. Section 53-114, R.C.M. 1947, is amended to
 15 read as follows:

16 "53-114. Application for registration of motor
 17 vehicles and payment of license fees thereon — assessment
 18 of motor vehicles in the stock of licensed motor vehicle
 19 dealers as merchandise. (1) Every owner of a motor vehicle
 20 operated or driven upon the public highways of this state
 21 shall, for each motor vehicle owned, except as herein
 22 otherwise expressly provided, file, or cause to be filed, in
 23 the office of the county treasurer ~~wherein~~ where ~~such the~~
 24 motor vehicle is owned or taxable, an application for
 25 registration, or reregistration, upon a blank form to be

1 prepared and furnished by the registrar of motor vehicles,
 2 which ~~the~~ the application shall contain:
 3 (a) Name name and address of owner, giving county,
 4 school district, and town or city within whose corporate
 5 limits the motor vehicle is taxable;
 6 (b) Name name and address of conditional sales vendor,
 7 mortgagee, or holder of other lien against ~~said~~ the motor
 8 vehicle, with statement of amount owing under such contract
 9 or lien;
 10 (c) Description description of motor vehicle,
 11 including make, year model, engine or serial number,
 12 manufacturer's model or letter, gross weight, type of body,
 13 and, if truck, the rated capacity;
 14 (d) ~~is~~ In case of reregistration, the license number
 15 for the preceding year; and
 16 (e) ~~such~~ such other information as the registrar of
 17 motor vehicles may require.
 18 (2) ~~whoever~~ A person who files an application for
 19 registration or reregistration of a motor vehicle, except of
 20 a mobile home as defined in section 84-101, R.C.M., 1947,
 21 shall before filing such application with the county
 22 treasurer submit the same to the county assessor of ~~said~~ the
 23 county, and ~~said~~ the county assessor shall enter on ~~said~~ the
 24 application in a space to be provided for that purpose, the
 25 full and true and the assessed valuation market value AND

1 TAXABLE VALUE of said the vehicle for the year for which
 2 said the application for registration is made.

3 (3) Whoever a person who files an application for
 4 registration or reregistration of a motor vehicle, except of
 5 a mobile home as defined in section 84-101, R.G.M., 1947,
 6 shall upon the filing of said the application ~~shall~~ pay to the
 7 county treasurer the registration fee, as provided in
 8 section 53-122 and ~~sections~~ 53-115, and ~~shall also at such~~
 9 ~~time~~ ~~(2)~~ pay the personal property taxes assessed or the new
 10 motor vehicle sales tax against said the vehicle for the
 11 current year of registration, ~~unless the same shall have~~
 12 been theretofore paid for said the year, before the
 13 application for registration or reregistration may be
 14 accepted by the county treasurer. The county treasurer is
 15 ~~hereby empowered to~~ may make full and complete investigation
 16 of the tax status of said the vehicle, and ~~any~~ any applicant
 17 for registration or reregistration must submit proof with
 18 respect thereto from the tax records of the proper county at
 19 the request of the county treasurer.

20 (4) The amount of taxes on said the motor vehicle,
 21 except a mobile home as defined in ~~section~~ 84-101, R.G.M.,
 22 ~~1947, shall be~~ is computed and determined by the county
 23 treasurer on the basis of the levy of the year preceding the
 24 current year of application for registration or
 25 reregistration, and ~~such~~ The determination ~~shall be~~ is

1 entered on the application form in a space provided
 2 therefor.

3 (5) Motor vehicles, except mobile homes as defined in
 4 section 84-101, R.G.M., 1947, are ~~hereby declared to be~~
 5 assessable assessed for taxation ~~as of and taxes~~ on the
 6 ~~first day of~~ January 1 in each year irrespective of the time
 7 fixed by law for the assessment of other classes of personal
 8 property, and irrespective of whether ~~or not~~ the levy and
 9 tax may be a lien upon real property within the state of
 10 Montana, ~~provided that is~~ In no event shall any motor
 11 vehicle be subject to assessment, levy, and taxation more
 12 than once in each year.

13 (6) The applicant for original registration of any
 14 wholly new and unused motor vehicle, except a mobile home as
 15 defined in ~~section~~ 84-101, R.G.M., 1947, acquired by
 16 original contract after ~~the first day of~~ January 1 of any
 17 year shall be required, whenever such vehicle has not been
 18 otherwise assessed, to pay the motor vehicle sales tax
 19 provided by ~~section~~ 32-3315, R.G.M., 1947, irrespective of
 20 whether ~~or not such~~ the vehicle was in the state of Montana
 21 ~~on the first day of~~ January 1 of ~~such~~ the year.

22 (7) Upon accepting application for registration or
 23 reregistration of any motor vehicle which is subject to
 24 taxation in this state on January 1 in any year, and upon
 25 payment of taxes, the county treasurer shall stamp on said

1 the application: "taxes on this vehicle due January 1 of
 2 current year paid by applicant, prior applicant, or owner,
 3 and this vehicle is eligible for registration." Upon
 4 accepting application for registration of any motor vehicle
 5 which was not subject to taxation in this state on January
 6 1st in any year, the county treasurer shall indicate ~~such~~
 7 the fact by proper entry on ~~said~~ the application.

8 (8) The registrar of motor vehicles shall have
 9 authority to ~~may~~ make proper entry of the payment of taxes
 10 in accord with the facts on any certificate of title to any
 11 a motor vehicle respecting payment of taxes in accord with
 12 the facts.

13 (9) Motor vehicles subject to anniversary date
 14 registration as provided in sections 53-154 through 53-162
 15 are exempt from the provisions of subsections (5), (6), and
 16 (7) of this section."

17 Section 43. Section 53-1025, B.C.H. 1947, is amended
 18 to read as follows:

19 "53-1025. Display of tax-paid decals on snowmobiles
 20 required — application and issuance. ~~and~~ (1) No snowmobile
 21 shall ~~may~~ be operated by any person in the state of Montana
 22 unless there is displayed in a conspicuous place thereon on
 23 it a decal as visual proof that Montana personal property
 24 taxes have been paid thereon ~~on~~ it for the current year.

25 (2) Application for the issuance of such tax-paid

1 decal shall be made to the county treasurer upon forms to be
 2 furnished for this purpose, which may be obtained from the
 3 registrar of motor vehicles or at the county assessor's
 4 office in the county ~~wherein~~ where the owner resides, and
 5 is to provide for substantially ~~The application shall~~
 6 contain the following information:

7 (a) name of owner;
 8 (b) address;
 9 (c) registration number;
 10 (d) name of manufacturer;
 11 (e) model number;
 12 (f) make;
 13 (g) horsepower;
 14 (h) year of manufacture;
 15 (i) statement evidencing assessment, and payment of
 16 property tax; and
 17 (j) such other information as the registrar of motor
 18 vehicles may require.

19 (3) ~~Said~~ The application shall be signed by the county
 20 treasurer and transmitted by him to the registrar of motor
 21 vehicles accompanied by a fee of two dollars (\$2). All
 22 moneys collected from payment of ~~such~~ the fees shall be
 23 turned over to the state treasurer and placed by him in the
 24 earmarked revenue fund to the credit of the state fish and
 25 game commission, with one dollar (\$1) designated for use in

1 enforcing the purposes of this act and ~~one dollar~~ {~~\$1~~}
 2 designated for use in developing snowmobile facilities. Upon
 3 receipt of the application in approved form, the registrar
 4 of motor vehicles or county treasurer shall issue to the
 5 applicant a decal in the style and design prescribed by the
 6 registrar of motor vehicles and of a different color than
 7 the preceding year, numbered ~~numerically in sequence~~.

8 ~~{b7j4}~~ Before filing the application with the county
 9 treasurer, the applicant shall submit ~~the same~~ it to the
 10 county assessor of the county and the county assessor shall
 11 enter on the application in a place provided for that
 12 purpose, the ~~full and true~~ market and ~~assessed~~ valuations
 13 value AND TAXABLE VALUE of the snowmobile for the year for
 14 which the application is made.

15 ~~{e7j5}~~ The applicant shall pay the county treasurer
 16 the application fee and ~~shall also pay~~ the personal property
 17 taxes assessed against the snowmobile for the current year
 18 before the application for registration or reregistration
 19 may be accepted by the county treasurer."

20 Section 44. Section 69-3504, R.C.S. 1947, is amended
 21 to read as follows:

22 "69-3504. Identification number. ~~{a7j1}~~ The owner of
 23 each motorboat requiring numbering by this state shall file
 24 an application for number in the office of the county
 25 treasurer ~~wherein~~ where the motorboat or vessel is owned or

1 taxable, on forms prepared and furnished by the registrar of
 2 motor vehicles. The application shall be signed by the owner
 3 of the motorboat and shall be accompanied by a fee of ~~one~~
 4 ~~(\$1)~~ dollar. Any alteration, change, or false statement
 5 contained in the application for certificate of registration
 6 will render the certificate of number null and void. Upon
 7 receipt of the application in approved form, the county
 8 treasurer shall issue to the applicant a certificate of
 9 number prepared and furnished by the registrar of motor
 10 vehicles, stating the number awarded to the motorboat and
 11 the name and address of the owner. The number awarded must
 12 be painted on or attached to each outboard side of the
 13 forward half of the motorboat, or, if there are no such
 14 sides, at a corresponding location on both outboard sides of
 15 the foredeck of the motorboat ~~for which it is issued~~. The
 16 number awarded shall read from left to right, in Arabic
 17 numerals, in block characters of good proportion, a minimum
 18 of ~~at least~~ three {~~3~~} inches in height tall, excluding
 19 border or trim, and of a color ~~which shall contrast~~ that
 20 contrasts with the color of the background, and so
 21 maintained as to be clearly visible and legible. The number
 22 shall ~~may not be placed~~ not be placed on the obscured underside of the
 23 flared bow where ~~the angle is such that the numbers it~~
 24 cannot be easily seen from another vessel or ashore. No
 25 numerals, letters, or devices other than those used in

1 connection with the identifying number issued ~~shall~~ may be
 2 placed in the proximity of the identifying number, ~~and so~~
 3 ~~No~~ numerals, letters, or devices which might interfere with
 4 the ready identification of the motorboat by its identifying
 5 number ~~shall~~ may be carried as to interfere with the
 6 motorboat's identification. The certificate of number shall
 7 be pocket size and ~~shall~~ be available to federal, state, or
 8 local law enforcement officers at all reasonable times for
 9 inspection on the motorboat for which issued, whenever the
 10 motorboat is on waters of this state, ~~except~~ boat ~~boat~~
 11 liveries are not required to have the certificate of number
 12 on board each motorboat, ~~except~~ that a rental agreement
 13 must be carried on board livery motorboats in place of the
 14 certificate of number.

15 ~~(b)(12)~~ Before filing ~~such~~ the application with the
 16 county treasurer, the applicant shall submit ~~the same~~ it to
 17 the county assessor of ~~said~~ the county and ~~said~~ the county
 18 assessor shall enter on ~~said~~ the application in a space to
 19 be provided for that purpose, the ~~full and true and assessed~~
 20 ~~valuation market value AND TAXABLE VALUE~~ of ~~said~~ the vehicle
 21 for the year for which ~~said~~ the application for registration
 22 is made.

23 ~~(e)(3)~~ The applicant shall, upon the filing of the
 24 application, pay to the county treasurer, the registration
 25 fee and ~~shall also pay~~ the personal property taxes assessed

1 against the motorboat or vessel for the current year of
 2 registration before the application for registration or
 3 reregistration may be accepted by the county treasurer.

4 ~~(d) The numbering requirements of this act shall apply~~
 5 ~~to motorboats operated by dealers, manufacturers or their~~
 6 ~~employees as follows:~~

7 ~~(1) A dealer or manufacturer may apply directly to~~
 8 the registrar of motor vehicles for one ~~(1)~~ identifying
 9 number and one ~~(1)~~ or more certificates of number. A
 10 dealer's or manufacturer's identifying number shall be
 11 displayed on ~~a dealer's or manufacturer's~~ his boat while the
 12 boat is operating for a purpose related to the buying,
 13 selling, or exchanging of the boat by the dealer or
 14 manufacturer. ~~(2)~~ The application for a dealer's or
 15 manufacturer's identifying number shall include the his name
 16 ~~of the dealer or manufacturer~~ and the business address of
 17 the dealer or manufacturer. Each dealer or manufacturer
 18 shall will have one ~~(1)~~ identifying number assigned to his
 19 business. ~~(3)~~ An application for dealer's or manufacturer's
 20 identifying number and certificate of number shall must be
 21 accompanied by the following fees:

22 ~~(4) \$1~~ for the identifying number, first certificate
 23 of number, and set of license decals, ~~five dollars-\$5~~;
 24 ~~(8) \$1~~ for each additional certificate of number and
 25 set of license decals applied for in any application, two

1 ~~dealers~~-(§2).

2 ~~(4)~~⁽⁵⁾ The registrar of motor vehicles shall issue
 3 certificates of number for the identifying number awarded to
 4 a dealer or manufacturer in the same manner as provided in
 5 section 69-3504(a), except that no boat shall be described
 6 in the certificate and each certificate shall state that the
 7 identifying number has been awarded to a dealer or
 8 manufacturer. A dealer's or manufacturer's certificate of
 9 number expires on April 30 of the year for which it is
 10 issued. ~~(5)~~ A dealer's or manufacturer's identifying number
 11 shall be displayed in the same manner as provided in section
 12 69-3504(a) of this act, except that the number may be
 13 temporarily attached, and that the last three ~~(3)~~ letters
 14 shall be "DLR" for dealer and "MFR" for manufacturer; ~~these~~
 15 These letters shall be included, respectively, in dealer or
 16 manufacturer identification numbers only. ~~(6)~~ No person
 17 other than a dealer or manufacturer or an employee of a
 18 dealer or manufacturer shall display or use a dealer's or
 19 manufacturer's identifying number. A dealer's or
 20 manufacturer's identifying number may be displayed only on
 21 motorboats owned by the dealer or manufacturer. ~~(7)~~ No
 22 dealer or manufacturer or employee of a dealer or
 23 manufacturer ~~shall~~ may use a dealer's or manufacturer's
 24 identifying number for any purpose other than the purpose
 25 described in subsection ~~(4)~~ (4) of this section.

1 ~~(8)~~⁽⁶⁾ The owner of any motorboat already covered by a
 2 number in full force and effect, ~~which~~ that has been awarded
 3 to it ~~pursuant to the~~ under operative federal law or a
 4 federally approved numbering system of another state, shall
 5 record the number prior to operating the motorboat on the
 6 waters of this state in excess of the ~~sixty~~-(60)-day
 7 reciprocity period provided for in section 69-3506(1) of
 8 this act. ~~such recordation~~ The record shall be ~~in the same~~
 9 ~~and pursuant to the~~ made according to the procedure required
 10 for the award of number under subsection ~~(8)~~ (1) of this
 11 section.

12 ~~(8)~~⁽⁷⁾ Should the ownership of a motorboat change,
 13 ~~within a reasonable time~~ a new application form with fee
 14 shall be filed within a reasonable time with the county
 15 treasurer and a new certificate of number ~~shall~~ be awarded
 16 in the same manner as provided for in an original award of
 17 number.

18 ~~(9)~~⁽⁸⁾ If an agency of the United States government
 19 has in force ~~an~~ ever ~~all~~ a comprehensive system of
 20 identification numbering for motorboats in the United
 21 States, the numbering system employed pursuant to this act
 22 by the registrar of motor vehicles shall be in conformity
 23 therewith.

24 ~~(8)~~⁽⁹⁾ Every certificate of number and the license
 25 decals awarded under this act shall continue in effect for a

1 period not to exceed one-~~1~~ year, unless sooner terminated
 2 or discontinued in accordance with the provisions of this
 3 act. Certificates of number and license decals shall show
 4 the date of expiration thereon and may be renewed by the
 5 owner in the same manner provided for in the initial
 6 securing of the certificate.

7 ~~(10)~~ Certificates of number ~~doe~~ shall expire on
 8 April 30 of each calendar year and ~~shall no longer may not~~
 9 be of any in effect unless renewed under this act.

10 ~~(11)~~ In event of transfer of ownership, the
 11 purchaser shall furnish the county treasurer notice within
 12 reasonable time of the acquisition of all or any part of his
 13 interest, other than the creation of a security interest, in
 14 a motorboat numbered in this state ~~under this section~~, or of
 15 the loss, theft, destruction, or abandonment of the
 16 motorboat, ~~within reasonable time thereof. Such The~~
 17 transfer, loss, theft, destruction, or abandonment shall
 18 terminate terminates the certificate of number for the
 19 motorboat, ~~except that in the case of a recovery Recovery~~
 20 from theft, or transfer of a part interest ~~which that~~ does
 21 not affect the owner's right to operate the motorboat, ~~the~~
 22 ~~recovery or transfer~~ does not terminate the certificate of
 23 number.

24 ~~(12)~~ A holder of a certificate of number shall
 25 notify the county treasurer within reasonable time if his

1 address no longer conforms to the address appearing on the
 2 certificate and ~~shall, as a part of the notification,~~
 3 furnish the county treasurer with his new address. The
 4 registrar of motor vehicles ~~may provide in its~~ ~~h~~ ~~ureau~~ rules
 5 for the surrender of the certificate bearing the former
 6 address and its replacement with a certificate bearing the
 7 new address or the alteration of an outstanding certificate
 8 to show the new address of the holder.

9 ~~(13)~~ No number other than the number and license
 10 decal awarded to a motorboat or granted reciprocity under
 11 this act, shall be painted, attached, or otherwise displayed
 12 on either side of the forward half of the motorboat.

13 ~~(14)~~ Fees collected under this section shall be
 14 transmitted to the state treasurer who shall deposit the
 15 fees in the motorboat certificate identification account of
 16 an earmarked revenue fund. These fees shall be used only for
 17 the administration and enforcement of ~~sections~~ 69-3501
 18 through 69-3518.

19 ~~(15)~~ An owner of a motorboat must within reasonable
 20 time notify the registrar of motor vehicles, giving the
 21 motorboat's identifying number and the owner's name, within
 22 reasonable time, when that motorboat becomes documented as a
 23 vessel of the United States, ~~or~~ is transferred, lost,
 24 destroyed, abandoned, frauded, or ~~within sixty~~ 60 days
 25 after change of state of principal use."

1 Section 45. Section 75-7104, R.C.M. 1947, is amended
 2 to read as follows:

3 "75-7104. Limitations on amount of bond issue. (1) The
 4 maximum amount for which each school district ~~shall~~ may become indebted by the issuance of bonds, including all
 5 indebtedness represented by outstanding bonds of previous
 6 issues and registered warrants, is ~~eight percent (8%)~~ 29% of
 7 the assessed taxable value of the taxable property therein
 8 subject to taxation as ascertained by the last completed
 9 assessment for state, county, and school taxes previous to
 10 the incurring of such indebtedness. The ~~eight percent (8%)~~
 11 29% maximum, however, ~~shall~~ may not pertain to indebtedness
 12 imposed by special improvement district obligations or
 13 assessments against the school district. All bonds issued
 14 in excess of such amount shall be null and void, except as
 15 provided in subsection (2) this section.

16 (2) When the total indebtedness of a school district
 17 has reached the ~~eight percent (8%)~~ 29% limitation prescribed
 18 in this section, ~~such~~ the school district ~~shall~~ have the
 19 power and authority to may pay all reasonable and necessary
 20 expenses of the school district on a cash basis in
 21 accordance with the financial administration provisions of
 22 this title chapter. Whenever bonds are issued for the
 23 purpose of refunding bonds, any moneys to the credit of the
 24 debt service fund for the payment of the bonds to be

1 refunded ~~shall be are~~ applied towards the payment of such
 2 bonds and the refunding bond issue ~~shall be is~~ decreased
 3 accordingly.

4 ~~(2) (3)~~ In ~~the case of~~ a school district within which a
 5 new major industrial facility which seeks to qualify for
 6 taxation as class ~~seven (7)~~ EIGHTEEN property under section
 7 84-304, R.C.M. 1947, 84-304.8 84-301.19 is being constructed
 8 or is about to be constructed, the school district may
 9 require, as a precondition of the new major industrial
 10 facility qualifying as class ~~seven (7)~~ EIGHTEEN property,
 11 that the owners of the proposed industrial facility enter
 12 into an agreement with the school district concerning the
 13 issuing of bonds in excess of the ~~eight percent (8%)~~ 29%
 14 limitation prescribed in subsection one (1) this section.
 15 Under such an agreement, the school district may, with the
 16 approval of the voters, issue bonds which exceed the
 17 limitation prescribed in subsection one (1) this section by
 18 a maximum of ~~eight percent (8%)~~ 29% of the estimated
 19 assessed taxable value of the taxable property of the new
 20 major industrial facility subject to taxation when
 21 completed. The estimated assessed taxable value of the
 22 taxable property of the new major industrial facility
 23 subject to taxation shall be computed by the department of
 24 revenue when requested to do so by a resolution of the board
 25 of trustees of the school district, and a copy of the

1 department's statement of estimated ~~assessed~~ taxable value
 2 shall be printed on each ballot used to vote on a bond issue
 3 proposed under this ~~subsection~~ section.

4 (4) Pursuant to the agreement between the new major
 5 industrial facility and the school district, and as a
 6 precondition to qualifying as class ~~seven~~ ~~(7)~~ EIGHTEEN
 7 property, the new major industrial facility and its owners
 8 shall, ~~pay~~, in addition to ~~each~~ the taxes as ~~may~~ be imposed
 9 by the school district on property owners generally ~~pay~~, so
 10 much of the principal and ~~interests~~ interest on the bonds
 11 provided for under this ~~subsection~~ section as shall
 12 represent ~~represents~~ payment on an indebtedness in excess of
 13 the limitation prescribed in ~~subsection~~ ~~one~~ ~~(1)~~ this
 14 section. After the completion of the new major industrial
 15 facility and when the indebtedness of the school district no
 16 longer exceeds the limitation prescribed in ~~subsection~~ ~~one~~
 17 ~~(4)~~ this section, the new major industrial facility shall be
 18 entitled, after all the current indebtedness of the school
 19 district has been paid, to a tax credit over a period of no
 20 more than ~~twenty~~ ~~(20)~~ years, ~~which~~ the credit shall, as a
 21 total amount, be equal to the amount by which the facility
 22 paid the principal and interest of the school district's
 23 bonds in excess of its general liability as a taxpayer
 24 within the district.

25 (5) A major industrial facility is a facility, subject

1 to the taxing power of the school district, whose
 2 construction or operation will increase the population of
 3 the district, ~~so as to impose~~ imposing a significant burden
 4 upon the resources of the district and ~~to require~~ requiring
 5 construction of new school facilities. A significant burden
 6 is an increase in ABS of at least ~~twenty percent~~ ~~(20%)~~ in a
 7 single year."

8 Section 46. Section 75-8104, R.C.M. 1947, is amended
 9 to read as follows:

10 "75-8104. Requirements for organization of community
 11 college district. The registered electors in any area of the
 12 state of Montana may request an election for the
 13 organization of a community college district where the
 14 proposed community college district conforms to the
 15 following requirements:

16 (1) The proposed area ~~shall coincide~~ coincides with
 17 the ~~then~~existing boundaries of contiguous elementary
 18 districts of one or more counties.

19 (2) The ~~assessed~~ valuation taxable value of the
 20 proposed area is at least ~~thirty~~ million dollars
 21 ~~(\$30,000,000)~~ \$1 10 million.

22 (3) There are at least ~~seven~~ hundred ~~(700)~~ pupils
 23 regularly enrolled in public and private high schools
 24 located in the proposed area."

25 Section 47. Section 84-101, R.C.M. 1947, is amended to

1 read as follows:

2 "84-101. Definition of terms. Whenever the when terms
 3 mentioned in this section are employed in dealing with the
 4 subject of used in connection with taxation, they are
 5 employed in the sense hereafter affixed to them, defined in
 6 the following manner:

7 First—(1) The term "property" includes moneys,
 8 credits, bonds, stocks, franchises, and all other matters
 9 and things real, personal, and mixed, capable of private
 10 ownership, ~~but this~~ This definition must not be construed
 11 so as to authorize the taxation of the stocks of any company
 12 or corporation when the property of such company or
 13 corporation represented by ~~such~~ the stocks is within the
 14 state and has been taxed.

15 Second—(2) The term "real estate" includes:

16 ~~1-(a)~~ the ~~the~~ possession of, claim to, ownership of,
 17 or right to the possession of land;

18 ~~2-(b)~~ all ~~all~~ mines, minerals, and quarries in and
 19 under the land, subject to the provisions of section
 20 84-5401, all timber belonging to individuals or
 21 corporations growing or being on the lands of the United
 22 States, and all ~~right rights~~ and privileges appertaining
 23 thereto.

24 3.—Improvements.

25 Third—(3) The term "improvements" includes all

1 buildings, structures, fixtures, fences, and improvements,
 2 ~~including mobile homes and house trailers~~ situated upon,
 3 erected upon, or affixed to land, ~~when~~ when the department
 4 of revenue or its agent determines that the permanency of
 5 location of the a mobile home ~~or house trailer~~ has been
 6 established, ~~and for this purpose any~~ the mobile home ~~or~~
 7 house trailer is presumed to be an improvement to real
 8 property. If the mobile home or house trailer is an
 9 improvement located on land not owned by the owner of such
 10 improvement, the improvement ~~shall be is~~ assessed as a
 11 leasehold improvement to real property and delinquent taxes
 12 can be a lien only on the leasehold improvement.

13 Fourth—(4) The term "personal property" includes
 14 everything ~~which that~~ is the subject of ownership, ~~but that~~
 15 is not included within the meaning of the term "real estate"
 16 and "improvements".

17 Fifth—(5) The terms "value" and "full cash value" mean the
 18 amount at which the property would be taken in payment of a
 19 just debt due from a solvent debtor.

20 Sixth—(6) The term "credit" means these solvent
 21 debts, secured or unsecured, owing to a person.

22 Seventh—(6) The term "mobile home" means forms of
 23 housing known as "trailers", "house trailers", or "trailer
 24 coaches" exceeding ~~eight~~ (8) feet in width or ~~thirty-two~~
 25 ~~forty-three~~ feet in length, designed to be moved from one place to

1 another by an independent power connected thereto to them.
 2 (7) The term "assessed value" means the value of
 3 property as defined in 84-401.

4 (8) The term "tagable value" means the percentage of
 5 assessed value as provided for in 84-301.2 through 84-301.15
 6 and 84-308 84-301.19."

7 Section 48. Section 84-402, R.C.M. 1947, is amended to
 8 read as follows:

9 "84-402. Department of revenue to determine and show
 10 percentage basic and taxable value computed thereon and
 11 county assessor to be agents agent of the state
 12 department of revenue. (1) The percentage basic of true and
 13 full value as provided for in section 84-202, shall be
 14 determined and assigned by the state department of revenue
 15 or its agents, and the taxable value thereupon computed when
 16 they make their annual assessments, and copies of such
 17 assessments as provided for in section 84-411 shall show the
 18 taxpayer the percentage class to which his various classes
 19 of property for taxation and the taxable valuation thereof
 20 have been assigned. (2) (1) The county assessors of the
 21 various counties of the state of Montana are agents of the
 22 state department of revenue for the purpose of locating and
 23 providing the department a description of all taxable
 24 property within the county together with other pertinent
 25 information and for the purpose of performing such other

1 administrative duties as are required for placing taxable
 2 property on the assessment roles. The assessors shall
 3 perform such other duties as are required by law, not in
 4 conflict with the provisions of this subsection.

5 (3) (2) The department of revenue shall have full
 6 charge of appraising assessing all property subject to
 7 taxation and equalizing values and shall secure such
 8 personnel as is necessary to properly perform their its
 9 duties.

10 (4) (3) The salaries salary of the county assessor
 11 shall be the same amount as provided by law for the salary
 12 of the county clerk and recorder; deputy assessors' salaries
 13 shall be the same as paid the deputy clerk and recorder.

14 (5) (4) The county commissioners of the various
 15 counties shall provide existing office space in the county
 16 courthouse for use by the county assessor, his deputies and
 17 staff, and the state appraiser and staff, if such space is
 18 reasonably available. If such space is not reasonably
 19 available in the courthouse and the same must be contracted
 20 for, the department shall pay the cost thereof. Additional
 21 personal property required by the department for the
 22 assessor to perform his duties as agent of the department
 23 shall be provided by the department."

24 Section 49. Section 84-404, R.C.M. 1947, is amended to
 25 read as follows:

1 "84-404. State--department Department of revenue to
 2 assign percentage basis, == when. The percentage basis of
 3 true--and--full assessed value as provided for in section
 4 84-302, shall be 84-301.2 through 84-301.15 and 84-308
 5 84-301.19 is determined and assigned by the state department
 6 of revenue, or its agent when it makes its annual assessment
 7 of the property, which it is required to--assess under the
 8 laws of this state, and The department shall transmit such
 9 determination and assignment to the various county clerks
 10 with the assessments so made, and its determination shall be
 11 is final except as to the right of review in the proper
 12 court."

13 Section 50. Section 84-406, R.C.M. 1947, is amended to
 14 read as follows:

15 "84-406. Time--of--assessment--motor--vehicles--
 16 mobile--homes--livestock--snowmobiles General assessment
 17 day. (1) The department of revenue or its agent must,
 18 between the first--day--of January 1 and the second Monday of
 19 July in each year, ascertain the names of all taxable
 20 inhabitants, and assess all property in each county subject
 21 to taxation, except such as is required to be assessed by
 22 the state department of revenue, and The department or its
 23 agent must assess such property to the persons person by
 24 whom it was owned or claimed, or in whose possession or
 25 control it was at 12 midnight of the first--day--of January 1

1 next preceding. It must also ascertain and assess all
 2 mobile homes arriving in the county after 12 midnight of the
 3 first--day--of January 1 next preceding.

4 (2) The procedure provided by this section shall say
 5 not apply to:

6 (a) Motor motor vehicles which that are required by
 7 subdivision (3) hereof subsection (4) to be assessed as--of
 8 the first--day--of on January 1, or upon their anniversary
 9 registration date, but--as No mistake in the name of the
 10 owner or supposed owner of real property, however, renders
 11 the assessment thereof invalid.

12 (b) Livestock livestock which are required by
 13 subdivision (3) subsection (6) of this section to be
 14 assessed on an average inventory basis in each county;
 15 credits must be assessed as provided in section 84-104,
 16 subdivision 6.

17 (c) Property property defined in section 53-642 as
 18 "special mobile equipment" which that is subject to
 19 assessment of for personal property taxes on the date that
 20 application is made for a special mobile equipment plate;

21 (d) Mobile mobile homes held by a distributor or
 22 dealer of mobile homes as a part of his stock in trade;

23 (e) Campers which are required by subdivision 4 hereof
 24 to be assessed as--of the first--day--of January;

25 (f) Snowmobiles which snowmobiles that are required

1 by subdivision 5 hereof subsection (8) to be assessed as of
 2 the first day of July 1.

3 (3) Credits must be assessed as provided in 84-101,
 4 subsection (5),

5 ~~(2)~~ (4) The department or its agent must ascertain and
 6 assess all motor vehicles, except mobile homes, in each
 7 county subject to taxation as of January 1, or as of the
 8 anniversary registration date of those vehicles subject to
 9 sections 53-154 through 53-162, in each year, and the same
 10 The motor vehicles shall be assessed to the persons by whom
 11 owned or claimed, or in whose possession or control such
 12 vehicle was ~~they were~~ at 12 midnight of the first day of
 13 January 1 or the anniversary registration date thereof,
 14 whichever is applicable, in each year. ~~provided that such no~~
 15 tax shall not ~~may~~ be assessed against motor vehicles which
 16 that constitute inventory of motor vehicle dealers as of
 17 January 1, but said these vehicles, and all other motor
 18 vehicles brought into the state subsequent to January 1, as
 19 motor vehicle dealers' dealers' inventories, inventories shall
 20 be assessed to their respective purchasers as of the dates
 21 said the vehicles are registered by said the purchasers,
 22 and purchasers means and "Purchasers" includes dealers who
 23 apply for registration or re-registration reregistration of
 24 motor vehicles, except as otherwise provided by section
 25 32-3315. Goods, wares, and merchandise of motor vehicle

1 dealers, other than new motor vehicles and new mobile homes,
 2 shall be assessed at full-and-true market value as of the
 3 first day of January 1.

4 ~~(5)~~ Except that this paragraph shall not apply to an
 5 applicant for registration or re-registration of a mobile
 6 home, nothing herein contained shall relieve the The applicant for registration or re-registration reregistration
 7 of any other a motor vehicle, other than a mobile home, is
 8 not relieved ~~as~~ assessed or subject to assessment of the
 9 duty of paying taxes thereon as a condition precedent to
 10 registration or re-registration in the event said if the
 11 taxes have not been paid by ~~any~~ a prior applicant or owner
 12 in all cases where taxes were required to be paid.

13 ~~(6)~~ The assessed value of livestock in each county
 14 on the assessment date ~~shall be~~ is computed by adding the
 15 assessed value of all livestock more than nine-~~9~~ months of
 16 age owned by the taxpayer in each county on the last day of
 17 each month since the last assessment date and dividing the
 18 sum by twelve-~~12~~. For purposes of this subdivision
 19 subsection, "livestock" means cattle, sheep, horses, and
 20 mules.

21 ~~(7)~~ The department of revenue or its agent must
 22 ascertain and assess all campers in each county subject to
 23 taxation as of January 1 in each year, and the same The
 24 campers shall be assessed to the persons including dealers

1 by whom owned or claimed, or in whose possession or control
 2 such camper was, including dealers, they were at 12 midnight
 3 of the first day of January 1 in each year.

4 ~~(5)~~ (8) the department of revenue or its agent must
 5 ascertain and assess all snowmobiles in each county subject
 6 to taxation as of July 1 in each year, and the same a
 7 snowmobile shall be assessed to the person by whom
 8 owned or claimed, or in whose possession or control ~~such~~
 9 snowmobile it was at 12 midnight on the first day of July 1
 10 in each year, provided, however, that except snowmobiles
 11 which constitute in the inventory of snowmobile dealers
 12 which shall be assessed to the dealers as of 12 midnight of
 13 the first day of January 1 in each year, and further
 14 provided that all snowmobiles that have been assessed and
 15 for which taxes have been paid for the period of January 1,
 16 1975 through December 31, 1975, shall be assessed for only
 17 six (6) months during the period July 1, 1975 through June
 18 30, 1976."

19 Section 51. Section 84-602, R.C.M. 1947, is amended to
 20 read as follows:

21 "84-602. Equalization of assessments. The department
 22 of revenue has power after After giving notice, in writing,
 23 to the a taxpayer, by registered or certified mail,
 24 addressed to him at his last known place of residence, of
 25 its intention, to the department of revenue may increase or

1 lower his the taxpayer's assessment contained in the
 2 assessment book, ~~so as~~ to equalize the assessment of the
 3 property contained ~~therein~~ and make the assessment conform
 4 to the true assessed value of such property ~~as money as~~
 5 defined in 84-401 and 84-308, which The notice shall specify
 6 the date and hour when the taxpayer may appear and be
 7 heard thereon, ~~which date shall at a date and hour~~ not be
 8 less than five ~~(5)~~ days from date of mailing such the
 9 notice, and immediately Immediately after reaching a
 10 decision, the department shall notify the taxpayer, in
 11 writing, of such the decision, specifying the change, if
 12 any, made in the assessment, said the notice to ~~must~~ be
 13 given by registered or certified mail, and addressed to the
 14 taxpayer at his last known place of residence. The
 15 department may also has power to raise or lower the
 16 valuation of all the property in a class by a certain
 17 percentage, in the event that if any class of property is
 18 assessed as a class, at more or less than its ~~actual~~
 19 assessed value, as defined by 84-401 by its the department's
 20 agent and if the valuation of such property within the
 21 county demands a general reclassification."

22 Section 52. Section 84-708.1, R.C.M. 1947, is amended
 23 to read as follows:

24 "84-708.1. Powers and duties of the state department
 25 of revenue. (1) To the department of revenue shall annually

1 assess the franchise, roadway, roadbeds, rails, and rolling
 2 stock, and all other property of all railroads; and the
 3 pole lines and ~~rights-of-way~~ rights-of-way and all other
 4 property of all telegraph and telephone lines, electric
 5 power and transmission lines, ditches, canals, and flumes;
 6 and other similar property, constituting a single and
 7 continuous property operated in more than one ~~44~~ county in
 8 the state, or more than one ~~44~~ state. To apportion ~~such the~~ the
 9 assessments to the counties in which ~~such the~~ the properties are
 10 located on a mileage basis, or if the property of any
 11 company assessable under this section is of such a character
 12 that its value cannot reasonably be apportioned on the basis
 13 of mileage, the department may adopt ~~such any~~ other method
 14 or basis of apportionment to the county or counties in which
 15 the property is situated as may be just and proper.

16 (2) 44 The department may not consider the following
 17 property as part of any single or continuous property; lots
 18 and parcels of real estate not included in right-of-way
 19 right-of-way, with the buildings, structures, and
 20 improvements thereon; dams and power houses, depots,
 21 stations, shops, and other buildings, erected upon right-of
 22 way; right-of-way; and furniture, machinery, and other
 23 personal property, shall not be considered as a part of any
 24 such single and continuous property, but shall be considered
 25 as separate and distinct therefrom, and shall be The

1 property is considered separate and distinct and is assessed
 2 by the agent of the department of revenue in the county
 3 wherein they are situate where it is situated.

4 ~~(2) (3) To~~ The department shall transmit to the county
 5 clerk of each county its apportionment of all assessments
 6 made by the department.

7 ~~(3) (5) To~~ The department shall adjust and equalize the
 8 valuation of taxable property among the several counties,
 9 and the different classes of taxable property in any county
 10 and in the several counties and between individual
 11 taxpayers; supervise and review the acts of agents of the
 12 department; change, increase, or decrease valuations made by
 13 its agents; and exercise such authority and do all things
 14 necessary to secure a fair, just, and equitable valuation of
 15 all taxable property among counties between the different
 16 classes of property and between individual taxpayers.

17 ~~(4) (5) To~~ have and The department shall exercise
 18 general supervision over the administration of the
 19 assessment and tax laws of the state, and over its agents
 20 and any officers of municipal corporations, having any
 21 duties to perform under any of the laws of this state
 22 relating to taxation to the end that all assessments of
 23 property be made relatively just and equal at ~~true~~ a value
 24 in substantial compliance with law, and to supervise the
 25 administration of all revenue laws of the state and assist

1 in their enforcement. ~~Further, the state~~ The department of
 2 revenue is empowered to organize, and it shall be its duty
 3 to schedule and hold area schools within the state for
 4 appraisers and assessors as often as is deemed it considers
 5 necessary, in the judgment of the department and the ~~The~~
 6 costs of such appraisers and assessors attending shall be
 7 borne by the state. ~~Further, the department shall determine~~
 8 if there is a need for a taxing, assessing, and appraising
 9 school, and such school shall be held, when deemed
 10 necessary. The department shall notify all assessors and
 11 appraisers at least six ~~6~~ months before such school is
 12 scheduled, and it shall be the duty of all all assessors and
 13 appraisers to shall attend and the cost of their attendance
 14 shall be borne by the state.

15 ~~(6) (6)~~ ~~to~~ The department may confer with, advise, and
 16 direct officers of municipal corporations as to their
 17 duties, with respect to taxation, under the statutes of the
 18 state.

19 ~~(6) (7)~~ ~~to~~ The department shall direct proceedings,
 20 actions, and prosecutions to be instituted to enforce the
 21 laws relating to the penalties, liabilities, and punishment
 22 of public officials and persons, or their agents, for
 23 failure or neglect to comply with the provisions of the
 24 statutes governing the revenue of the state or municipal
 25 corporations, and ~~to~~ The department shall cause complaints

1 to be made against assessors and other public officers to
 2 the proper district court for their removal from office for
 3 official misconduct or neglect of duty.

4 ~~(7) (8)~~ ~~to~~ The department shall require county
 5 attorneys to assist in the commencement and prosecution of
 6 actions and proceedings for penalties, forfeitures,
 7 removals, and punishment for violations of the laws of the
 8 state in respect to the assessment of property and other
 9 revenue laws, in their respective counties.

10 ~~(8) (9)~~ ~~to~~ The department shall collect annually from
 11 the proper officers of the municipal corporations
 12 information as to about the assessment of property,
 13 collection of taxes, receipts from licenses and other
 14 sources, the expenditure of public funds for all purposes,
 15 and such other information as may be useful and helpful in
 16 the work of the department in such form and upon such blanks
 17 as the department shall prescribe, and ~~it~~ It shall be the
 18 duty of all public officers so called upon to fill out
 19 properly and return promptly to the department all blanks so
 20 transmitted and in every way aid the department in its
 21 work, ~~to~~ The department may examine the records of all
 22 municipal corporations for such purposes as are deemed
 23 useful or helpful by ~~the department~~.

24 ~~(9) (10)~~ ~~to~~ The department may, in its discretion, to
 25 inspect and examine, or cause an inspection and examination

1 of the records of the officers of any municipality, whenever
 2 ~~such an~~ ~~shall have~~ ~~has~~ failed, neglected, or refused
 3 to return properly the information required by this section
 4 within the time set by the department. Upon completion of
 5 such inspection and examination, the department shall
 6 transmit to the clerk, or other proper official of the
 7 municipality, a statement of the expenses incurred by the
 8 department to secure the necessary information. Within
 9 ~~sixty~~ {60} days after the receipt by the municipality of the
 10 above statement, the same shall be audited, as other claims
 11 of the municipal corporation are audited and shall be paid
 12 into the state treasury, and ~~if~~ If ~~the same~~ statement is not
 13 ~~so~~ paid, the attorney general shall institute an action, in
 14 the proper court, against the municipality to recover the
 15 same. The officers responsible for the furnishing of the
 16 information collected pursuant to this section, shall be
 17 jointly and severally liable for any loss the municipality
 18 may suffer, through their delinquency, and ~~no~~ No payment
 19 ~~shall~~ may be made to them for salary, or on any other
 20 account, until the cost of such inspection and examination
 21 as provided above ~~shall have~~ has been paid into the
 22 treasury, or to the proper officers of such municipality.
 23 They shall also be subject to ~~such~~ the other fines and
 24 penalties as prescribed by law.

25 ~~{10}~~ {11} To The department may require persons, as

1 defined above, to furnish information concerning their
 2 capital, funded or other debt, current assets and
 3 liabilities, cost and value of property, earnings, operating
 4 and other expenses, taxes, and all other facts which may
 5 enable the department to ascertain the value of the relative
 6 burdens borne by all kinds of property and occupations in
 7 the state.

8 ~~{11}~~ {12} To The department may summon witnesses to
 9 appear and give evidence, and to produce records, books,
 10 papers, and documents relating to any matter which the
 11 department ~~shall have~~ has authority to investigate and
 12 determine.

13 ~~{12}~~ {13} To The department may cause the deposition of
 14 witnesses residing within or without the state, or absent
 15 therefrom, to be taken upon notice to the interested party,
 16 if any, in like manner that depositions are taken in actions
 17 pending in the district court, in any matter which the
 18 department ~~shall have~~ has authority to investigate and
 19 determine.

20 ~~{13}~~ {14} To The department may examine ~~into~~ all cases
 21 where evasion or violation of the laws for taxation of
 22 property, proceeds, occupation, or business is alleged,
 23 complained of, or discovered, and ~~to~~ ascertain wherein
 24 existing laws are ineffective or are improperly or
 25 negligently administered.

1 ~~(14)~~ (15) ~~to~~ The department may investigate the tax
 2 systems of other states and countries and ~~to~~ formulate and
 3 recommend legislation for the better administration of the
 4 fiscal laws so as to secure just and equal taxation and
 5 improvement in the system of taxation and the economical
 6 expenditure of public revenue in the state.

7 ~~(15)~~ (16) ~~to~~ The department may consult and confer with
 8 the governor of the state upon the subject of taxation, the
 9 administration of the laws relating thereto, and the
 10 progress of the work of the department, and ~~to~~ furnish the
 11 governor such assistance as he may require.

12 ~~(16)~~ (17) ~~to~~ The department shall transmit to the
 13 governor and to each member of the legislature ~~twenty~~—~~40~~ days
 14 before the meeting of the legislature, a report of the
 15 department, showing all the taxable property of the state
 16 and ~~the its~~ value of ~~the same~~ in tabulated form, with
 17 recommendations for improvements in the system of taxation,
 18 together with ~~such~~ measures as may be formulated for the
 19 consideration of the legislature, and ~~to~~ The department may
 20 include ~~therein~~ a report showing the selling price of
 21 gasoline at the wholesale level in prime market centers of
 22 Montana and in surrounding states during the biennium, with
 23 indexes tabulated at sufficient intervals to show the
 24 comparative state price structures.

25 ~~(17)~~ (18) In its discretion, ~~to~~ The department may waive

1 the assessment of penalty for the late filing of any tax
 2 statement or return required to be filed with the department
 3 when the filing is done within ~~five~~—~~5~~ days of the date
 4 specified for filing the return or statement, and ~~for~~ the
 5 late payment of any tax collected by the department when the
 6 payment is made within ~~five~~—~~5~~ days of the date specified
 7 for payment of the tax.

8 ~~(18)~~ (19) In its discretion, ~~the department may~~ to enter
 9 into reciprocal agreements with the taxing authorities of
 10 states contiguous to the state of Montana which tax the
 11 income of Montana residents earned in that state to provide
 12 that the tax imposed by Title 84, chapter 49, R.C.M. 1947,
 13 on income derived by persons who are nonresidents of this
 14 state ~~shall need not be payable paid~~ when such other state
 15 or states agree to grant similar treatment to residents of
 16 Montana."

17 Section 53. Section 84-728, R.C.M. 1947, is amended to
 18 read as follows:

19 "84-728. Valuation of interstate fleets —
 20 determination of aggregate tax due. The state department of
 21 revenue shall assess any interstate motor vehicle fleet
 22 making application for proportional registration as follows:

23 ~~at~~ 11 The purchase price depreciated by a schedule as
 24 prescribed by the department shall determine the depreciated
 25 value.

1 ~~(b)(2)~~ The depreciated value multiplied by the ~~per~~
 2 cent percent of miles traveled in Montana as prescribed by
 3 section 53-712 shall be the assessed value.

4 ~~(b)(3)~~ The sum of the assessed value of all vehicles
 5 included in the fleet multiplied by ~~twenty~~ ~~(20)~~ ~~per cent~~ ~~12%~~
 6 shall be the taxable value for the entire fleet.

7 ~~(b)(4)~~ To determine the amount of tax due, the taxable
 8 value of the entire fleet shall be multiplied by the
 9 state-wide statewide average county mill levy plus state
 10 levies as hereinafter provided."

11 Section 5a. Section 84-4605, R.C.S. 1947, is amended
 12 to read as follows:

13 "84-4605. Taxation of banks and shares of stock in.
 14 (1) Every state bank or banking corporation located and
 15 doing business in this state, and every private banker doing
 16 business in this state, shall be taxable taxed upon the
 17 value of all real estate and personal property owned by such
 18 the bank, banking corporation, or private banker, and also
 19 upon the moneyed capital employed in such the business, such
 20 and upon the moneyed capital to be ascertained as provided
 21 by section 84-301, 84-301.7, 84-301.6, and the cashier or
 22 secretary of every such bank or banking corporation, and
 23 every such private banker, shall furnish to the department
 24 of revenue or its agent in the county in which its or his
 25 bank is located, within five 5 days after demand therefor, a

1 statement verified by his oath, showing all the resources
 2 and liabilities of such the bank as disclosed by its books,
 3 at the close of business on December 31 of the preceding
 4 year, if such If the cashier, secretary, or private banker
 5 shall fail fails to make the statement, hereby required, the
 6 department or its agent shall forthwith obtain such the
 7 information from any other available source, and for this
 8 purpose shall have access to the books of such the bank,
 9 banking corporation, or private banker. The department or
 10 its agent shall thereupon make an assessment of the real
 11 estate and personal property owned by such the bank, banking
 12 corporation, or private banker, and of the moneyed capital
 13 employed in the business of such the bank, banking
 14 corporation, or private banker, which the assessment shall
 15 be as fair and equitable as can be made from the best
 16 information available, or for the purpose of said the
 17 assessment, the figures disclosed by any prior report made
 18 by such the bank, banking corporation, or private banker to
 19 any state or federal officer pursuant to any state or
 20 federal law may be adopted. Any person required by this
 21 section to make the statement hereinabove provided, who
 22 shall fail fails to furnish the same, it shall be guilty of
 23 a misdemeanor and shall be punished accordingly.

24 (2) All shares of stock in any such bank or banking
 25 corporation shall be assessed at their full cash value,

1 except to the extent that that value is represented in
 2 property which is assessable and taxable to ~~such the~~ bank or
 3 banking corporation in this state, and shall be taxable to
 4 the owners of ~~such the~~ shares in the county, school
 5 district, city, town, or place where ~~such the~~ bank or
 6 banking corporation is located ~~and not elsewhere~~, whether or
 7 not the owners of ~~such the~~ shares are residents of such
 8 county, school district, city, town, or place.

9 (3) The cashier or secretary of any ~~such~~ bank or
 10 banking corporation shall furnish to the department or its
 11 agent, upon demand, the name of each stockholder with his
 12 residence and the number of shares belonging to him at the
 13 close of business on December 31 of the preceding year, and
 14 ~~if such~~ If the cashier or secretary, for more than five 5
 15 days after ~~such the~~ demand, ~~shall fail~~ fails to furnish such
 16 information, he ~~shall be~~ is guilty of a misdemeanor and the
 17 department or its agent may obtain ~~such~~ information from any
 18 other available source, and for such purposes shall have
 19 access to or from the books of ~~such the~~ bank or banking
 20 corporation. For convenience, the assessment of ~~such the~~ the
 21 shares shall be entered on the personal property assessment
 22 list under the name of the bank or banking corporation
 23 concerned, but in the assessment list the names of the
 24 owners of such shares shall be set forth and the number of
 25 shares owned by each, and such the assessment, when so

1 entered, shall have ~~has~~ all the force and effect as if made
 2 in the names of the owners of ~~such the~~ shares individually.
 3 The bank or banking corporation in which ~~such the~~ shares are
 4 owned ~~shall be~~ is liable for the payment of taxes assessed
 5 against ~~such the~~ the shares, and ~~such the~~ taxes shall be are
 6 payable by and may be collected from ~~such the~~ the bank or
 7 banking corporation in the same manner and under the same
 8 penalties as other taxes, provided that such the bank or
 9 banking corporation may recover from ~~such the~~ the owners of
 10 shares any taxes so paid on ~~such the~~ the shares, and shall have
 11 has a lien therefor upon ~~such the~~ the shares and upon any
 12 dividends accrued or to accrue thereon."

13 Section 55. Section 84-4701, B.C.H. 1947, is amended
 14 to read as follows:

15 "84-4701. Limitation on amount of tax for municipal
 16 purposes — distribution of funds — levy for park parks,
 17 swimming pools, playgrounds, youth centers, and other
 18 purposes. The amount of taxes to be assessed and levied for
 19 general municipal or administrative purposes in cities and
 20 towns ~~must~~ may not exceed two-and-four-tenths (2.4%) per
 21 centum on the per centum 2.4% of the assessed taxable value
 22 of the taxable property of the city or town subject to
 23 taxation, and the The council or commission in each city or
 24 town may distribute the money collected into ~~such the~~ the funds
 25 as are prescribed by ordinance, provided, that for the

1 purpose of procuring, equipping, and maintaining public
 2 parks, swimming pools, skating rinks, playgrounds, civic
 3 centers, youth centers, museums, and combinations thereof,
 4 the council or commission in any city or town may assess and
 5 levy, in addition to the said levy for general municipal or
 6 administrative purposes, an amount not exceeding ~~seven~~-(7)
 7 mills on the dollar on the ~~per centum of the assessed~~
 8 taxable value of the taxable property to be taxed of the
 9 city or town."

10 Section 56. Section 84-4701.2, R.C.M. 1947, is amended
 11 to read as follows:

12 "84-4701.2. Maximum rate of all-purpose levy.
 13 ~~Notwithstanding the provisions of the statutes of Montana to~~
 14 ~~the contrary (1) Except as provided elsewhere,~~ the cities
 15 and towns of the state of Montana may make an all-purpose
 16 annual levy upon the assessed taxable value of all the
 17 taxable property in each the cities and towns, subject to
 18 taxation for municipal purposes in lieu of the multiple
 19 levies now authorized by statute. The total of each the
 20 all-purpose levy shall may not exceed ~~sixty-five~~-(65) mills
 21 on the dollar, which This levy shall may not include any
 22 levies necessary for bonded indebtedness, judgments, or
 23 special improvement district revolving funds of
 24 municipalities, which levies may be made in addition to
 25 all-purpose levy as provided in sections 84-4701.1 and

1 84-4701.6. The moneys received from such the all-purpose
 2 levy shall be accounted for in a common fund known as the
 3 all-purpose general fund.

4 (2) An amount not to exceed ~~five-per-centum~~-(5%) of
 5 the moneys received from and as a part of the all-purpose
 6 levy aforesaid may be placed in a separate fund known as the
 7 capital improvement program fund to be earmarked for the
 8 replacement and acquisition of property, plant, or equipment
 9 costing in excess of ~~five-thousand-dollars~~-(\\$5,000) with a
 10 life expectancy of ~~five~~-(5) years or more, provided that a
 11 capital improvement program has been formally adopted by
 12 city or town ordinance.

13 (3) The moneys held in the capital improvement program
 14 fund shall, whenever possible, be invested in savings or
 15 time deposits in a state or national bank insured by the
 16 federal deposit insurance corporation or in direct
 17 obligations of the United States government and credited
 18 back to the fund plus interest earned."

19 Section 57. Section 84-4713, R.C.M. 1947, is amended
 20 to read as follows:

21 "84-4713. Taxes in cities and towns which that have
 22 exceeded the statutory limit of indebtedness. All taxes
 23 heretofore levied and collected, or to be collected for
 24 municipal and administrative purposes by any city or town,
 25 in which the indebtedness of which equals or exceeds the

1 limit provided allowed in statute, may be used in payment of
 2 current expenses during the fiscal year for which said the
 3 taxes were levied, the same as though if a special levy had
 4 been made for each of said the purposes. and the The council
 5 of any such city or town is hereby authorized to pay
 6 designate the amount of said the general levy applicable to
 7 each of said the purposes, and the The amount so designated
 8 shall constitute constitutes a special fund for the special
 9 purpose of paying the expenses incurred for such the
 10 purpose, and such the expenses shall be payable out of such
 11 the fund and not otherwise, provided, that However, the
 12 aggregate of all taxes authorized for general municipal and
 13 administrative purposes shall may not exceed one—and
 14 one-half per cent 5 1/2% annually upon of the per cent of
 15 the assessed taxable value of all taxable property subject
 16 to taxation in such city or town."

17 Section 58. Section 84-5103, R.C.M. 1947, is amended
 18 to read as follows:

19 "84-5103. Taxation of credits of insurance companies
 20 — other property. All property other than credits of
 21 insurance companies required by law to have and maintain a
 22 legal reserve for the protection of policyholders shall be
 23 assessed, classified, and taxed as other property of like
 24 character. Credits, including evidence of indebtedness
 25 secured by mortgages, less legal reserves for the protection

1 of policyholders and other indebtedness, shall be classified
 2 and taxed on the basis of thirty per centum (30%) of full
 3 each market value as thus ascertained."

4 Section 59. Section 84-5211, R.C.M. 1947, is amended
 5 to read as follows:

6 "84-5211. Limitation of levies — livestock moneys.
 7 The amount of such the levy shall may not in any event
 8 exceed two (2) 6 mills upon the assessed valuation taxable
 9 value of sheep and three (3) 9 mills upon the assessed
 10 valuation taxable value of other livestock, which shall be
 11 levied the levy is raised to aid in the payment of the
 12 general expense expenses of the brands-enforcement functions
 13 of the department of livestock, including salaries, office
 14 expense, detective expense, expense of prosecution, travel,
 15 and all incidental expense, expenses, and a separate levy
 16 of not exceeding to exceed three (3) 9 mills on all
 17 livestock may be raised for the use of the animal health
 18 functions of the department of livestock to be and placed in
 19 the an earmarked revenue fund for the payment of indemnity
 20 for animals slaughtered, and for salaries and expenses
 21 incurred in investigating, controlling, and suppressing
 22 diseases, including expenses of quarantine and salaries and
 23 expenses incurred for such purposes, and for laboratory
 24 maintenance, provided further that At the written request
 25 of the department of livestock the state treasurer and state

1 controller, at the written request of the department of
 2 livestock shall set aside in a separate account in the
 3 earmarked revenue fund ~~such any~~ moneys as may be available
 4 and requested, ~~which~~ ~~the~~ moneys shall ~~may~~ be expended only
 5 when the department of livestock determines that a livestock
 6 disease emergency exists requiring its expenditure, and they
 7 shall then be expended for such purposes as the department
 8 of livestock may order and direct."

9 Section 60. Section 84-5214, R.C.M. 1947, is amended
 10 to read as follows:

11 "84-5214. Levy for bounty moneys -- use of proceeds.
 12 The department of revenue shall, annually prescribe, make
 13 and levy an ad valorem tax on all livestock in the state of
 14 Montana for the purpose of protecting ~~such~~ ~~livestock~~ ~~them~~
 15 ~~against destruction, depredation, and injury by wild~~
 16 ~~animals, whether the livestock is on lands in private~~
 17 ~~ownership, in the ownership of the state, or in the~~
 18 ~~ownership of the United States, including open ranges and~~
 19 ~~all lands in or of the public domain. This protection may be~~
 20 ~~by all any means of effective predatory animal destruction,~~
 21 ~~extermination, and control, including systematic hunting,~~
 22 ~~and trapping in planned campaigns, or otherwise, and payment~~
 23 ~~of bounties, against destruction, depredation and injury by~~
 24 ~~wild animals, whether on lands in private ownership, in the~~
 25 ~~ownership of the state, or in the ownership of the United~~

1 States, including open ranges and all lands in or of the
 2 public domain. The tax levy ~~shall~~ ~~pay~~ not exceed in any one
 3 ~~(1)~~ year ~~(a)~~ one and one-half ~~(1-1/2)~~ ~~4.5~~ mills on the
 4 ~~assessed valuation taxable value~~ of all sheep, and ~~(b)~~ one
 5 ~~(1)~~ mill on the ~~assessed valuation taxable value~~ of other
 6 livestock. The moneys received from ~~such~~ ~~the~~ tax levies
 7 shall be transmitted monthly with other taxes for state
 8 purposes, by the county treasurer of each county, to the
 9 state treasury, and be by the ~~The~~ state treasurer placed in
 10 and to the credit of the ~~shall place the money in an~~
 11 earmarked revenue fund ~~with the other moneys in that fund~~
 12 ~~under the provisions of section as provided in 46-1901~~, and
 13 ~~such~~ ~~The~~ moneys shall thereafter be paid out only on claims
 14 duly and regularly presented to the department of livestock,
 15 and thereafter approved by ~~said~~ ~~the~~ department, in
 16 accordance with the law applicable either to claims for
 17 bounties, when such claims are approved, or to claims for
 18 other expenditures necessary and proper for predatory animal
 19 control by other means and methods ~~other~~ than payment of
 20 bounties, as ~~may~~ be determined by the department of
 21 livestock. All ~~such~~ ~~the~~ moneys shall be available for the
 22 payment of bounty claims and for expenditures in and for
 23 planned, seasonal, or other campaigns directed, or operated
 24 by the department in cooperation with other agencies, for
 25 the systematic destruction, extermination, and control of

1 predatory wild animals, as may be determined by the
 2 department and the its advisory committee thereto. No claims
 3 shall may be approved in excess of moneys available for such
 4 purposes, and no warrants shall may be registered against
 5 such the moneys."

6 Section 61. Section 84-5216, R.C.M. 1947, is amended
 7 to read as follows:

8 "84-5216. Tax levy for bounties on predatory animals.
 9 Whenever the owners, or agent, or agents of such the owners,
 10 representing fifty-one-per-cent 51% of the livestock of any
 11 county in this state shall present a petition to the board
 12 of county commissioners of such county, asking for the levy
 13 of a tax upon the livestock of such the county for the
 14 purpose of paying bounties on predatory animals killed in
 15 such the county, it shall be is the duty of such the board
 16 of county commissioners to make such the levy, which shall
 17 may not exceed ten 30 mills on the dollar on of the
 18 assessed valuation taxable value of all livestock in such
 19 the county, which The tax shall be assessed and collected
 20 in the same manner as all other state and county taxes."

21 Section 62. Section 84-5406, R.C.M. 1947, is amended
 22 to read as follows:

23 "84-5406. Assessment of royalties. Upon receipt of the
 24 list or schedule setting forth the names and addresses of
 25 any and all persons, corporations, and associations owning

1 or claiming royalty, and the amount or amounts paid or
 2 yielded as royalty to such the royalty owners or claimants
 3 during the year for which such the return is made, the state
 4 department of revenue shall proceed to the assessment of all
 5 such assess and tax the royalties, and shall assess the same
 6 at the full cash value of the money or product yielded
 7 during such preceding calendar year, and the same shall be
 8 taxed on the same basis as net proceeds of mines are taxed
 9 as provided by section 84-301 ~~84-301.12~~ 84-301.3."

10 Section 63. Section 84-6008, R.C.M. 1947, is amended
 11 to read as follows:

12 "84-6008. Assessment of personal property brought into
 13 the state — exceptions. (1) Property in the following cases
 14 is subject to taxation and assessment for all taxes levied
 15 that year in the county in which it is located:

16 (a) Any any personal property, including livestock,
 17 brought, driven, or coming into this state at any time
 18 during the year which that is used in the state for hire,
 19 compensation, or profit;

20 (b) or if the property whose owner and/or the user of
 21 the property is engaged in gainful occupation or business
 22 enterprise in the state; or

23 (c) the property otherwise which comes to rest and
 24 becomes a part of the general property of the state, shall
 25 be subject to taxation and shall be assessed for all taxes,

1 ~~levied or leviable for that year in the county in which the~~
 2 ~~same shall thus be,~~

3 ~~(2) The taxes on this property are levied in the same~~
 4 ~~manner and to the same extent, except as hereinafter~~
 5 ~~otherwise provided, as though such the property had been in~~
 6 ~~the county on the regular assessment date, provided that~~
 7 ~~such the property has not been regularly assessed for the~~
 8 ~~year in some other county of the state,~~

9 ~~(3) provided further that nothing herein contained~~
 10 ~~Nothing in this section shall be construed into authority to~~
 11 ~~assess or levy any a tax against any a merchant or dealer~~
 12 ~~within this state on goods, wares, or merchandise brought~~
 13 ~~into the county to replenish the stock of such the merchant~~
 14 ~~or dealer, in addition to the tax levied against the~~
 15 ~~inventory of said merchant or dealer on the regular~~
 16 ~~assessment date,~~

17 ~~(4) provided further that this act This section shall~~
 18 ~~not apply to motor vehicles brought, driven, or coming into~~
 19 ~~this state by any nonresident, migratory, bona fide~~
 20 ~~agricultural workers temporarily employed in agricultural~~
 21 ~~work in Montana where said if the motor vehicles are used~~
 22 ~~exclusively for transportation of agricultural workers.~~

23 ~~(5) Agricultural harvesting machinery classified under~~
 24 ~~Class-2 class-two CLASSES EIGHT AND TWELVE, section 84-301,~~
 25 ~~R.C.M. 1947, licensed in other states, and operated on the~~

1 lands of persons other than the owner of the machinery,
 2 under contracts for hire shall be subject to a fee, in lieu
 3 of taxation, of ~~thirty-five dollars (\$35)~~ per machine for a
 4 ~~sixty (60)~~ day period. ~~such the~~ machines shall be subject to
 5 taxation under ~~Class-2 class-two CLASSES EIGHT AND TWELVE~~
 6 only if they are sold in Montana."

7 Section 64. Section 84-6102, R.C.M. 1947, is amended
 8 to read as follows:

9 ~~84-6102. United States property held under contract~~
 10 ~~of sale—assessment—at full value. When such the property~~
 11 ~~is held under a contract of sale or other agreement whereby~~
 12 ~~on-certain upon payment or payment the legal title is or~~
 13 ~~may be acquired by such the person, corporation, or~~
 14 ~~association, such the real property shall be assessed and~~
 15 ~~taxed as for the full value thereof defined in 84-301.5~~
 16 ~~84-301.6, 84-301.8, 84-301.9, 84-301.11, 84-301.15, or~~
 17 ~~84-301.2 THROUGH 84-301.19 AND 84-401 without deduction on~~
 18 ~~account of the whole or any part of the purchase price or~~
 19 ~~other sum due on such the property remaining unpaid,~~
 20 ~~provided, that the The lien for such the tax shall neither~~
 21 ~~may not attach to, impair, nor or be enforced against any~~
 22 ~~interest of the United States in such the real property."~~

23 Section 65. Section 84-6103, R.C.M. 1947, is amended
 24 to read as follows:

25 ~~84-6103. United States property held under lease —~~

1 assessment at value of leasehold. When ~~such the~~ the property is
 2 held under lease, or other interest, or estate therein less
 3 than the fee, except under contract of sale, ~~such the~~ the
 4 property shall be assessed and taxed as for the ~~true~~ ~~such~~
 5 value as defined in 84-301.2 through 84-301.15 and 84-401
 6 84-301.19 of such leasehold, interest, or estate in ~~such the~~ the
 7 property and the lien for ~~such the~~ the tax shall attach to and
 8 be enforced against only the leasehold, interest, or estate
 9 in ~~such the~~ the property; provided, that where when the United
 10 States authorizes the taxation of ~~such the~~ the property for the
 11 full assessed value of the fee thereof, ~~such the~~ the property
 12 shall be assessed for ~~such~~ full assessed value, as defined
 13 in 84-401."

14 Section 66. Section 84-6205, R.C.M. 1947, is amended
 15 to read as follows:

16 "84-6205. Assessment of royalties. The amount of
 17 royalty received shall be considered net proceeds to the
 18 recipient and shall be assessed as follows: Upon upon
 19 receipt of the lists or schedules setting forth the names
 20 and addresses of any and all persons owning or claiming
 21 royalty, and the amount ~~or~~ amounts paid or yielded as
 22 royalty to such royalty owners or claimants during the year
 23 for which such return is made, the state department of
 24 revenue shall proceed to ~~the~~ assessment of all such
 25 royalties, and shall assess and tax the same at the full

1 ~~such value of the money or product yielded or accrued during~~
 2 ~~such preceding calendar year, and the same shall be taxed as~~
 3 ~~net proceeds of mines.~~"

4 Section 67. Section 84-6407, R.C.M. 1947, is amended
 5 to read as follows:

6 "84-6407. Transmission of statement of amount
 7 apportioned to counties. On or before the second Monday in
 8 July, the department shall apportion ~~such the~~ the assessment to
 9 the counties in or through which the airline operates. The
 10 county assessor must enter the amount of the assessment
 11 apportioned to the county in the column of the assessment
 12 roll or book which shows the total value of all property for
 13 taxation in the county. The assessment shall be assigned to
 14 class 7 ~~seven having a taxable value of forty per cent (40%)~~
 15 ~~of assessed value.~~"

16 Section 68. Section 84-7403, R.C.M. 1947, is amended
 17 to read as follows:

18 "84-7403. Tax treatment of certain energy-related
 19 investments. (1) Upon application by a taxpayer, approved
 20 under ~~section~~ 84-7404, a capital investment by the taxpayer
 21 in a recognized nonfossil form of energy generation shall be
 22 treated by the department of revenue as:

23 (a) property exempt from taxation, to the extent the
 24 appraised assessed value of the investment does not exceed
 25 one hundred thousand dollars (\$100,000); or

1 (b) class seven EIGHTEEN property, as defined in
2 sections 84-301 and 84-302, 84-301.8 84-301.19 for such
3 portion of the appraised assessed value of the investment
4 that exceeds one hundred thousand dollars (\$100,000).

14 Section 69. Section 84-7513, R.C.M. 1947, is amended
15 to read as follows:

16 "84-7513. Valuation of commercial land. After
17 classification as commercial, land, whether occupied or not,
18 shall may not change in value for tax purposes unless it
19 meets or is governed by the following provisions:

20 (1) Class A — open undeveloped land. Open
21 undeveloped land within the boundaries set as of designated
22 commercial land which has value and is not designated for
23 usage as a parking area or park, and developed as such
24 within two —{2} years from the effective date of this act,
25 shall be subject to taxation in the following method (after

1 the two-2-year grace period):
2 1st year taxation — 1% over valuation existing at the
3 beginning of the said two-2 years;
4 2nd year taxation — +2% over the previous year's valuation;
5 3rd year taxation — +10% over the previous year's valuation;
6 3-5 years taxation — +20% over the previous year's valuation;
7 over five 5 years — +30% over the previous year's valuation.
8 (2) Class B — existing improved land. All land in a
9 commercial class shall remain in the same taxable base until
10 expanded or resodeled. No expansion or remodeling shall ~~may~~
11 occur without approval of the governing body. Upon
12 remodeling or improving, it shall receive a reduction in
13 valuation in the amount of its valuation change which shall
14 apply as a reduction in valuation of the property for a
15 period of five-5 years, commencing in the amount of the
16 cost of remodeling or improving in the first year and
17 reducing in an amount of twenty-percent-20% per year for
18 each remaining year thereafter.

19 (3) Class C — existing improved land. Existing
20 structures and buildings shall be frozen in their existing
21 tax base for a period of ~~ten~~—10 years, unless remodeled.
22 where section 12(1)(a) shall apply. If not remodeled after
23 ~~ten~~—10 years, the following shall apply:
24 Age of structure Tax increase according
25 in years to the years since remodeled last

	1-5 years	5-10 years	10-15 years	15 years and over
10-12	1%	2%	4%	5%
12-15	2%	4%	6%	8%
15-20	4%	8%	12%	16%
21-25	10%	12%	16%	18%
26-30	15%	18%	20%	24%
31-40	25%	28%	30%	35%
40-50	40%	45%	50%	60%
50-Over	50%	60%	75%	100%

11 (4) Class D — new improved land.

12 (a) The construction cost and land cost of any
13 commercial development within a classified commercial or
14 residential area ~~shall~~ ~~may~~ not be taxed for its construction
15 period.

16 (b) Following the nontaxable period the total cost of
17 land and improvements developed as new commercial property
18 shall be taxed as follows:

Commercial land location	Taxable schedule
(i) Land within and extending nine-hundred -900- feet beyond that area designated by the governing authority as the central business	Improvements shall be taxed in additional increments as follows: ten-percent-(10%) increase in <u>valuation assessed</u> value per year until a total

1 district of a community. value for tax purposes
2 is ~~one-hundred-percent-(100%)~~
3 of assessed value.
4 (ii) Land from that Improvements shall be
5 designation under taxed in additional
6 subsection (4) (b) (i) increments as follows: A
7 to the corporate ~~thirty-three-and~~
8 boundary or city limits. ~~one-third-percent~~
9 ~~33 1/3%~~ increase in
10 valuation assessed value per year until
11 a total value for tax
12 purposes is ~~one-hundred~~
13 ~~percent-(100%)~~ of assessed value.
14 (iii) Land lying from An increase in taxes
15 the corporate boundary to over the normally
16 the ~~four-and-one-half~~ assessed value of ~~ten~~
17 ~~4 1/2~~ 4 1/2-mile limit. ~~percent-(10%)~~ per year
18 for a period of ~~ten~~ 10 years
19 unless given a waiver by
20 the governing authority.
21 (iv) Land lying beyond An increase in taxes
22 the ~~four-and-one-half~~ over the normally
23 ~~4 1/2~~ 4 1/2-mile limit. assessed value of
24 ~~twenty-five-percent-(25%)~~
25 per year for ~~fifteen-(15)~~

years unless given a waiver by the governing authority."

4 Section 70. Section 89-3403, R.C.M. 1947, is amended
5 to read as follows:

6 "89-3403. Definitions. As used in this act, unless the
7 context clearly indicates otherwise:

8 (1) "District" means a conservancy district,
9 which is a public corporation and a political subdivision of
10 the state;

11 (2) "Directors directors" means the board of directors
12 of a conservancy district;

13 (3) "Elector elector" means a person qualified to vote
14 under sections 89-3423 vi.

15 (a) "Court" means the district court of the
16 judicial district in which the largest portion of the
17 taxable valuation of real property of the proposed district
18 is located and within the county in which the largest
19 portion of the taxable valuation of real property of the
20 proposed district is located within the judicial district.

(5) "person person" means a natural person; firm; partnership; co-operative cooperative; association; public or private corporation, including the state of Montana or the United States; foundation; state agency or institution; county; municipality; district or other political

1 subdivision of the state; federal agency or bureau; or any
2 other legal entity;i

3 (6) "Department department" means the department of
4 natural resources and conservation provided for in Title
5 82A, chapter 15-1.

6 (7) "Board board of supervisors" means the board of
7 supervisors of the soil and water conservation district in
8 which the largest portion of the taxable valuation of real
9 property of the proposed district is located.;

10 (8) "works works" means all property, rights,
11 easements, franchises, and other facilities including, but
12 not limited to, land, reservoirs, dams, canals, dikes,
13 ditches, pumping units, mains, pipelines, waterworks
14 systems, recreational facilities, facilities for fish and
15 wildlife, and facilities to control and correct pollution;

16 (9) "Cost cost of works" means the cost of
17 construction, acquisition, improvement, extension, and
18 development of works, including financing charges, interest,
19 and professional services;.

20 (10) "Applicants applicants" means any person residing
21 within the boundaries of the proposed district making a
22 request for a study of the feasibility of forming a
23 conservancy district;

24 (11) "Notice notice" means publication at least once
25 each week for three (3) consecutive weeks in a newspaper

1 published in each county, or, if no newspaper is published
2 in a county, a newspaper of general circulation in the
3 county, or counties, in which a district is or will be
4 located. The last published notice shall appear not less
5 than five-~~5~~ days prior to any hearing or election held
6 under this act.;

7 (12) "Owners owners" are the person or persons who
8 appear as owners of record of the legal title to real
9 property according to the county records whether such title
10 is held beneficially or in a fiduciary capacity, except that
11 a person holding a title for purposes of security is not an
12 owner nor shall may he affect the previous title for
13 purposes of this act.;

14 (13) "Taxable taxable valuation" shall mean is the
15 valuation determined according to section 84-303, R.C.M.
16 1947, value as defined in 84-401 and does not mean assessed
17 valuation.*

18 Section 71. Repealer. Sections 69-3923, 84-301,
19 84-302, 84-304, 84-305, 84-307, and 84-308, R.C.M. 1947, are
20 repealed.

-End-

March 30, 1977

STANDING COMMITTEE REPORT
Senate Committee on Taxation

That House Bill No. 70 be amended as follows:

1. Amend page 18, section 9, line 18.

Following: "tools"

Strike: "and implements included in Class 14;"

Insert: ", implements and machinery included in Class 14;"

2. Amend page 20, section 12, line 17.

Following: "value"

Insert: ", or so much of 12% as is determined under 84-309, whichever is less"

3. Amend page 22, lines 19 through 21.

Following: line 18

Strike: lines 19 through 21 in their entirety

Insert: "(c) electric transformers and meters and gas regulators and meters that are not part of the single and continuous property of a utility that is centrally assessed; and, electric light and power substation machinery, compressor station machinery, measuring and regulating station equipment, and tools used in the repair and maintenance of the property included in this subsection."

4. Amend page 24, section 16, line 25.

Following: "value"

Insert: ", or in the case of property classified under (1) (b) of this section, so much of 6% as is determined under 84-309, whichever is less"

5. Amend page 30, section 19, line 11.

Following: "value"

Insert: ", or in the case of property classified under (1) (a) of this section, so much of 2.8% as is determined under 84-309, whichever is less"

6. Amend page 110, section 60, line 5.

Following: line 4

Strike: "1 mill"

Insert: "3 mills"

7. Amend page 123, section 70, line 17.

Following: line 17

Insert: "Section 71. There is a new R.C.M. section numbered 84-309 that reads as follows:

"84-309. Reappraised real property -- limitation on increased appraisals -- table of taxable percentages.

(1) The director of revenue shall certify to the governor, before June 30, 1978, the percentage by which the market value of all property in the state classified under sections 84-301.12, 84-301.16 (1) (b), and 84-301.19 (1) (a) as of January 1, 1977 has increased due to the revaluation conducted under 84-429.14. This figure is the "certified statewide percentage increase." (2) The taxable value of property in these three classes is determined as a function of the certified statewide percentage increase in accordance with the following table:

March 30, 1977
Page 2
House Bill No. 70

Certified statewide percentage increase 84-301.12

84-301.16
(1) (b)

84-301.19
(1) (a)

0	\$ 11.89	one-half of 7/30 of the
1%	11.79	the equivalent equivalent
2%	11.69	millage under millage under
3%	11.58	84-301.12 84-301.12
4%	11.49	
5%	11.39	
6%	11.29	
7%	11.20	
8%	11.11	
9%	11.02	
10%	10.93	
11%	10.84	
12%	10.76	
13%	10.67	
14%	10.59	
15%	10.51	
16%	10.43	
17%	10.35	
18%	10.28	
19%	10.20	
20%	10.13	
21%	10.05	
22%	9.98	
23%	9.91	
24%	9.84	
25%	9.77	
26%	9.70	
27%	9.64	
28%	9.57	
29%	9.51	
30%	9.44	
31%	9.38	
32%	9.32	
33%	9.26	
34%	9.20	
35%	9.14	
36%	9.08	
37%	9.03	
38%	8.97	
39%	8.91	
40%	8.86	
41%	8.81	
42%	8.75	
43%	8.70	
44%	8.65	
45%	8.60	
46%	8.55	
47%	8.50	
48%	8.45	
49%	8.40	
50%		

March 30, 1977
Page 3
House Bill No. 70

"Section 72. There is a new R.C.M. section that reads as follows:

"Temporary authority to exceed mill levy limitations in certain cases.

Taxing jurisdictions may adopt and levy for a budget equal to 105% of the preceding year's budget, statutory mill levy limitations notwithstanding, unless the taxable valuation therein has increased to a level which would allow statutory mill levies to produce a budget equal to 105% of the preceding year's budget. "

Renumber: following section

8. Amend page 123, section 71, line 20.

Following: "repealed."

Insert: "However, amendments to 84-301, 84-302, or 84-307, R.C.M. 1947, enacted by this legislative session shall be incorporated into the equivalent sections enacted in this act as directed by such other amendatory acts."

March 31, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 70 be amended as follows:

1. Amend page 109, section 59, line 8.

Following: line 8

Insert: "Section 60. Instructions to code commissioner and publisher.

In preparing a composite section of section 84-5211, as amended by this act and by chapter 120, Laws of 1977, the code commissioner and the publisher of the Revised Codes of Montana, 1947, shall indicate the authority granted by chapter 120 as authority to levy an additional 3 mills on the taxable value of all livestock."

Renumber: subsequent sections

HOUSE BILL NO. 70

INTRODUCED BY FABREGA, MOORE, O'KEEFE, FAGG,
WILLIAMS, LIEN, HUENNEKENS, VINCENT, UNDERDAHL

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROPERTY
6 TAX SYSTEM BY GENERALLY REVISING AND RECODIFYING SECTIONS
7 RELATING TO PROPERTY CLASSIFICATION AND TAXATION AND BY
8 ESTABLISHING MARKET VALUE AS THE BASIS OF TAXATION, EXCEPT
9 FOR CERTAIN CASES, AND ADJUSTING THE TAXABLE PERCENTAGE
10 ACCORDINGLY; AMENDING SECTIONS 11-988, 11-1011, 11-1019,
11 11-1301, 11-1909, 11-1919, 11-2201, 11-2205, 11-2303,
12 11-3921, 11-4111, 14-307, 16-502, 16-807, 16-808, 16-1152,
13 16-1412, 16-2010.1, 16-4020, 32-3107, 46-1914, 53-114,
14 53-1025, 69-3504, 69-3923, 75-7104, 75-8104, 84-101, 84-401,
15 84-402, 84-404, 84-406, 84-602, 84-708.1, 84-728, 84-4605,
16 84-4701, 84-4701.2, 84-4713, 84-5103, 84-5211, 84-5214,
17 84-5216, 84-5406, 84-6008, 84-6102, 84-6103, 84-6205,
18 84-6407, 84-7403, 84-7513, AND 89-3403, R.C.M. 1947; AND
19 REPEALING SECTIONS 69-3923, 84-301, 84-302, 84-304, 84-305,
20 84-307, AND 84-308, R.C.M. 1947."

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

23 Section 1. There is a new R.C.C.M. section numbered
24 84-301.1 that reads as follows:

25 84-301.1. Classification of taxable property. For the

1 purpose of taxation, the taxable property in the state shall
2 be classified in accordance with 84-301.2 through 84-301.5
3 84-301.19.

4 Section 2. There is a new R.C.M. section numbered
5 84-301.2 that reads as follows:

6 84-301.2. Class one property -- description -- taxable
7 percentage. (1) Class one property includes the right of
8 entry which is a property right reserved in land or received
9 by mesne conveyance (exclusive of leasehold interests),
10 devise, or succession to enter land whose surface title is
11 held by another to explore, prospect, or dig for oil, gas,
12 coal, or minerals. The market value of the right of entry
13 is determined by the department of revenue.

14 (2) Class one property is taxed at 100% of its market
15 value.

16 Section 3. There is a new R.C.M. section numbered
17 84-301.3 that reads as follows:

18 84-3013. Class two property -- description -- taxable
19 percentage. ~~if~~-class-two-property-includes+
20 ~~if~~--all-agricultural-and-other-tools+implements+and
21 machinery+

22 tb7--gas--and--other--engines-and-bottlers-and-threshing
23 machines-and-outfits-used-therewith
24 tc7--automobiles--motor-trucks--and-other--power-driven
25 cars-and-vehicles-of-all-kinds--except-mobile-nomast

1 --boots-and-all-watercraft 2 tej--harness-saddlery-and-roost 3 tft--all--property--except--that--included--in--class--five 4 84-301-6--used-and-owned-by-persons--firms--corporations--or 5 other--organizations--that--are--engaged--in--the--business--of 6 furnishing--telephone--communications--exclusively--to--rural 7 areas--or--to--rural--areas--and--cities--and--towns--of--800--persons 8 or--less--the--average--circuit--sites--for--each--station--on--the 9 telephone--communications--system--must--be--more--than--1-1/4 10 sites--to--qualify--for--this--classification 11 t2)--class--two--property--is--taxed--at--13%--of--its--market 12 values. (1) CLASS TWO PROPERTY INCLUDES THE ANNUAL NET 13 PROCEEDS OF ALL MINES AND MINING CLAIMS, EXCEPT COAL MINES. 14 (2) CLASS TWO PROPERTY IS TAXED AT 100% OF ITS ANNUAL 15 NET PROCEEDS AFTER DEDUCTING THE EXPENSES SPECIFIED AND 16 ALLOWED BY 84-5401. 17 Section-4--there-is--a--new--RvEHa--section--numbered 18 84-301-4--that--reads--as--follows: 19 84-301-4--class--three--property-----description---- 20 percentages--(1)--class--three--property--includes: 21 tej--livestock--poultry--and--unprocessed--products--of 22 both: 23 tb)--furniture-and-fixtures--used--in--commercial--offices 24 and--noted--activities--except--improvements--included--in--class 25 nine. |

1 tct--class--three--property--is--taxed--at--13%--of--its--market
 2 values.
 3 Section-5--there-is--a--new--RvEHa--section--numbered
 4 84-301-5--that--reads--as--follows:
 5 84-301-5--class--four--property-----description----
 6 taxable--percentage--(1)--class--four--property--includes:
 7 tej--all--lands--except--agricultural--land--meeting--the
 8 qualifications--of--84-437-2:
 9 tej--all--improvements--except--those--included--in--class
 10 five--eight--or--nines
 11 tej--all--trusses--affixed--to--land--owned--leased--or
 12 under--contract--for--purchase--by--the--truss--owner
 13 tdj--all--mobile--homes--except:
 14 trj--those--held--by--a--distributor--or--dealer--of--mobile
 15 homes--as--part--of--his--stock--in--trade--and
 16 trj--those--included--in--class--eight
 17 tej--manufacturing--and--mining--machinery--fixtures--and
 18 supplies--except--those--included--in--class--five--sevens--or
 19 eight:
 20 t2)--class--four--property--is--taxed--at--12%--of--its--market
 21 values.
 22 Section-6--there--is--a--new--RvEHa--section--numbered
 23 84-301-6--that--reads--as--follows:
 24 84-301-6--class--five--property-----description----
 25 taxable--percentage--(1)--class--five--property--includes:

1 (a)---all---property---used---and---owned---by---cooperative---rural
 2 electrical---and---cooperative---rural---telephone---associations---as
 3 provided---in---(2)(b)---of---this---section
 4 (b)---all---unprocessed---agricultural---products---on---the---farm
 5 or---in---storage---except---
 6 (i)---all---perishable---fruits---and---vegetables---in---farm
 7 storage---and---owned---by---the---producer---and
 8 (ii)---livestock---and---poultry---and---the---unprocessed---products
 9 of---both;
 10 (c)---a---dwelling---house---and---the---lot---on---which---it---is
 11 erected---owned---and---occupied---by---a---disabled---veteran---under---the
 12 condition---specified---in---(2)(b)---of---this---section;
 13 (2)---(a)---The---property---of---all---cooperative---rural
 14 electrical---and---cooperative---rural---telephone---associations
 15 organized---under---the---laws---of---Montana---is---included---in---this
 16 class---except---that---when---less---than---45%---of---the---electricity
 17 consumers---or---telephone---users---within---the---incorporated---limits
 18 of---a---city---or---town---are---served---by---the---cooperative
 19 organization---the---property---is---included---in---class---two;
 20 (b)---To---be---included---in---this---class---a---dwelling---house---and
 21 lot---on---which---it---is---erected---must---be---owned---and---occupied---by---a
 22 resident---of---the---state;
 23 (i)---who---has---been---nondisably---discharged---from---active
 24 service---in---any---branch---of---the---armed---services---and
 25 (ii)---who---is---rated---100%---disabled---due---to---a

1 service---connected---disability---by---the---United---States---veterans
 2 administration---or---its---successor---in---the---event---of---the
 3 veterans---death---the---dwelling---house---and---the---lot---on---which---it
 4 is---erected---shall---remain---in---this---class---as---long---as---the
 5 surviving---spouse---remains---unmarried---and---the---owner---and
 6 occupant---of---the---property;
 7 (3)---Class---five---property---is---taxed---at---4 1/2%---of---its---market
 8 value;
 9 Section---7---There---is---a---new---RevM---section---numbered
 10 84-301-7---that---reads---as---follows;
 11 84-301-7---Class---six---property---description---taxable
 12 percentage---(1)---Class---six---property---includes---moneyed---capital
 13 and---shares---of---banks;
 14 (2)---Moneyed---capital---is---defined---as---moneyed---bonds---
 15 notes---and---other---evidence---of---indebtedness---including
 16 evidence---of---indebtedness---secured---by---mortgage---on---real---or
 17 personal---property---in---the---hands---of---individual---citizens---and
 18 corporations---in---competition---with---the---business---of---national
 19 banks---or---employed---in---conducting---a---banking---or---investment
 20 business;
 21 (3)---in---ascertaining---the---value---of---moneyed---capital---for
 22 taxation---any---deposits---and---any---indebtedness---borrowed---for---use
 23 as---moneyed---capital---are--- deducted---from---the---amount---of---bonds---
 24 notes---and---other---evidence---of---indebtedness;
 25 (4)---in---ascertaining---the---value---of---the---shares---of---a

1 national--bank--for--taxation--the--book--value-of-all--real
 2 estate--owned--by-a--bank--is--deducted--from--the--value--of--the
 3 shares--and--assessed--to--the--bank--separately--the--shares--of
 4 banking--corporations--engaged--in--the--banking--business--in
 5 Montana--are--assessed--at--100%--of--book--value--less--the--book
 6 value--of--the--real--estate--money--capital--and--other
 7 property--of--the--bank--that--is--assessed--and--taxed--as--the
 8 property--of--the--bank

9 (5)--Class--six--property--is--taxed--at--30%--of--its--book
 10 value--with--the--exception--of--the--surplus--shown--on--the--bank's
 11 books--the--surplus--to--the--amount--of--the--stated--capital--of
 12 the--bank--is--taxed--at--7%--of--its--book--value--the--amount--of
 13 surplus--in--excess--of--the--stated--capital--is--taxed--at--30%

14 Section--8--there--is--a--new--Rev--M--section--numbered
 15 84-301-8--that--reads--as--follows:

16 84-301-8--Class--seven--property-----description-----
 17 taxable--percentage--(1)--Class--seven--property--includes

18 (a)--business--inventories--as--defined--in--this--section
 19 (b)--air--pollution--control--equipment--as--defined--in--this
 20 section

21 (c)--all--new--industrial--property--as--defined--in--this
 22 section

23 (d)--a--capital--investment--in--a--recognized--nonfossil
 24 form--of--energy--generation--to--the--extent--provided--under
 25 84-7403-

1 (2)--"business--inventories"--includes--goods--intended--for
 2 sale--or--lease--in--the--ordinary--course--of--business--and--raw
 3 materials--and--work--in--progress--with--respect--to--such--goods--
 4 Business--inventories--shall--not--include--goods--leased--or
 5 rented--or--mobile--homes--held--by--a--dealer--or--distributor--as
 6 part--of--his--stock--in--trade.

7 (3)--"air--pollution--control--equipment"--means
 8 facilities--machinery--or--equipment--attached--or--unattached
 9 to--real--property--utilized--to--reduce--eliminate--control--or
 10 prevent--air--pollution--the--department--of--health--and
 11 environmental--sciences--shall--determine--if--such--utilization
 12 is--being--made.

13 (4)--(a)--"New--industrial--property"--means--any--new
 14 industrial--plant--including--land--Buildings--machinery--and
 15 fixtures--which--is--used--by--a--new--industry--during--the--first--3
 16 years--of--its--operations--the--property--must--not--have--been
 17 assessed--prior--to--July--1--1964--within--the--state--of--Montana.

18 (b)--"New--industrial--property--is--limited--to--industries
 19 that--

20 (i)--manufacturer--mills--mine--producer--processor--or
 21 fabricate--materials;

22 (ii)--co--smelter--works--employing--capital--and--labor--in
 23 which--materials--unserviceable--in--their--natural--state--are
 24 extracted--processed--or--made--(iii)--for--use--or--are
 25 substantially--altered--or--treated--so--as--to--create--commercial

1 products or materials or
 2 + + + + engage ---- in ---- the --- mechanical --- or --- chemical
 3 transformation of materials or substances into new products
 4 in the manner defined as manufacturing in the 1972 Standard
 5 Industrial Classification Manual prepared by the United
 6 States Office of Management and Budget
 7 + + + + New industrial property shall in no event include
 8 + + + + property used by retail or wholesale merchants
 9 commercial services of any type agriculture trades or
 10 professions
 11 + + + + plant that will create adverse impact on
 12 existing state county or municipal services
 13 + + + + property used or employed in any industrial plant
 14 that has been in operation in this state for 3 years or
 15 longer
 16 + + "New industry" means any person corporation
 17 firm partnership association or other group that
 18 establishes a new plant or plants in Montana for the
 19 operation of a new industrial endeavor as distinguished
 20 from a mere expansion reorganization or merger of an
 21 existing industry or industries
 22 + + The department of revenue shall promulgate rules
 23 for the determination of what constitutes an adverse impact
 24 taking into consideration the number of people to be
 25 employed and the size of the community in which the location

1 is contemplated any person corporation firm partnership
 2 association or other group seeking to quantify its property
 3 for inclusion in this class shall make application to the
 4 department of revenue in such a manner and form as the
 5 department requires Once the department has made an initial
 6 determination that the industrial facility quantifies as new
 7 industrial property the department shall then upon proper
 8 notice hold a hearing to determine if the new industrial
 9 classification should be retained by the property the local
 10 taxing authority may appear at the hearing and may waive its
 11 objection to retention of this classification if the
 12 industry agrees to the prepayment of taxes sufficient to
 13 satisfy tax requirements created by the location and
 14 construction of the facility during the construction period
 15 when a prepayment of taxes is required the maximum amount
 16 of prepayment shall be the amount of tax the industry would
 17 have paid without the application of the class seven
 18 percentage to such property
 19 + + if a major new industrial facility quantifies under
 20 class seven the reduction of its yearly payment of property
 21 taxes for reimbursement of its prepaid taxes as provided for
 22 in 84-41-105 does not begin until the class seven
 23 quantification expires
 24 + + class seven property shall be taxed at 4% of its
 25 market value

1 Section 9--There is a new RevMu section numbered
 2 84-301-9 that reads as follows:
 3
 4 84-301-9--Class--Eight--Property-----Description-----
 5 taxable percentage--(i) Class--Eight--Property--includes
 6 (a)--a--capital--investment--in--a--building--for--an--energy
 7 conservation--purpose--to--the--extent--provided--under--84-7403;
 8 (b)--any--improvement--on--real--property,--a--trailer
 9 affixed--to--land--or--a--mobile--home--and--appurtenant--to--land--not
 10 exceeding--5--acres--which--together--meet--the--following
 11 conditions:
 12 (i)--have--a--market--value--of--not--more--than--\$27,500;
 13 (ii)--are--owned--or--under--contract--for--deed--and--are
 14 actually--occupied--for--at--least--10--months--per--year--as--the
 15 primary--residential--dwelling--of;
 16 (iii)--a--widow--or--widower--62--years--of--age--or--older--who
 17 qualifies--under--the--income--limitations--of--(b)--of--this
 18 section;
 19 (iv)--a--widow--or--widower--of--any--age--with--dependent
 20 children--who--qualifies--under--the--income--limitations--of--(b)
 21 of--this--section--or;
 22 (v)--a--recipient--or--recipients--of--retirement--or
 23 disability--benefits--whose--total--income--from--all--sources--is
 24 not--more--than--\$6,000--a--year--for--a--single--person--or--\$6,800--a
 25 year--for--a--married--couple;
 26 (vi)--(a)--A--person--applying--for--classification--of

1 property--under--this--class--must--make--an--affidavit--to--the
 2 department--of--revenue--on--a--form--provided--by--the--department
 3 without--cost--as--to:
 4 (i)--his--income--if--applicable;
 5 (ii)--his--retirement--benefits--if--applicable;
 6 (iii)--his--marital--status--if--applicable--and
 7 (iv)--the--fact--that--he--maintains--the--land--and
 8 improvements--as--his--primary--residential--dwelling;
 9 (v)--the--county--welfare--board--may--investigate--the
 10 applicant--as--to--the--answers--given--on--the--form--for--the
 11 purpose--of--the--affidavit--required--for--classification--of
 12 property--under--this--class--it--shall--be--sufficient--if--the
 13 applicant--signs--a--statement--swearing--to--or--affirming--the
 14 correctness--of--the--information--supplied--whether--or--not--the
 15 statement--is--signed--before--a--person--authorized--to--administer
 16 oaths--and--swears--the--application--and--statement--to--the
 17 department--of--revenue--;--This--signed--statement--shall--be
 18 treated--as--a--statement--under--oath--or--equivalent--affirmation
 19 for--the--purposes--of--94-7-203--relating--to--the--criminal
 20 offense--of--false--swearing;
 21 (vi)--the--assessed--value--of--the--property--may--not--be
 22 increased--during--the--life--of--the--recipient--of--retirement
 23 benefits--or--widow--or--widower--covered--under--this--class,
 24 unless--the--owner--resident--makes--a--substantial--improvement--in
 25 the--dwelling.

1 (t)---Class-eight-property-is-taxed-at-6% of its---market
 2 values
 3 Section-10---There-is-a-new--RevM---section-numbered
 4 84-301-10---that-reads-as-follows
 5 84-301-10---Class---nine---property-----description-----
 6 taxable--percentage---(i)---Class-nine-property-includes-the
 7 incremental--increase--in-the-value-of-real-estate-produced-by
 8 repairing--maintaining--or--improving--existing--improvements--
 9 (t2)---Class-nine-property-is-taxed-at--
 10 (t2)---2-4%--of--the-market-value-for-the-first-full-year
 11 following--completion--of--the---repairy---maintenance---or
 12 improving--of-existing--improvements--
 13 (tb)---4-8%--of--the-market-value-for-the-second-full-year
 14 following--completion--of--the---repairy---maintenance---or
 15 improving--of-existing--improvements--
 16 (te)---7-2%--of--the-market-value-for-the-third-full-year
 17 following--completion--of--the---repairy---maintenance---or
 18 improving--of-existing--improvements--
 19 (td)---9-6%--of--the-market-value-for-the-fourth-full-year
 20 following--completion--of--the---repairy---maintenance---or
 21 improving--of-existing--improvements--and
 22 (te)---12%--of--the--market-value-for-the-fifth-full-year
 23 and--every--year--thereafter--following--completion--of--the
 24 repairy--maintenance--or--improving--of-existing--improvements--
 25 Section-11---There-is-a-new--RevM---section-numbered

1 84-301-11---that-reads-as-follows
 2 84-301-11---Class---ten---property-----description-----
 3 taxable--percentage---(i)---Class-ten-property-includes+
 4 (ta)---centrally--assessed--utility--allocations---after
 5 deductions---of---locally--assessed--properties---except--as
 6 provided-in+
 7 (ti)---Class-two-for-rural-telephones; and
 8 (tii)---Class-five-for-cooperatives
 9 (tb)---all--other--property--not--included--in--the--nine
 10 preceding-classes
 11 (t2)---Class-ten--property-is-taxed-at-16% of its--market
 12 values
 13 Section-12---There-is-a-new--RevM---section-numbered
 14 84-301-12---that-reads-as-follows
 15 84-301-12---Class---eleven---property-----description-----
 16 taxable--percentage---(i)---Class-eleven-property-includes--the
 17 annual--net--proceeds-of-all-mines-and-mining-claims--except
 18 coal-mines
 19 (t2)---Class-eleven-property-is--taxed--at--100%--of--its
 20 annual--net--proceeds--after--deducting--the--expenses--specified
 21 and--allowed--by--84-5469+
 22 Section-13---There-is-a-new--RevM---section-numbered
 23 84-301-13---that-reads-as-follows
 24 84-301-13---Class---twelve---property-----description-----
 25 taxable--percentage---(i)---Class-twelve--property-includes--the

1 annual gross proceeds of underground coal mines*
 2 (2) class twelve property is taxed at 33 1/3% of the
 3 annual gross proceeds.
 4 Section 14*--There is a new section numbered
 5 84-301-14 that reads as follows:
 6 84-301-14--Class thirteen property--description--
 7 taxable percentage--(1) class thirteen property includes
 8 the annual gross proceeds of coal mines using the
 9 strip mining method.
 10 (2) class thirteen property is taxed at 45% of the
 11 annual gross proceeds.
 12 Section 15*--There is a new section numbered
 13 84-301-15 that reads as follows:
 14 84-301-15--Class fourteen property--description--
 15 taxable percentage--(1) class fourteen property includes
 16 agricultural land as defined in 84-437-2*
 17 (2) class fourteen property is taxed at 12% of its
 18 assessed value.
 19 SECTION 4. THERE IS A NEW RECM SECTION NUMBERED
 20 84-301-4 THAT READS AS FOLLOWS:
 21 84-301-4. Class three property -- description --
 22 percentage. (1) class three property includes the annual
 23 gross proceeds of coal mines using the strip mining method.
 24 (2) class three property is taxed at 45% of its
 25 assessed value, which is 100% of annual gross proceeds.

1 SECTION 5. THERE IS A NEW RECM SECTION NUMBERED
 2 84-301-5 THAT READS AS FOLLOWS:
 3 84-301-5. Class four property -- description --
 4 taxable percentage. (1) class four property includes the
 5 annual gross proceeds of underground coal mines.
 6 (2) class four property is taxed at 33 1/3% of its
 7 assessed value, which is 100% of annual gross proceeds.
 8 SECTION 6. THERE IS A NEW RECM SECTION NUMBERED
 9 84-301-6 THAT READS AS FOLLOWS:
 10 84-301-6. Class five property -- description --
 11 taxable percentage. (1) class five property includes moneyed
 12 capital and shares of banks.
 13 (2) Moneyed capital is defined as moneys, bonds,
 14 notes, and other evidence of indebtedness, including
 15 evidence of indebtedness secured by mortgage on real or
 16 personal property, in the hands of individual citizens and
 17 corporations in competition with the business of national
 18 banks or employed in conducting a banking or investment
 19 business.
 20 (3) In ascertaining the value of moneyed capital for
 21 taxation, any deposits and any indebtedness borrowed for use
 22 as moneyed capital are deducted from the amount of bonds,
 23 notes, and other evidence of indebtedness.
 24 (4) In ascertaining the value of the shares of a
 25 national bank for taxation, the book value of all real

1 estate owned by a bank is deducted from the value of the
 2 shares and assessed to the bank separately. The shares of
 3 banking corporations engaged in the banking business in
 4 Montana are assessed at 100% of book value, less the book
 5 value of the real estate, moneyed capital, and other
 6 property of the bank that is assessed and taxed as the
 7 property of the bank.

8 (5) Class five property is taxed at 30% of its book
 9 value, with the exception of the surplus shown on the bank's
 10 books. The surplus, to the amount of the stated capital of
 11 the bank, is taxed at 7% of its book value. The amount of
 12 surplus in excess of the stated capital is taxed at 30%.

13 SECTION 7. THERE IS A NEW R.C.M. SECTION NUMBERED
 14 84-301.7 THAT READS AS FOLLOWS:

15 84-301.7. Class six property -- description -- taxable
 16 percentage. (1) Class six property includes agricultural
 17 land, as defined in 84-437.2.

18 (2) Class six property is taxed at 30% of its assessed
 19 value.

20 SECTION 8. THERE IS A NEW R.C.M. SECTION NUMBERED
 21 84-301.8 THAT READS AS FOLLOWS:

22 84-301.8. Class seven property -- description --
 23 taxable percentage. (1) Class seven property includes:

24 (a) centrally assessed utility allocations after
 25 deductions of locally assessed properties, except as

1 provided in:
 2 (i) class fourteen for rural telephones; and
 3 (ii) class eighteen for cooperatives;
 4 (b) all other property not included in classes one
 5 through six and classes eight through eighteen;
 6 (c) large trucks and commercial trailers valued in the
 7 department of revenue's truck and commercial trailer
 8 schedule.

9 (2) Class seven property is taxed at 16% of its market
 10 value.

11 SECTION 9. THERE IS A NEW R.C.M. SECTION NUMBERED
 12 84-301.9 THAT READS AS FOLLOWS:

13 84-301.9. Class eight property -- description --
 14 taxable percentage. (1) Class eight property includes:

15 (a) all agricultural and other tools, implements, and
 16 machinery except:

17 (i) large farm machinery included in class twelve; and
 18 (ii) tools and implements included in class fourteen;
 19 IMPLEMENT AND MACHINERY INCLUDED IN CLASS FOURTEEN;

20 (b) gas and other engines and boilers and threshing
 21 machines and outfits used therewith;

22 (c) harness, saddlery, and ropes;
 23 (2) Class eight property is taxed at 13% of its market
 24 value.

25 SECTION 10. THERE IS A NEW R.C.M. SECTION NUMBERED

1 84-301.10 THAT READS AS FOLLOWS:

2 84-301.10. Class nine property -- description --
 3 taxable percentage. (1) Class nine property includes:
 4 (a) automobiles, motor trucks, and other power-driven
 5 cars and vehicles of all kinds, except mobile homes,
 6 motorcycles, aircraft, camper trailers, and truck campers;
 7 (b) livestock, poultry, and unprocessed products of
 8 both; and
 9 (c) furniture and fixtures used in commercial, office,
 10 and hotel activities, except improvements included in class
 11 thirteen.

12 (2) Class nine property is taxed at 13.3% of its
 13 market value.

14 SECTION 11. THERE IS A NEW R.C.M. SECTION NUMBERED
 15 84-301.11 THAT READS AS FOLLOWS:

16 84-301.11. Class ten property -- description --
 17 taxable percentage. (1) Class ten property includes:
 18 (a) aerial, surface, and portable ski lifts and ski
 19 tows, including the towers, cables, ropes, snares
 20 assemblies, conveying devices, power units, and all
 21 accessories;
 22 (b) manufacturing and mining machinery, fixtures, and
 23 supplies, except those included in class eighteen; and
 24 (c) camper trailers and truck campers valued in the
 25 "Official Boat Trailer Trade-in Guide Blue Book".

1 (2) Class ten property is taxed at 12% of market
 2 value.

3 SECTION 12. THERE IS A NEW R.C.M. SECTION NUMBERED
 4 84-301.12 THAT READS AS FOLLOWS:

5 84-301.12. Class eleven property -- description --
 6 taxable property. (1) Class eleven property includes:
 7 (a) all land, except agricultural land meeting the
 8 qualification of 84-437.2;
 9 (b) all improvements, except those included in classes
 10 fifteen and eighteen;
 11 (c) all trailers affixed to land owned, leased, or
 12 under contract for purchase by the trailer owner; and
 13 (d) all mobile homes, except:
 14 (i) those held by a distributor or dealer of mobile
 15 homes as part of his stock in trade; and
 16 (ii) those included in class fifteen.
 17 (2) Class eleven property is taxed at 12% of its
 18 market value, OR SU MUCH OF 12% AS IS DETERMINED UNDER
 19 84-309. WHICHEVER IS LESS.
 20 SECTION 13. THERE IS A NEW R.C.M. SECTION NUMBERED
 21 84-301.13 THAT READS AS FOLLOWS:

22 84-301.13. Class twelve property -- description --
 23 taxable percentage. (1) Class twelve property includes:
 24 (a) boats and all watercraft;
 25 (b) aircraft;

1 (c) motorcycles; and
 2 (d) large farm machinery valued in the official guide
 3 tractors and farm implements and department valuation
 4 schedules.

5 (2) Class twelve property is taxed at 11 $\frac{1}{4}$ of its
 6 market value.

7 SECTION 14. THERE IS A NEW R.C.M. SECTION NUMBERED
 8 84-301.14 THAT READS AS FOLLOWS:

9 84-301.14. Class thirteen property -- description --
 10 taxable percentage. (1) Class thirteen property includes the
 11 incremental increase in the value of real estate produced by
 12 repairing, maintaining, or improving existing improvements.

13 (2) Class thirteen property is taxed at:

14 (a) 2.4% of the market value for the first full year
 15 following completion of the repair, maintenance, or
 16 improving of existing improvements;

17 (b) 4.8% of the market value for the second full year
 18 following completion of the repair, maintenance, or
 19 improving of existing improvements;

20 (c) 7.2% of the market value for the third full year
 21 following completion of the repair, maintenance, or
 22 improving of existing improvements;

23 (d) 9.6% of the market value for the fourth full year
 24 following completion of the repair, maintenance, or
 25 improving of existing improvements; and

1 (e) 12% of the market value for the fifth full year
 2 and every year thereafter following completion of the
 3 repair, maintenance, or improving of existing improvements.

4 SECTION 15. THERE IS A NEW R.C.M. SECTION NUMBERED
 5 84-301.15 THAT READS AS FOLLOWS:

6 84-301.15. Class fourteen property -- description --
 7 taxable percentage. (1) Class fourteen property includes:
 8 (a) all poles, lines, transformers, transformer
 9 stations, meters, tools, improvements, machinery and other
 10 property, except that included in class eighteen, used and
 11 owned by persons, firms, corporations, or other
 12 organizations that are engaged in the business of furnishing
 13 telephone communications exclusively to rural areas or to
 14 rural areas and cities and towns of 800 persons or less. The
 15 average circuit miles for each station on the telephone
 16 communications system must be more than 1 1/4 miles to
 17 qualify for this classification;

18 (b) tools, implements, and machinery used to repair
 19 and maintain machinery not used for manufacturing and mining
 20 purposes; and

21 ~~fe--electric--transformers--and--meters--and--gas~~
 22 ~~regulators-and-meters-that-are-not-part-of--the--single--and~~
 23 ~~continuous-property-of-a-utility-that-is-centrally-assessed-~~

24 (C) ELECTRIC TRANSFORMERS AND METERS AND GAS
 25 REGULATORS AND METERS THAT ARE NOT PART OF THE SINGLE AND

1 CONTINUOUS PROPERTY OF A UTILITY THAT IS CENTRALLY ASSESSED;
 2 AND, ELECTRIC LIGHT AND POWER SUBSTATION MACHINERY,
 3 COMPRESSOR STATION MACHINERY, MEASURING AND REGULATING
 4 STATION EQUIPMENT, AND TOOLS USED IN THE REPAIR AND
 5 MAINTENANCE OF THE PROPERTY INCLUDED IN THIS SUBSECTION.

6 (2) Class fourteen is taxed at 8% of its market value.

7 SECTION 16. THERE IS A NEW R.C.M. SECTION NUMBERED
 8 84-301.16 THAT READS AS FOLLOWS:

9 84-301.16. Class fifteen property -- description --
 10 taxable percentage. (1) Class fifteen property includes:

11 (a) a capital investment in a building for an energy
 12 conservation purpose, to the extent provided under 84-7403;
 13 and

14 (b) any improvement on real property, a trailer
 15 affixed to land, or a mobile home and appurtenant land not
 16 exceeding 5 acres, which together meet the following
 17 conditions:

18 (i) have a market value of not more than \$27,500;
 19 (ii) are owned or under contract for deed and are
 20 actually occupied for at least 10 months per year as the
 21 primary residential dwelling of:

22 (A) a widow or widower 62 years of age or older who
 23 qualifies under the income limitations of (C) of this
 24 section;

25 (B) a widow or widower of any age with dependent

1 children who qualifies under the income limitations of (C)
 2 of this section; or
 3 (C) a recipient or recipients of retirement or
 4 disability benefits whose total income from all sources is
 5 not more than \$6,000 a year for a single person or \$6,800
 6 for a married couple.

7 (2) (a) A person applying for classification of
 8 property under this class must make an affidavit to the
 9 department of revenue on a form provided by the department
 10 without cost as to:

11 (i) his income, if applicable;
 12 (ii) his retirement benefits, if applicable;
 13 (iii) his marital status, if applicable; and
 14 (iv) the fact that he maintains the land and
 15 improvements as his primary residential dwelling.

16 (b) The county welfare board may investigate the
 17 applicant as to the answers given on the form. For the
 18 purpose of the affidavit required for classification of
 19 property under this class, it shall be sufficient if the
 20 applicant signs a statement swearing to or affirming the
 21 correctness of the information supplied, whether or not the
 22 statement is signed before a person authorized to administer
 23 oaths, and mails the application and statement to the
 24 department of revenue. This signed statement shall be
 25 treated as a statement under oath or equivalent affirmation

1 for the purposes of 94-7-203, relating to the criminal
2 offense of false swearing.

3 (c) The assessed value of the property may not be
4 increased during the life of the recipient of retirement
5 benefits or widow or widower covered under this class,
6 unless the owner-resident makes a substantial improvement in
7 the dwelling.

8 (3) Class fifteen property is taxed at 6% of its
9 market value, OR IN THE CASE OF PROPERTY CLASSIFIED UNDER
10 11(B) OF THIS SECTION, SO MUCH OF 6% AS IS DETERMINED UNDER
11 84-309, WHICHEVER IS LESS.

12 SECTION 17. THERE IS A NEW R.C.M. SECTION NUMBERED
13 84-301.17 THAT READS AS FOLLOWS:

14 84-301.17. Class sixteen property -- description --
15 taxable percentage. (1) Class sixteen property includes:

16 (a) business inventories as defined in this section;
17 and

18 (b) mobile machines, valued as other heavy
19 construction equipment is valued, used in new industries, as
20 defined in class eighteen.

21 (2) Mobile machines used in new industry are subject
22 to the conditions imposed in class eighteen for other
23 property used in new industries.

24 (3) "Business inventories" includes goods intended for
25 sale or lease in the ordinary course of business and raw

1 materials and work in progress with respect to such goods.
2 Business inventories shall not include goods leased or
3 rented or mobile homes held by a dealer or distributor as
4 part of his stock in trade.

5 (4) The market value of business inventories, for
6 property tax purposes, is the cost to the person subject to
7 the inventory tax.

8 (5) Class sixteen property is taxed at 4.2% of market
9 value.

10 SECTION 18. THERE IS A NEW R.C.M. SECTION NUMBERED
11 84-301.18 THAT READS AS FOLLOWS:

12 84-301.18. Class seventeen property -- description --
13 taxable percentage. (1) Class seventeen property includes
14 all unprocessed agricultural products on the farm or in
15 storage, except:

16 (a) all perishable fruits and vegetables in farm
17 storage and owned by the producer; and

18 (b) livestock and poultry and the unprocessed products
19 of both.

20 (2) Class seventeen property is taxed at 3.5% of
21 market value.

22 SECTION 19. THERE IS A NEW R.C.M. SECTION NUMBERED
23 84-301.19 THAT READS AS FOLLOWS:

24 84-301.19. Class eighteen property -- description --
25 taxable percentage. (1) Class eighteen property includes:

1 (a) a dwelling house and the lot on which it is
 2 erected, owned, and occupied by a resident of the state who:

3 (i) has been honorably discharged from active service
 4 in any branch of the armed services; and

5 (ii) is rated 100% disabled due to a service-connected
 6 disability by the United States veterans administration or
 7 its successor. In the event of the veteran's death, the
 8 dwelling house and the lot on which it is erected shall
 9 remain in this class as long as the surviving spouse remains
 10 unmarried and the owner and occupant of the property.

11 (b) all property used and owned by cooperative rural
 12 electrical and cooperative rural telephone associations as
 13 provided in (2)(a) of this section.

14 (c) air pollution control equipment as defined in this
 15 section;

16 (d) new industrial property as defined in this
 17 section; and

18 (e) a capital investment in a recognized nonfossil
 19 form of energy generation, to the extent provided under
 20 84-7403.

21 (2) (a) The property of all cooperative rural
 22 electrical and cooperative rural telephone associations
 23 organized under the laws of Montana is included in this
 24 class; except that when less than 95% of the electricity
 25 consumers or telephone users within the incorporated limits

1 of a city or town are served by the cooperative
 2 organization, the property is included in class eighteen.

3 (b) "Air pollution control equipment" means
 4 facilities, machinery, or equipment, attached or unattached
 5 to real property, utilized to reduce, eliminate, control, or
 6 prevent air pollution. The department of health and
 7 environmental sciences determines if such utilization is
 8 being made.

9 (c) "New industrial property" means any new industrial
 10 plant, including land, buildings, machinery, and fixtures,
 11 except mobile machinery, which is used by a new industry
 12 during the first 3 years of its operation. The property may
 13 not have been assessed prior to July 1, 1961, within the
 14 state of Montana.

15 (i) New industrial property is limited to industries
 16 that:

17 (A) manufacture, mill, mine, produce, process, or
 18 fabricate materials;

19 (B) do similar work, employing capital and labor, in
 20 which materials unserviceable in their natural state are
 21 extracted, processed, or made fit for use or are
 22 substantially altered or treated so as to create commercial
 23 products or materials; or

24 (C) engage in the mechanical or chemical
 25 transformation of materials or substances into new products

1 in the manner defined as manufacturing in the 1972 Standard
 2 Industrial Classification Manual prepared by the United
 3 States Office of Management and Budget.

4 (ii) New industrial property does not include:

5 (A) property used by retail or wholesale merchants,
 6 commercial services of any type, agriculture, trades, or
 7 professions;

8 (B) a plant that will create adverse impact on
 9 existing state, county, or municipal services; or

10 (C) property used or employed in any industrial plant
 11 that has been in operation in this state for 3 years or
 12 longer.

13 (c) "New industry" means any person, corporation,
 14 firm, partnership, association, or other group that
 15 establishes a new plant or plants in Montana for the
 16 operation of a new industrial endeavor, as distinguished
 17 from a mere expansion, reorganization, or merger of an
 18 existing industry or industries.

19 (3) The department of revenue shall promulgate rules
 20 for the determination of what constitutes an adverse impact,
 21 taking into consideration the number of people to be
 22 employed and the size of the community in which the location
 23 is contemplated. Any person, corporation, firm, partnership,
 24 association, or other group seeking to qualify its property
 25 for inclusion in this class shall make application to the

1 department of revenue in such a manner and form as the
 2 department requires. Once the department has made an initial
 3 determination that the industrial facility qualifies as new
 4 industrial property, the department shall then, upon proper
 5 notice, hold a hearing to determine if the new industrial
 6 classification should be retained by the property. The local
 7 taxing authority may appear at the hearing and may waive its
 8 objection to retention of this classification if the
 9 industry agrees to the prepayment of taxes sufficient to
 10 satisfy tax requirements created by the location and
 11 construction of the facility during the construction period.
 12 When a prepayment of taxes is required, the maximum amount
 13 of prepayment shall be the amount of tax the industry would
 14 have paid without the application of the class seven
 15 percentage to such property.

16 (4) If a major new industrial facility qualifies under
 17 class eighteen, the reduction of its yearly payment of
 18 property taxes for reimbursement of its prepaid taxes as
 19 provided for in 84-41-105 does not begin until the class
 20 eighteen qualification expires.

21 (5) Class eighteen property shall be taxed at 2.84 of
 22 its market value. OR IN THE CASE OF PROPERTY CLASSIFIED
23 UNDER 111(A) OF THIS SECTION, SO MUCH OF 2.84 AS IS
24 DETERMINED UNDER 84-309, WHICHEVER IS LESS.

25 Section 20. Section 84-401, R.C.M. 1947, is amended to

1 read as follows:

2 "84-401. Property--assessed-at--forty-percent--140%--of
 3 ~~its--full--cash--value~~--exceptions. ~~Assessments, definitions~~
 4 and ~~exceptions~~. (1) All taxable real property and
 5 improvements must be assessed at forty-percent--140% of
 6 its full-cash market value except as provided in subsection
 7 (5) of this section AND IN 84-429.14 THROUGH 84-429.17.

8 (2) Market value is the value at which property would
 9 change hands between a willing buyer and a willing seller,
 10 neither being under any compulsion to buy or to sell and
 11 both having reasonable knowledge of relevant facts.

12 (3) The department of revenue or its agents may not
 13 adopt a lower or different standard of value from market
 14 value in making the official assessment and appraisal of the
 15 value of property in classes--one--through--ten--with--the
 16 exception--of--class--six CLASS ONE AND CLASSES SEVEN THROUGH
 17 EIGHTEEN. For purposes of taxation, assessed value is the
 18 same as appraised value.

19 (4) The taxable value for all property in classes--one
 20 through--ten--with--the--exception--of--class--six CLASS ONE AND
 21 CLASSES SEVEN THROUGH EIGHTEEN is the percentage of market
 22 value established for each class of property in 84-301.2
 23 through 84-301.17--excluding 84-301.7 AND 84-301.8 THROUGH
 24 84-301.19.

25 (5) The assessed value of properties in 84-301.7 and

1 84-301.8--through--84-301.15 84-301.3 THROUGH 84-301.7 is as
 2 follows:

3 (a) Property in 84-301.7 84-301.6, under class six
 4 FIVE, is assessed at 100% of book value by the method
 5 established in 84-301.7 84-301.6, 84-4604, and 84-4602.
 6 (b) Properties in section--84-301 ~~84-301.2~~
 7 84-301.3, under class one class eleven I&M, shall--be are
 8 assessed at one-hundred-percent--100% of full-cash-value of
 9 the annual net proceeds after deducting the expenses
 10 specified and allowed by 84-5403.

11 (c) Properties in 84-301.3--and--84-301.4 84-301.4 AND
 12 84-301.5, under classes twelve THREE and thirteen FOUR, are
 13 assessed at 100% of the annual gross proceeds.

14 (d) The--assessment--of--agriculture--lands--shall--be
 15 based--upon Properties in 84-301.25 84-301.7, under class
 16 fourteen SIX, are assessed at 100% of the productive
 17 capacity of the lands when valued for agricultural purposes.
 18 All lands that meet the qualifications of 84-437.2 shall--be
 19 are valued as agricultural lands for tax purposes that--meet
 20 the--qualifications--of--section--84-437.2--R-E-M--1947.

21 (e) Land and the improvements thereon shall--be are
 22 separately assessed when any of the following conditions
 23 occur:

24 (a) when ownership of the improvements is different
 25 from ownership of the land;

- 1 (b) when--requested--in--writing--by--the--taxpayer the
2 taxpayer makes a written request; or
3 (c) when the land is outside an incorporated city or
4 town.

5 171 The taxable value of all property shall be
6 determined by sections 84-301 and 84-308 in classes eleven
7 and through fourteen SIX is the percentage of assessed value
8 established in 84-301 and 84-301.3 through 84-301.15 84-301.7
9 for each class of property."

10 Section 21. Section 11-988, R.C.M. 1947, is amended to
11 read as follows:

12 11-988. Power of cities and towns to acquire natural
13 gas and distributing system therefor. The city or town
14 council has power to contract an indebtedness of a city or
15 town upon the credit thereof by borrowing money or issuing
16 bonds for the construction, purchase, or development of an
17 adequate supply of natural gas, and to construct or purchase
18 a system of gas lines for the distribution thereof to the
19 inhabitants of said the city or town or vicinity, provided
20 that--the The total amount of indebtedness authorized to be
21 contracted in any form, including the then-existing
22 indebtedness, must not at any time exceed three-per-centum
23 ~~that~~ 1 1/4 of the total assessed-valuation taxable value of
24 the taxable property of the city or town subject to taxation
25 as ascertained by the last assessment for state and county

1 taxes, and-provided-furthermore-that-no NO money most may be
2 borrowed or bonds issued for the purposes herein specified
3 in this section until the proposition has been submitted to
4 the vote of the taxpayers affected-therby of the city or
5 town, affected thereby and the majority vote cast in its
6 favor thereof."

7 Section 22e. Section 11-1011, R.C.M. 1947, is amended
8 to read as follows:

9 "11-1011. Tax levy for band concerts. For the purpose
10 of providing band concerts as--in-this-act-provided, the
11 council or other governing body in any town or city of the
12 first, second, or third class or of any incorporated town
13 may assess and levy, in addition to the levy for general
14 municipal or administrative purposes, an amount not
15 exceeding to exceed one $\frac{1}{2}$ mill on the dollar on the assessed
16 taxable value of the taxable property of the said city or
17 town subject to taxation."

18 Section 23. Section 11-1019, R.C.M. 1947, is amended
19 to read as follows:

20 "11-1019. Operation of bus lines -- contracting
21 indebtedness. Whenever a city or town is not being served by
22 a bus company or operator operating on a regular schedule
23 and under the jurisdiction of the public service commission
24 or if such service is-to-be-or is likely to be discontinued
25 in the immediate future, the city or town council of any

1 incorporated city or town ~~shall--have--the--power--to~~ may
 2 contract an indebtedness of any such city or town upon the
 3 credit thereof by borrowing money or issuing bonds for the
 4 purchase, development, operation, or leasing of motor buses
 5 and bus lines for the transportation of passengers within
 6 the corporate limits of such cities and towns, and to
 7 operate the same to any point or points beyond ~~these~~
 8 limits not to exceed eight-tenths miles, measured along the
 9 route of ~~the~~ bus lines ~~provided--that--the~~ the total
 10 amount of indebtedness authorized to be contracted in any
 11 form, including the then-existing indebtedness, ~~must~~ may not
 12 at any time exceed five-per-centum-~~5~~ 1/2% of the total
 13 assessed-valuation taxable value of the taxable property of
 14 the city or town subject to taxation as ascertained by the
 15 last assessment for state and county taxes, and--provided
 16 further--~~that--no~~ money ~~must~~ may be borrowed or bonds
 17 issued for the purposes herein specified in this section
 18 until the proposition has been submitted to the vote of the
 19 taxpayers effected--thereby of the city or town and the
 20 majority vote cast in its favor thereof."

21 Section 24. Section 11-1301, R.C.M. 1947, is amended
 22 to read as follows:

23 "11-1301. Presentation of claims -- limitation of
 24 actions. All accounts and demands against a city or town
 25 must be presented to the council duly itemized. All claims

1 against a city or town shall contain the following
 2 statement: "I certify that this claim is correct and just in
 3 all respects, and that payment or credit has not been
 4 received." Claims need not be accompanied by affidavit by
 5 the party or his agent. These claims must be presented with
 6 all necessary and proper vouchers within one-tenth year from
 7 the date the same accrued, and--any ~~any~~ claim or demand not
 8 so presented within the ~~this~~ time aforesaid is forever
 9 barred, and the council has no authority to allow any
 10 account or demand not so presented, nor--must--any ~~no~~ action
 11 ~~may~~ be maintained against the city or town for or on account
 12 of any demand or claim against the ~~same~~ city or town until
 13 such demand or claim has first been presented to the
 14 council, for--action--thereon--provided--however--that--in
 15 case the total indebtedness of a city or town has reached
 16 three--per--centum--~~3~~ 1/2% of the total assessed-valuation
 17 taxable value of the taxable property of such the city or
 18 town subject to taxation as ascertained by the last
 19 assessment for state and county taxes, it--shall--be--lawful
 20 for--and--such ~~the~~ city or town is--hereby--authorized--and
 21 empowered--~~to~~ may conduct its affairs and business on a cash
 22 basis as provided and--contemplates by the--next--section--of
 23 ~~this~~ code 11-1302."

24 Section 25. Section 11-1909, R.C.M. 1947, is amended
 25 to read as follows:

1 "11-1909. Levy of tax for volunteer fire departments.
 2 For the purpose of supporting volunteer fire departments in
 3 any city or town which does not have a paid fire department,
 4 and for the purpose of purchasing the necessary equipment
 5 therefor for them, the council in any city or town may
 6 assess and levy, in addition to other levies permitted by
 7 law, a special tax not exceeding two-tenths mills on each
 8 dollar of the assessed--valuation taxable value of the
 9 taxable property of the city or town and--provided--further
 10 that--the--words--"assessed--valuation"--as--used--in--this--section
 11 shall--be--the--percentage--of--the--true--and--full--valuation--of
 12 the--taxable--property--provided--in--section--84-302--and--shall
 13 not--be--deemed--to--be--the--true--and--full--valuation--of--such
 14 property subject to taxation."

15 Section 26. Section 11-1919, R.C.M. 1947, is amended
 16 to read as follows:

17 "11-1919. State auditor to pay fire department relief
 18 association out of premium taxes collected from insurance
 19 companies. (1) At the end of the fiscal year, the state
 20 auditor shall issue and deliver to the treasurer of every
 21 city or town of the first and second class, for the use and
 22 benefit of the fire department relief association legally
 23 existing in every such the city or town, entitled by law to
 24 receive--the--same--out--of--the--premium--taxes--on--insurance
 25 risks--enumerated--in--subsection--(b)--collected--by--him--an

1 amount equal to ten--per--centum--to--one--percent of the total annual
 2 compensation paid by such city or town to its paid or
 3 part-paid firemen for services in the previous calendar
 4 year. This amount is paid out of the premium taxes on
 5 insurance risks enumerated in subsection (b) and collected
 6 by the state auditor. The city clerk of each such city or
 7 town shall certify in writing to the state auditor, on or
 8 before April 1 of each year, the amount so paid by such the
 9 city or town as compensation for services to paid or
 10 part-paid firemen.

11 (2) in--the--event--of--a--disaster--resulting--in--the--death
 12 or--injury--sufficient--to--draw--pension--of--ten--percent--to--one--percent
 13 of--the--active--force--when--10%--of--the--active--force--due--to--a
 14 disaster--suffers--injury--or--death--sufficient--to--draw--pension
 15 and when the fund of such the fire department relief
 16 association after receiving all moneys as designated in
 17 section 11-1911 and section 11-1912 and the ten--percent
 18 to--one--percent growth as referred
 19 to in section 11-1912, then the treasurer of such relief
 20 association shall request and the state auditor shall issue
 21 and deliver to the treasurer of every city or town of the
 22 first and second class, for the use and benefit of the fire
 23 department relief association legally existing in every the
 24 city or town entitled to receive the same, out--of--the
 25

1 premium--tax--collected--by--nim, an additional amount to show
 2 at least the one--fif--mill growth referred to in section
 3 11-1912. This amount is paid out of the premium tax
 4 collected by the state auditor.

5 (3) In the event a city of the first or second class
 6 is not entitled to receive a sum equal to forty-five-one
 7 hundredths--t45/100; 1 1/2 mills of its total assessed
 8 valuation taxable value under the foregoing method of
 9 computation, then--in--that--event, the fire department relief
 10 association of that city shall receive its money in the same
 11 manner as provided below for cities of the third class.

12 (4) At the end of the fiscal year, the state auditor
 13 shall issue and deliver to the treasurer of every city or
 14 town, except cities or towns of the first or second class,
 15 for the use and benefit of the fire department relief
 16 association legally existing in every such city or town
 17 entitled by law to receive the same, his warrant for an
 18 amount equal to forty-five-one--hundredths--t45/100; 1 1/2
 19 mills of the total assessed--valuation taxable value of the
 20 city or town. This amount is to be paid from premium taxes,
 21 after deducting cancellations and return premiums, collected
 22 by the state auditor--ex-officio--insurance--commissioner
 23 from insurers authorized to effect insurance on risks
 24 enumerated in subsection (6) of this section, as--said to
 25 which the cities or towns are each severally entitled to.

1 (5) The legally--organized--and--existing--fire--department
 2 relief--associations--in all cities or towns where the
 3 taxes on premiums collected and distributed pursuant to
 4 subsection (4) above ~~is~~ are insufficient to make an amount
 5 equal to one--hundred--dollars--t\$100; the fire department
 6 relief association shall receive such an additional amount
 7 from the total taxes on premiums collected from insurers
 8 authorized--to--effect--insurance--against of the risks
 9 enumerated in subsection (6) of this section as may be
 10 necessary to make the total amount received by said ~~the~~ fire
 11 department relief association equal to--the--sum--of--one
 12 hundred--dollars--t\$100.

13 (6) The risks referred to in subsection (4) ~~above~~ are
 14 enumerated--as--follows:

15 (a) insurance insurance of houses--buildings--and all
 16 other--kinds--of property and goods against loss or damage by
 17 fire or other casualty; and--all--kinds--of--insurance--on
 18 goods--merchandise--or--other--property--in--the--course--of
 19 transportation--whether--on--land--or--water--or--air;
 20 (b) insurance against loss or damage to motor vehicles
 21 resulting from accident, collision, or marine and inland
 22 navigation and transportation perils;
 23 (c) insurance of growing crops against loss or damage
 24 resulting from hail or the elements;
 25 (d) insurance against loss or damage by water to any

1 goods or premises arising from the breakage or leakage of
 2 sprinklers, pumps, or other apparatus;

3 ~~111 and insurance against loss or legal liability for
 4 loss because-of-damage-to-property caused by the--use--of
 5 teams or vehicles; and whether-by-accident-or-collision-or
 6 by-explosion-of-any-engine-or-tank-or-boiler-or-pipe-or-tire
 7 of-any-vehicle--and--also--including~~

8 ~~111 insurance against theft of the whole or any part
 9 of any vehicle."~~

10 Section 27. Section 11-2201, R.C.M. 1947, is amended
 11 to read as follows:

12 "11-2201. Special improvements -- powers of city
 13 council. ~~111 All streets, alleys, places, or courts in the~~
 14 ~~municipalities of this state, now open or dedicated or~~
 15 ~~which may hereafter be opened or dedicated to public use,~~
 16 ~~shall-be-deemed-and-held-to-be~~ are open public streets,
 17 alleys, places, or courts, for the purposes of this chapter,
 18 and the city council of each municipality ~~is--hereby~~
 19 empowered-to ~~may~~ establish and change the grades of ~~said the~~
 20 streets, alleys, places, or courts, and fix the width
 21 thereof, and ~~is--hereby--invested-with-jurisdiction-to~~ ~~may~~
 22 acquire private property for right-of-way, right-of-way and
 23 to order to be done any of the work mentioned in this
 24 chapter under the proceedings hereinafter described.

25 ~~Furtherly--that--in--addition--to--the--powers--heretofore~~

1 granted--when ~~121~~ When the public interest or convenience
 2 requires, the governing body of a municipality may:

3 ~~111 establish establish pedestrian malls;~~
 4 ~~121 prohibit prohibit, in whole or in part,~~
 5 ~~vehicular traffic on a pedestrian mall;~~

6 ~~131 Pay pay, from general funds of the municipality~~
 7 or other available moneys or from the proceeds of
 8 assessments levied on lands benefited by the establishment
 9 of a pedestrian mall, the damages, if any, allowed or
 10 awarded to any property owner by reason of the establishment
 11 of a pedestrian mall, provided--that--the ~~1he~~ resolution of
 12 intention contains ~~must~~ contain a statement that an
 13 assessment will be levied to pay the whole or a stated
 14 portion of such damages, if any, allowed or awarded to any
 15 property owner by reason of the establishment of such
 16 pedestrian mall;

17 ~~141 construct construct improvements on public~~
 18 ~~streets which that have been or will be established as a~~
 19 ~~pedestrian mall, improvements--of--any--kind--or--nature~~
 20 ~~necessary--or--convenient--to--the--operation--of--such--streets--as~~
 21 ~~a--pedestrian--mall~~ including but not limited to paving,
 22 sidewalks, curbs, sewers, covered walkways or areas, air
 23 conditioning, drainage works, street lighting facilities,
 24 fire protection facilities, flood protection facilities,
 25 water distribution facilities, vehicular parking areas,

1 retaining walls, landscaping, tree planting, statuary,
 2 fountains, decorative structures, benches, rest rooms, child
 3 care facilities, display facilities, information booths,
 4 public assembly facilities, and other structures, works, or
 5 improvements necessary or convenient to serve members of the
 6 public using such pedestrian malls, including the
 7 reconstruction or relocation of existing municipally owned
 8 works, improvements, or facilities on such streets. Such the
 9 improvements or structures may be attached to abutting
 10 private buildings or structures, provided that ~~even the~~ the
 11 improvements or structures ~~shall-be~~ are located on public
 12 property.

13 ~~to~~¹³ It is further provided that in addition to the
 14 purposes for which an improvement district may be formed, as
 15 heretofore set forth, an improvement district may also be
 16 formed for the sole purpose of the operation, maintenance,
 17 repair, and improvements of operating, maintaining,
 18 repairing, and improving pedestrian malls, off-street
 19 parking facilities, and parkings and parkways.

20 ~~to~~¹⁴ Subject to the powers granted and the
 21 limitations contained in this section, the powers and duties
 22 of the municipality and the procedure to be followed shall
 23 be as provided in this ~~article~~ chapter for other types
 24 of special improvement districts.

25 ~~to~~¹⁵ If a petition for the formation of an

1 improvement district under the provisions of this section is
 2 presented to the governing body purporting to be signed by
 3 all of the real property owners in the proposed district,
 4 exclusive of mortgagees and other lien holders, the
 5 governing body, after verifying such ownership and making a
 6 finding of ~~such the~~ fact, shall adopt a resolution of
 7 intention to order the improvement pursuant--to--the
 8 provisions-of-section as provided in 11-2204 and shall have
 9 immediate jurisdiction to adopt the resolution ordering the
 10 improvement pursuant to the following provisions, without
 11 the necessity of the publication and posting of the
 12 resolution of intention provided for in section 11-2204.

13 ~~to~~¹⁶ The governing body shall make annual statements
 14 and estimates of the expenses of the district, which shall
 15 be provided for by the levy and collection of ad valorem
 16 taxes upon the ~~assessed~~ taxable value of all the real and
 17 personal property in the district, shall publish notice
 18 thereof, and shall have hearings thereon ~~on the statements~~
 19 ~~and estimates~~ and adopt them ~~at the times and in the manners~~
 20 as provided for incorporated cities and towns by the
 21 applicable--portions--of--sections 11-2204 and 11-2206. The
 22 governing body, on or before the second Monday in August of
 23 each year, shall fix, levy, and assess the amount to be
 24 raised by ad valorem taxes upon all of the property of the
 25 district. All statutes providing for the levy and collection

1 of state and county taxes, including the collection of
 2 delinquent taxes and sale of property for nonpayment of
 3 taxes, shall be applicable to the district taxes provided
 4 for under this section.

5 ~~171~~ An improvement district formed for the purposes
 6 of establishing a pedestrian mall or off-street parking may
 7 be financed in accordance with the provisions of section
 8 11-2214v-Rv-Ev-Ms-1947, and/or in accordance with the
 9 methods of financing set forth for the construction of water
 10 or sewer systems as set forth in section 11-2218v-Rv-Ev-Ms
 11 1947.

12 ~~181~~ Create the governing body may create special
 13 lighting districts on any street or streets or public
 14 highway ~~therein-or-portions--thereof~~ for the purposes of
 15 lighting ~~such--street--or--streets--or--public--highway--and--is~~
 16 hereby-empowered-to ~~them~~ and assess ~~such~~ the costs for
 17 installation and maintenance to property abutting thereto
 18 and to collect ~~such~~ the costs by special assessment against
 19 ~~the~~ property.

20 ~~191~~ Further, that-in-addition-to-the-powers-heretofore
 21 granted the city or town council is-empowered-to ~~may~~ make
 22 assessments in the manner provided in section 11-2245
 23 hereafter on property abutting ~~the~~ street or highway
 24 and lying outside the boundaries of ~~the~~ city or town
 25 so as long as that portion of the street or public highway

1 to be lighted is adjacent to the boundary line of ~~the~~ said the
 2 city or town or lies partially within ~~the~~ said the city or
 3 town or extends from one point within ~~the~~ said the city or town
 4 to another point within ~~the~~ said the city or town."

5 Section 28. Section 11-2205, R.C.M. 1947, is amended
 6 to read as follows:

7 "11-2205. Assessment of extended district including
 8 lots not fronting on improvement. Whenever the contemplated
 9 work of improvement, in the opinion of the city council, is
 10 of more than local or ordinary public benefit, or whenever,
 11 according to estimates furnished by the city engineer, the
 12 total estimated costs and expenses thereof would exceed
 13 one-half $\frac{1}{2}$ of the total assessed taxable value of the lots
 14 and lands assessed,--if--assessed--upon--the--lots--or--lands
 15 fronting upon said proposed work or improvement, according
 16 to the valuation fixed by the last assessment roll, whereon
 17 it-was-assessed-for-taxes-for-municipal-purposes, the city
 18 council may make charge the expenses of ~~such~~ the work or
 19 improvement chargeable-upon to an extended district and
 20 which ~~that~~ may include other lots not fronting on the
 21 improvement, and which the said city council shall, in its
 22 resolution of intention, declare to be the district
 23 benefited by ~~the~~ work or improvements and-to-be
 24 assessed-to-pay-the-costs-and-expenses-thereof."

25 Section 29. Section 11-2303, R.C.M. 1947, is amended

1 to read as follows:

2 "11-2303. Limitation on amount of indebtedness. No
 3 city or town shall ~~may~~ issue bonds for any purpose in an
 4 amount which, with all outstanding and unpaid indebtedness,
 5 will exceed five-per-centum-~~plus~~ 18% of the ~~assessed taxable~~
 6 value of the ~~taxable~~ property therein ~~subject to taxation~~,
 7 to be ascertained by the last assessment for state and
 8 county taxes, ~~provided~~-~~however~~-~~that~~-~~for~~ for the purpose
 9 of constructing a sewerage system, or procuring a water
 10 supply, or constructing or acquiring a water system for a
 11 city or town which shall own and control ~~such~~ the water
 12 supply and water system and devote the revenues therefrom to
 13 the payment of the debt, a city or town may incur an
 14 additional indebtedness by borrowing money or issuing bonds.
 15 The additional ~~total~~ indebtedness ~~which~~ that may be incurred
 16 by borrowing money or issuing bonds for the construction of
 17 a sewerage system, or for the procurement of a water supply,
 18 or for both such purposes, including all indebtedness
 19 theretofore contracted, which is unpaid or outstanding,
 20 shall ~~not~~ in the aggregate exceed ten-per--centum--~~plus~~
 21 over and above the five-per--centum-~~plus~~ 18% heretofore
 22 referred to of the total ~~taxable~~ value of the ~~taxable~~
 23 property therein ~~subject to taxation~~ as ascertained by the
 24 last assessment for state and county taxes. The issuing of
 25 bonds for the purpose of funding or refunding outstanding

1 warrants or bonds shall ~~is not~~ be-deemed the incurring of a
 2 new or additional indebtedness, but shall--~~be~~-deemed is
 3 merely the changing of the evidence of outstanding
 4 indebtedness."

5 Section 30. Section 11-3921, R.C.M. 1947, is amended
 6 to read as follows:

7 "11-3921. Allocation of taxes. (1) Any urban renewal
 8 plan, as defined in section 11-3901, may contain a provision
 9 or be amended to contain a provision providing that taxes
 10 levied on taxable property in an urban renewal area each
 11 year by or for the benefit of the state, any city, county,
 12 or other political subdivisions for which taxes are levied,
 13 ~~thereafter-referred-to-as-taxing-bodies~~ shall be allocated,
 14 after the effective date of such provision as provided in
 15 subsections (3) and (4) of this section.

16 (2) For the purposes of this section:

17 (a) "prior ~~assessed taxable~~ value" means the ~~assessed~~
 18 ~~taxable~~ value of the ~~taxable~~ property in the urban renewal
 19 area ~~subject to taxation~~ as shown on the assessment roll
 20 last equalized prior to the effective date of the urban
 21 renewal plan, ~~notwithstanding~~ ~~Notwithstanding~~ the
 22 provisions of this act, any increase resulting from a
 23 comprehensive revaluation of all property within the county
 24 may be applied to the property for the purpose of
 25 determining the "prior ~~assessed taxable~~ value".

1 (b) the word "taxes" includes, but is not limited to
 2 all levies on an ad valorem basis upon land or real
 3 property;

4 (1) "taxing body" is any city, county, or other
 5 political subdivision for which taxes are levied.

6 (3) The portion of taxes produced by levies for a
 7 taxing body upon the total sum of the prior assessed taxable
 8 value of the taxable property in the urban renewal area
 9 subject to taxation shall be allocated and paid into the
 10 funds of the taxing body like taxes paid by or for the
 11 taxing body on all other property. For the purpose of
 12 allocating taxes levied by a taxing body that did not
 13 include the urban renewal area on the effective date of the
 14 provision allocating the taxes but to which the urban
 15 renewal area has since been annexed or otherwise included,
 16 the assessment roll of the county last equalized prior to
 17 the effective date of the provision shall be used in
 18 determining the prior assessed taxable value.

19 (4) The portion of taxes levied by such the taxing
 20 body each year in excess of the amount levied under
 21 subsection (3) shall be paid by the county treasurer into a
 22 special fund held by the city treasurer to pay the principal
 23 and interest on bonds issued under authority of section
 24 11-3910, except that taxes for the payment of all bonds and
 25 interest of each taxing body must be levied against all

1 taxable property within the taxing body without limitation
 2 by the provisions of this subsection. Until the actual
 3 assessed valuation taxable value of all property in the
 4 urban renewal area exceeds the prior assessed taxable value
 5 of all taxable property within such area, the actual
 6 assessed taxable value of all property shall be used for
 7 taxation purposes.

8 (5) The portion of taxes allocated in subsection (4)
 9 above and the special fund into which they are paid, may be
 10 pledged by a municipality for the payment of the principal
 11 and interest on bonds issued under the authority of section
 12 11-3910, or bonded indebtedness incurred by a municipality
 13 to refinance in whole or in part the urban renewal project.
 14 Prior to the sale of any bonds, there shall be ~~set~~ an
 15 election under sections 11-2308 and 11-2309 approving such
 16 sale, or ~~to~~ a petition for the sale signed by the owners of
 17 record of at least fifty-one--percent--~~51%~~ of the land
 18 within the urban renewal district.

19 (6) After all bonds and interest have been paid, all
 20 monies money received from taxes upon property within the
 21 urban renewal area shall be allocated as taxes on all other
 22 property."

23 Section 31. Section 11-4111, R.C.M. 1947, is amended
 24 to read as follows:

25 "11-4111. Levy authorized -- uses -- restrictions. (1)

1 Upon an affirmative vote of a majority of the qualified
 2 voters voting in a city, county, or town on the question of
 3 whether the governing body may levy a tax for economic
 4 development, the governing body of that city, county, or
 5 town is authorized to levy in any one election up to one
 6 ~~tit~~ mill upon the assessed taxable value of all the taxable
 7 property in the county, city, or town subject to taxation
 8 for the purpose of economic development, for a period not to
 9 exceed ~~five-t~~ years--by--any--one--election.

10 (2) Funds derived from this levy may be used for
 11 purchasing land for industrial parks, constructing buildings
 12 to house manufacturing and processing operations, conducting
 13 preliminary feasibility studies, promoting economic
 14 development opportunities in a particular area, and other
 15 activities generally associated with economic development.
 16 These funds may not be used to directly assist an industry's
 17 operations by loan or grant nor ~~or~~ to pay the salary or
 18 salary supplements of government employees.

19 (3) The governing body of the county, city, or town
 20 may use the funds derived from this levy to contract with
 21 local development companies, and other associations or
 22 organizations capable of implementing the economic
 23 development functions."

24 Section 32. Section 14-307, R.C.M. 1947, is amended to
 25 read as follows:

1 "14-307. Lien of corporate indebtedness upon
 2 membership lands. From-and--after After the date of the
 3 inclusion of any land or property as a member thereof in any
 4 corporation, or district, organized under the provisions
 5 hereof of this section, all mortgage or bonded indebtedness
 6 thereafter created by such corporation, or district--shall
 7 be-deemed is a first lien upon such the membership lands to
 8 the an extent of not to exceed five--per--cent 18% of the
 9 assessed--valuation taxable value thereof if the same--shall
 10 be land is grazing or agricultural, and not to exceed ten
 11 per--cent 36% of the assessed--valuation taxable value thereof
 12 if the same--shall--be land is horticultural or
 13 vegetable-producing lands. The recording of the copy of the
 14 articles of incorporation or petition to become a member of
 15 such corporation or district--shall be is notice to all
 16 subsequent lien claimants that such the lands are subject to
 17 a first lien of--not--to--exceed--the--amount--specified--herein
 18 provided. However, nothing herein--shall in--this--section may
 19 be construed as placing a limit upon the indebtedness that
 20 may be made a lien against any of the corporate or property
 21 assets of the corporation or district, as distinguished
 22 from membership lands individually owned--and--included
 23 therein--for--the--purposes--hereof."

24 Section 33. Section 16-502, R.C.M. 1947, is amended to
 25 read as follows:

1 "16-502. Basis of taxation upon creation of new county
 2 -- terms used in law defined. For the purposes of this act,
 3 the assessed valuation of all property, whether included
 4 within the boundaries of a proposed new county or remaining
 5 within the boundaries of any existing county or counties
 6 from which territory is taken, shall be fixed and determined
 7 on the same basis as is used for the imposition of taxes in
 8 the state of Montana--to-wite--by-taking-the-percentage-of
 9 the true-and-fair-value--of--all--taxable--property--in--any
 10 county-specified-by-section-84-302.

11 Whenever--in--this--act--the--term--"assessed--valuation"--or
 12 "valuation--based--on--the--last--assessment--not>--is--used--said
 13 terms--shall--be--construed--as--meaning--taxable--valuation
 14 determined--as--herein--provided--not--the--fair--and--true
 15 valuation--of--property--"

16 Section 34. Section 16-807, R.C.M. 1947, is amended to
 17 read as follows:

18 "16-807. Limit of indebtedness. No county may become
 19 indebted in any manner or for any purpose to an amount,
 20 including existing indebtedness, in the aggregate exceeding
 21 five-per-centum 18% of the assessed taxable value of the
 22 taxable property therein subject to taxation, to-be as
 23 ascertained by the last assessment for state and county
 24 taxes previous to the incurring of such indebtedness, and
 25 all bonds or obligations in excess of such amount given

1 by or on behalf of such the county are void. No county may
 2 incur any indebtedness or liability for any single purpose
 3 to an amount exceeding forty--thousand-dollars--(\$40,000)
 4 without the approval of a majority of the electors thereof
 5 voting at an election to be provided by law, except as
 6 provided in sections 16-1407-1 and 16-1407-2."

7 Section 35. Section 16-808, R.C.M. 1947, is amended to
 8 read as follows:

9 "16-808. Counties indebted beyond constitutional limit
 10 may operate on cash basis. That--in case the total
 11 indebtedness of a county, lawful when incurred, by reason of
 12 great diminution of assessed value exceeds the limit of five
 13 per--centum--(5%) 18%, by reason of great diminution of
 14 taxable value, it--shall--be--lawful--for--said the county and it
 15 is--hereby--authorized--and--empowered--to--thereafter--manage--and
 16 may conduct its business affairs on a cash basis and pay the
 17 reasonable and necessary current expenses of said the county
 18 out of the cash in the county treasury and derived from its
 19 current revenue and under such restrictions and regulations
 20 as may be imposed by the board of county commissioners of
 21 said the county by a resolution duly adopted and spread upon
 22 included in the minutes of said the board, provided
 23 however--that--nothing--herein--shall--restrict Nothing in this
 24 section--restricts the right of said the board to make the
 25 necessary tax levies for interest and sinking fund purposes.

1 and provided further that nothing herein--shall--effect in
 2 this section affects the right of any creditor of said the
 3 county to pursue any remedy now given him by law to obtain
 4 payment of his claim."

5 Section 36. Section 16-1152, R.C.M. 1947, is amended
 6 to read as follows:

7 "16-1152. Tax levy for payment of warrants. The board
 8 of county commissioners shall annually determine the amount
 9 of such the warrants drawn on the general fund for the
 10 purposes of controlling insect pests under a cropland
 11 spraying program approved by the department of agriculture,
 12 and in the succeeding year, the board shall levy a tax for
 13 the purpose of insect pest extermination sufficient in
 14 amount to reimburse said the general fund for the money so
 15 paid out on such the warrants, which said the tax shall be
 16 levied upon all the property in the county and shall not
 17 exceed three-~~1/3~~ mills on each dollar of assessed-valuation
 18 taxable value. If there be is no money in the general fund
 19 with which to pay such warrants, they shall be registered
 20 and bear interest in the same manner as other county
 21 warrants, but--in--such in this case the interest shall be
 22 computed and added to the amount for which such tax is
 23 levied."

24 Section 37. Section 16-1412, R.C.M. 1947, is amended
 25 to read as follows:

1 "16-1412. Budget for district fairs -- consideration
 2 by county commissioners -- tax levy -- district fair fund --
 3 expenditures. (1) ~~Aside--from--the--revenue--derived--from~~
 4 ~~annual--fairs--or--other--exhibitions--conducted--the--necessary~~
 5 ~~revenue--shall--be--raised--as--follows--the~~ to raise the revenue
 6 necessary to hold district fairs, the board of directors
 7 shall meet during the first week of May of each year and
 8 shall make a budget of the amounts required in the conduct
 9 of the affairs of the district for the following year, and
 10 the board shall deduct therefrom from the budget the
 11 probable income from the annual district fair and other
 12 exhibitions to be held by said the district during the
 13 following year and shall then apportion the remaining
 14 balance among the various counties forming said the district
 15 in proportion to the assessed property of each county as
 16 determined by the assessment rolls of the preceding year,
 17 ~~so--in--the--case--of by mutual agreement of the directors,~~
 18 the share apportioned to the county in which the fair is
 19 being conducted--in--which--county--the--levy--may--by--mutual
 20 agreement--of--the--directors may be made larger than in other
 21 counties comprising the district, and--the the secretary
 22 shall certify to each board of county commissioners the
 23 amount of said the budget and the amount of revenue to be
 24 raised by such the county for such these purposes, and shall
 25 file a certified copy thereof with the clerk of the board of

1 county commissioners of each of the counties in ~~said the~~
 2 district on or before the-first-day-of June 1 of each year.
 3 The respective boards of county commissioners of the
 4 counties comprising ~~the district~~ shall meet in joint
 5 assembly with their county fair commissioners during the
 6 first week of June of each year and shall jointly consider
 7 the budget proposed by the board of directors of the
 8 district and shall give such approval or suggest such
 9 amendments or modifications as to-them-may-see ~~they think~~
 10 proper and desirable.

11 (2) If the county commissioners shall fail to hold
 12 such the joint meetings or shall fail to take any action,
 13 then the budget certified by the secretary of the fair
 14 district shall be without further action deemed approved
 15 and the sums of money apportioned to the county shall be the
 16 sums to be raised by special levy for ~~said this~~ purpose. For
 17 the purpose of raising the aforesaid revenues, the board of
 18 county commissioners of each county in the district shall
 19 annually make a levy to raise the required sum apportioned
 20 to the respective counties provided-however-that ~~However,~~
 21 the ~~said~~ levy shall not exceed one-half mill on the dollar of
 22 the ~~assessed-valuation taxable~~ value of all the taxable
 23 property in the county, except in the case of the county in
 24 which the fair is being conducted, in-which ~~in this~~ county,
 25 the levy shall not exceed one-and-one-half-~~1 1/2~~ mills on

1 the dollar of taxable property in the county, in ~~in~~
 2 addition thereto to ~~this~~ levy any and all moneys available
 3 to for the holding of county fairs may be allotted and
 4 transferred to the use of the district fair as the
 5 respective county-fair commissioners may elect, the ~~the~~
 6 funds available to a district fair shall, on the first
 7 Monday in August or as soon thereafter as may be possible,
 8 be deposited with the county treasurer of the county in
 9 which the district fair is to be held and ~~by--him--and~~
 10 credited to a fund to be known as the district fair funds,
 11 held and paid out in the same manner as the county fair
 12 fund, except that it shall be paid out on district fair
 13 board warrants signed by the chairman or the vice-chairman
 14 and the secretary of the district fair board, provided that
 15 the ~~the~~ treasurer of the county in which the district fair
 16 shall be held shall carry the moneys received from the
 17 various counties in the district in the regular county fair
 18 fund in the same manner as regular county fair moneys,
 19 payable, however, only on district fair warrants."

20 Section 38. Section 16-2010.1, R.C.M. 1947, is amended
 21 to read as follows:

22 "16-2010.1. Limit on city-county consolidated
 23 indebtedness. No city-county consolidated local government
 24 may issue bonds for any purpose which, with all outstanding
 25 indebtedness, will ~~not~~ exceed seven-and-one-half-percent--~~1/2~~

1 ~~ty2%~~ 27% of the assessed taxable value of the taxable
 2 property therein subject to taxation, to be as ascertained
 3 by the last assessment for state and county taxes,
 4 provided--however--that However, for the purpose of
 5 constructing a sewerage system or procuring a water supply
 6 or constructing or acquiring a water system for a
 7 city-county consolidated government, which shall own and
 8 control such water supply and water system and devote the
 9 revenues therefrom to the payment of the debt, a city-county
 10 consolidated government may incur an additional indebtedness
 11 by borrowing money or issuing bonds. The additional
 12 indebtedness, which may be incurred by borrowing money or
 13 issuing bonds for the construction of a sewerage system or
 14 for the procurement of a water supply, or for both such
 15 purposes, ~~including-all-indebtedness-theretofore-contracted~~
 16 which-is-unpaid-or-outstanding, may not in the aggregate
 17 exceed ten--percent--~~10%~~ over and above the seven-and
 18 one-half-percent--~~7-ty2%~~ 27% heretofore referred to of the
 19 assessed taxable value of the taxable property therein
 20 subject to taxation as ascertained by the last assessment
 21 for state and county taxes. The issuing of bonds for the
 22 purpose of funding or refunding outstanding warrants or
 23 bonds is not the incurring of a new or additional
 24 indebtedness, but is merely the changing of the evidence of
 25 outstanding indebtedness."

1 Section 39. Section 16-4020, R.L.M. 1947, is amended
 2 to read as follows:
 3 "16-4020. Disposal of property -- leasing -- sale. (1)
 4 Each county to which any part of an abandoned and abolished
 5 county is attached ~~and-made-a-part-and-becoming becomes~~ the
 6 owner under the provisions of this act of the real and any
 7 tangible personal property of ~~an~~ the abandoned and abolished
 8 county ~~and~~ may use all of ~~such~~ this property for county
 9 purposes, or may lease any of ~~such~~ this real estate, or may
 10 sell any of ~~such~~ the real estate or personal property.
 11 ~~12~~ provided--that--no--such ~~No~~ personal property having
 12 a value in excess of one-hundred-dollars--~~(\$100.00)~~ shall be
 13 sold--unless--the--same ~~may~~ be sold unless it has been
 14 appraised within one 1 year immediately prior to the date of
 15 sale by three taxpayers--residing ~~who reside~~ within the
 16 territory ~~embraced-within-the-boundaries~~ of the abandoned
 17 and abolished county, ~~and~~ who were appointed by the judge of
 18 the district court to which the county succeeding to the
 19 ownership of ~~such~~ the property is attached, on petition of
 20 the board of county commissioners thereof, ~~and~~ no ~~No~~ sale
 21 of any ~~such~~ personal property shall ~~may~~ be made except at
 22 public sale after notice or for a price less than ninety-per
 23 centum--~~90%~~ of ~~such~~ the appraised value.
 24 ~~13~~ ~~No~~ such real property shall ~~may~~ be leased
 25 unless the board of county commissioners ~~shall~~--present

1 presents to the judge of the district court to which the
 2 county is attached a petition describing the real estate,
 3 with any improvements thereon, and setting forth the terms
 4 of the proposed leases, and the same ~~the petition~~ shall be
 5 approved by such ~~the judge~~ which ~~approves~~ shall be endorsed
 6 on--such--petition and filed in the office of the clerk of
 7 said county.

8 ~~(3714)~~ No real estate shall ~~may~~ be sold by ~~said~~ the
 9 board of county commissioners unless the same property has
 10 been appraised within one year immediately prior to the
 11 date of sale by three taxpayers residing ~~who reside~~ within
 12 the territory ~~embraced--within--the--boundaries~~ of the
 13 abandoned and abolished county, and ~~who were~~ appointed by
 14 the judge of the district court to which the county is
 15 attached, on petition of the board of county commissioners
 16 of such county, and every such ~~every~~ sale of real estate
 17 shall be made at public sale, and notice of such sale shall
 18 be published once a week for at least two weeks immediately
 19 prior to the date for holding the same, in the official
 20 newspaper of the county, and no such real estate shall be
 21 sold for a price less than ninety per centum (90%) of the
 22 appraised value thereof.

23 ~~(4715)~~ The full purchase price of any real estate so
 24 sold shall not be required to be made in one payment but the
 25 purchaser thereof may pay the same in four installments, the

1 first of which shall be not less than twenty five per centum
 2 (25%) of the purchase price to be paid at the time of
 3 purchase, the remainder to be paid in three equal annual
 4 installments with interest thereon at not less than five per
 5 centum (5%) per annum. All real estate sold, with any
 6 improvements thereon, shall be subject to assessment and
 7 taxation annually to the purchaser or his successor in
 8 interest, at a value equal to the amount paid on the
 9 purchase price thereof until the purchase price is fully
 10 paid when such real estate shall be assessed at its full
 11 cash value, and any and all improvements placed on any such
 12 real estate, after its purchase, shall be subject to
 13 assessment and taxation at the full cash value thereof.
 14 Whenever the purchase price of any real estate is to be paid
 15 in installments the board of county commissioner shall enter
 16 into a contract with the purchaser thereof and such contract
 17 shall be recorded in the office of the county clerk. When
 18 payment in full has been made for any personal property or
 19 real estate the chairman of the board of county
 20 commissioners shall execute and deliver the proper bill of
 21 sale or deed to the purchaser or his successor in interest.

22 ~~(5716)~~ The compensation of all appraisers appointed
 23 under the provisions of this section shall be fixed by the
 24 district judge appointing the same. Moneys received from
 25 leases or sales of real or personal property by any county

1 other than the county designated in the petition for
 2 abandonment as the county to which the territory of the
 3 abandoned county is to be allocated shall be transmitted by
 4 the officers of such counties to the treasurer of the county
 5 designated in such petition for abandonment.

6 ~~(b)(1)~~ All moneys received from the sales of personal
 7 property and from the leasing or sales of real estate, after
 8 deducting therefrom the amounts paid appraisers and for
 9 publishing notices of sale, shall be used and applied as
 10 follows:

11 If there are any warrants issued and outstanding
 12 against any of the funds of the abandoned and abolished
 13 county, such moneys shall be applied in payment of such
 14 warrants and interest;

15 ~~(b)~~ if there are no such warrants outstanding but
 16 district bonds have been issued under the provisions of
 17 subdivision (b) of section 16-4016, then such ~~the~~ moneys
 18 shall be deposited in the sinking and interest fund for such
 19 district bond bonds;

20 ~~(c)~~ if there ~~be~~ are no such district bonds
 21 outstanding, then such ~~the~~ moneys shall be deposited to the
 22 credit of the sinking and interest funds for bonds issued
 23 and outstanding when the abandoned and abolished county
 24 ceased to exist; and

25 ~~(d)~~ if there ~~be~~ are no such bonds outstanding and

1 unpaid, then such ~~the~~ moneys shall be apportioned to all of
 2 the counties to which parts of the abandoned county were
 3 attached in the proportion which the assessed--valuation
 4 ~~taxable value~~ of the property in each such part on the first
 5 day of January 1 immediately preceding the abandonment bears
 6 to the assessed--valuation ~~taxable value~~ of all the property
 7 in such ~~the~~ abandoned county, and ~~the apportioned moneys~~
 8 shall be deposited in such ~~the~~ funds of such ~~each~~ county as
 9 the boards of county commissioners of such ~~the~~ counties may
 10 direct."

11 Section 40. Section 32-3107, R.C.M. 1947, is amended
 12 to read as follows:

13 ~~(32-3107. Report of county road superintendent --~~
 14 ~~order creating district. (1) At the next annual meeting of~~
 15 ~~the board after the road superintendent has completed~~
 16 ~~surveying the road and making estimates, he shall make a~~
 17 ~~detailed report. (2) The report shall state that the maps,~~
 18 ~~descriptions, plans, specifications, and details and~~
 19 ~~estimates of damages, costs, and expenses have been~~
 20 ~~completed.~~

21 ~~(2) The whole amount of damages, costs, and expenses~~
 22 ~~shall not exceed fifty-per-cent--(50%) 125% of the total~~
 23 ~~assessed--valuation ~~taxable value~~ of the parcels of land in~~
 24 ~~the district, as determined from the last annual assessment~~
 25 ~~roll of the county. If it does not, the board shall make and~~

1 enter upon the report an order that the road be made

2 (3) That order shall create the local improvement
3 district to be known and designated as local improvement
4 district No. in county, Montana. Copies of the
5 report shall be kept in the offices of the board and road
6 superintendent."

7 Section 41. Section 46-1914, R.C.M. 1947, is amended
8 to read as follows:

9 "46-1914. Levy of tax for purpose of paying for
10 destruction of wild animals -- limitation on levy. The
11 department of revenue shall annually prescribe the levy
12 recommended by the department to be made against livestock
13 of all classes for paying for the destruction of wild
14 animals killed in this state. The tax in any one year may
15 not exceed ~~one--and--one-half--t1-t27~~ ~~4.5~~ mills on the
16 ~~assessed--valuation taxable value~~ of the livestock. The money
17 received shall be used only for the payment of claims for
18 the destruction of wild animals and for the administration
19 of this act, approved by the department. The money received
20 for the taxes levied shall be sent annually with other taxes
21 ~~for-state-purposes~~ to the state treasurer by the county
22 treasurer of each county, ~~and--when when the money is~~
23 received by the state treasurer, it shall be placed in the
24 earmarked revenue fund, and the money may then be paid out
25 on claims approved under the law governing the payment of

1 claims.⁴

2 Section 42. Section 53-114, R.C.M. 1947, is amended to
3 read as follows:

4 "53-114. Application for registration of motor
5 vehicles and payment of license fees thereon -- assessment
6 of motor vehicles in the stock of licensed motor vehicle
7 dealers as merchandise. (1) Every owner of a motor vehicle
8 operated or driven upon the public highways of this state
9 shall, for each motor vehicle owned, except as herein
10 otherwise expressly provided, file or cause to be filed in
11 the office of the county treasurer wherein where such the
12 motor vehicle is owned or taxable an application for
13 registration or reregistration upon a blank form to be
14 prepared and furnished by the registrar of motor vehicles,
15 which the application shall contain:

16 (a) Name name and address of owner, giving county,
17 school district, and town or city within whose corporate
18 limits the motor vehicle is taxable;

19 (b) Name name and address of conditional sales vendor,
20 mortgagee, or holder of other lien against said the motor
21 vehicle, with statement of amount owing under such contract
22 or liens.

23 (c) Description description of motor vehicle,
24 including make, year model, engine or serial number,
25 manufacturer's model or letter, gross weight, type of body,

1 and if truck, the rated capacity:

2 (d) In in case of reregistration, the license number
3 for the preceding year; and

4 (e) Such such other information as the registrar of
5 motor vehicles may require.

6 (2) Whoever A person who files an application for
7 registration or reregistration of a motor vehicle, except of
8 a mobile home as defined in section 84-101, Rv-6-1947,
9 shall before filing such application with the county
10 treasurer submit the same to the county assessor of said the
11 county, and said the county assessor shall enter on said the
12 application in a space to be provided for that purpose, the
13 full-and-true-and-the-assessed-valuation market value AND
14 TAXABLE VALUE of said the vehicle for the year for which
15 said the application for registration is made.

16 (3) Whoever A person who files an application for
17 registration or reregistration of a motor vehicle, except of
18 a mobile home as defined in section 84-101, Rv-6-1947,
19 shall upon the filing of said the application to pay to the
20 county treasurer the registration fee, as provided in
21 section 53-122 and section 53-115, and shall also at such
22 time to pay the personal property taxes assessed or the new
23 motor vehicle sales tax against said the vehicle for the
24 current year of registration, unless the same shall have
25 been theretofore paid for said the year, before the

1 application for registration or reregistration may be
2 accepted by the county treasurer. The county treasurer is
3 hereby-empowered-to may make full and complete investigation
4 of the tax status of said the vehicle, and any any applicant
5 for registration or reregistration must submit proof with
6 respect thereto from the tax records of the proper county at
7 the request of the county treasurer.

8 (4) The amount of taxes on said the motor vehicle,
9 except a mobile home as defined in section 84-101, Rv-6-1947,
10 shall be is computed and determined by the county
11 treasurer on the basis of the levy of the year preceding the
12 current year of application for registration or
13 reregistration, and such the determination shall be is
14 entered on the application form in a space provided
15 therefor.

16 (5) Motor vehicles, except mobile homes as defined in
17 section 84-101, Rv-6-1947, are hereby-declared-to-be
18 assessable assessed for taxation-as-of-and taxes on the
19 first-day-of January 1 in each year irrespective of the time
20 fixed by law for the assessment of other classes of personal
21 property and irrespective of whether or-not the levy and
22 tax may be a lien upon real property within the state of
23 Montana, provided-that-in in no event shall any motor
24 vehicle be subject to assessment, levy, and taxation more
25 than once in each year.

1 (6) The applicant for original registration of any
 2 wholly new and unused motor vehicle, except a mobile home as
 3 defined in section 84-101, R.C.M. 1947, acquired by
 4 original contract after the-first-day-of January 1 of any
 5 year shall be required, whenever such vehicle has not been
 6 otherwise assessed, to pay the motor vehicle sales tax
 7 provided by section 32-3315, R.C.M. 1947, irrespective of
 8 whether or-not-such the vehicle was in the state of Montana
 9 on the-first-day-of January 1 of such the year.

10 (7) Upon accepting application for registration or
 11 reregistration of any motor vehicle which is subject to
 12 taxation in this state on January 1 in any year, and upon
 13 payment of taxes, the county treasurer shall stamp on said
 14 the application: "taxes on this vehicle due January 1 of
 15 current year paid by applicant, prior applicant, or owner,
 16 and this vehicle is eligible for registration." Upon
 17 accepting application for registration of any motor vehicle
 18 which was not subject to taxation in this state on January
 19 1st 1 in any year, the county treasurer shall indicate such
 20 the fact by proper entry on said the application.

21 (8) The registrar of motor vehicles shall--have
 22 authority-to may make proper entry of the payment of taxes
 23 in accord with the facts on any certificate of title to any
 24 a motor vehicle respecting payment-of-taxes-in--accord--with
 25 the-facts.

1 (9) Motor vehicles subject to anniversary date
 2 registration as provided in sections 53-154 through 53-162
 3 are exempt from the provisions of subsections (5), (6), and
 4 (7) of this section."

5 Section 43. Section 53-1025, R.C.M. 1947, is amended
 6 to read as follows:

7 "53-1025. Display of tax-paid decals on snowmobiles
 8 required -- application and issuance. ~~for~~ ~~in~~ No snowmobile
 9 shall may be operated by any person in the state of Montana
 10 unless there is displayed in a conspicuous place thereon ~~on~~
 11 it a decal as visual proof that Montana personal property
 12 taxes have been paid thereon ~~on~~ it for the current year.

13 ~~121~~ Application for the issuance--of--such tax-paid
 14 decal shall be made to the county treasurer upon forms to be
 15 furnished for this purpose, which may be obtained from the
 16 registrar of motor vehicles or at the county assessor's
 17 office in the county wherein ~~where~~ the owner resides, and
 18 ~~is--to--provide--for--substantially~~ The application shall
 19 contain the following information:

20 ~~1a~~ name of owner;
 21 ~~1b~~ address;
 22 ~~1c~~ registration number;
 23 ~~1d~~ name of manufacturer;
 24 ~~1e~~ model number;
 25 ~~1f~~ make.

1 *(g)1* horsepower;

2 *(h)1* year of manufacture;

3 *(i)1* statement evidencing assessment and payment of
4 property taxes; and

5 *(j)1* such other information as the registrar of motor
6 vehicles may require.

7 *(k)1* Said application shall be signed by the county
8 treasurer and transmitted by him to the registrar of motor
9 vehicles accompanied by a fee of two--dollars--~~ts2~~. All
10 moneys collected from payment of ~~such~~ the fees shall be
11 turned over to the state treasurer and placed by--him in the
12 earmarked revenue fund to the credit of the state fish and
13 game commission, with one-dollar--~~ts1~~ designated for use in
14 enforcing the purposes of this act and one-dollar--~~ts1~~ designated for use in
15 developing snowmobile facilities. Upon
16 receipt of the application in approved form, the registrar
17 of motor vehicles or county treasurer shall issue to the
18 applicant a decal in the style and design prescribed by the
19 registrar of motor vehicles and of a different color than
20 the preceding year, numbered numerically in sequence.

21 *(b)141* Before filing the application with the county
22 treasurer, the applicant shall submit the same to the
23 county assessor of the county and the county assessor shall
24 enter on the application in a place provided for that
25 purpose the full-and-true market and--assessed--valuation

1 value AND TAXABLE VALUE of the snowmobile for the year for
2 which the application is made.

3 *(e)151* The applicant shall pay the county treasurer
4 the application fee and shall also pay the personal property
5 taxes assessed against the snowmobile for the current year
6 before the application for registration or reregistration
7 may be accepted by the county treasurer."

8 Section 44. Section 69-3504, R.C.M. 1947, is amended
9 to read as follows:

10 "69-3504. Identification number. *(e)151* The owner of
11 each motorboat requiring numbering by this state shall file
12 an application for number in the office of the county
13 treasurer wherein ~~where~~ the motorboat or vessel is owned or
14 taxable, on forms prepared and furnished by the registrar of
15 motor vehicles. The application shall be signed by the owner
16 of the motorboat and shall be accompanied by a fee of one
17 ~~ts1~~--dollar. Any alteration, change, or false statement
18 contained in the application for certificate of registration
19 will render the certificate of number null and void. Upon
20 receipt of the application in approved form, the county
21 treasurer shall issue to the applicant a certificate of
22 number prepared and furnished by the registrar of motor
23 vehicles, stating the number awarded to the motorboat and
24 the name and address of the owner. The number awarded must
25 be painted on or attached to each outboard side of the

1 forward half of the motorboat or if there are no such
 2 sides, at a corresponding location on both outboard sides of
 3 the foredeck of the motorboat for which it is issued. The
 4 number awarded shall read from left to right, in Arabic
 5 numerals, in block characters of good proportion, a minimum
 6 of at least three-and-a-half inches in height tall, excluding
 7 border or trim, and of a color which shall contrast that
 8 contrasts with the color of the background and so
 9 maintained as to be clearly visible and legible. The number
 10 shall not be placed on the obscured underside of the
 11 flared bow where the angle is such that the numbers it
 12 cannot be easily seen from another vessel or ashore. No
 13 numerals, letters, or devices other than those used in
 14 connection with the identifying number issued shall be
 15 placed in the proximity of the identifying number, and no
 16 No numerals, letters, or devices which might interfere with
 17 the ready identification of the motorboat by its identifying
 18 number shall be carried as to interfere with the
 19 motorboat's identification. The certificate of number shall
 20 be pocket size and shall be available to federal, state or
 21 local law enforcement officers at all reasonable times for
 22 inspection on the motorboat for which issued, whenever the
 23 motorboat is on waters of this state except that boat
 24 liveries are not required to have the certificate of number
 25 on board each motorboat, except that a rental agreement

1 must be carried on board livery motorboats in place of the
 2 certificate of number.

3 ~~to~~ Before filing such the application with the
 4 county treasurer, the applicant shall submit the same to
 5 the county assessor of said the county and said the county
 6 assessor shall enter on said the application in a space to
 7 be provided for that purpose the full-and-true-and-assessed
 8 ~~valuation market value AND TAXABLE VALUE~~ of said the vehicle
 9 for the year for which said the application for registration
 10 is made.

11 ~~to~~ The applicant shall upon the filing of the
 12 application pay to the county treasurer the registration
 13 fee and shall also pay the personal property taxes assessed
 14 against the motorboat or vessel for the current year of
 15 registration before the application for registration or
 16 reregistration may be accepted by the county treasurer.

17 ~~to~~ The numbering requirements of this act shall apply
 18 to motorboats operated by dealers, manufacturers or their
 19 employees as follows:-

20 ~~to~~ A dealer or manufacturer may apply directly to
 21 the registrar of motor vehicles for one to identifying
 22 number and one to or more certificates of number. A
 23 dealer's or manufacturer's identifying number shall be
 24 displayed on a dealer's or manufacturer's his boat while the
 25 boat is operating for a purpose related to the buying,

1 selling, or exchanging of the boat by the dealer or
 2 ~~manufacturer~~. ~~to~~ The application for a dealer's or
 3 manufacturer's identifying number shall include the ~~his~~ name
 4 of--the--dealer--or--manufacturer and the business address of
 5 the--dealer--or--manufacturer. Each dealer or manufacturer
 6 shall ~~will~~ have one ~~to~~ identifying number assigned to his
 7 business. ~~to~~ An application for dealer's or manufacturer's
 8 identifying number and certificate of number shall ~~must~~ be
 9 accompanied by the following fees:

10 ~~total~~ for the identifying number, first certificate
 11 of number, and set of license decals, five-dollars-~~(\$5)~~;
 12 ~~total~~ for each additional certificate of number and
 13 set of license decals applied for in any application, two
 14 dollars-~~(\$2)~~.

15 ~~to~~ The registrar of motor vehicles shall issue
 16 certificates of number for the identifying number awarded to
 17 a dealer or manufacturer in the same manner as provided in
 18 section 69-3504(a), except that no boat shall be described
 19 in the certificate and each certificate shall state that the
 20 identifying number has been awarded to a dealer or
 21 manufacturer. A dealer's or manufacturer's certificate of
 22 number expires on April 30 of the year for which it is
 23 issued. ~~to~~ A dealer's or manufacturer's identifying number
 24 shall be displayed in the same manner as provided in section
 25 69-3504(a) of this act, except that the number may be

1 temporarily attached, and that the last three ~~to~~ letters
 2 shall be "DLR" for dealer and "MFR" for manufacturer, these
 3 letters shall be included, respectively, in dealer or
 4 manufacturer identification numbers only. ~~to~~ No person
 5 other than a dealer or manufacturer or an employee of a
 6 dealer or manufacturer shall display or use a dealer's or
 7 manufacturer's identifying number. A dealer's or
 8 manufacturer's identifying number may be displayed only on
 9 motorboats owned by the dealer or manufacturer. ~~to~~ No
 10 dealer or manufacturer or employee of a dealer or
 11 manufacturer shall ~~may~~ use a dealer's or manufacturer's
 12 identifying number for any purpose other than the purpose
 13 described in subsection ~~to~~ 14 of this section.

14 ~~to~~ The owner of any motorboat already covered by a
 15 number in full force and effect--which ~~that~~ has been awarded
 16 to it pursuant-to-then ~~under~~ operative federal law or a
 17 federally approved numbering system of another state shall
 18 record the number prior to operating the motorboat on the
 19 waters of this state in excess of the sixty-~~to~~day
 20 reciprocity period provided for in section 69-3506(1) of
 21 this act. Such-recording ~~the record~~ shall be ~~in-the-manner~~
 22 ~~and-pursuant-to-the~~ ~~page~~ according to the procedure required
 23 for the award of number under subsection ~~to~~ 11 of this
 24 section.

25 ~~to~~ Should the ownership of a motorboat change,

1 within--a--reasonable--time a new application form with fee
 2 shall be filed within a reasonable time with the county
 3 treasurer and a new certificate of number shall be awarded
 4 in the same manner as provided for in an original award of
 5 number.

6 ~~If~~ If an agency of the United States government
 7 has in force an--over-all a--comprehensive system of
 8 identification numbering for motorboats in the United
 9 States, the numbering system employed pursuant to this act
 10 by the registrar of motor vehicles shall be in conformity
 11 therewith.

12 ~~and~~ Every certificate of number and the license
 13 decals awarded under this act shall continue in effect for a
 14 period not to exceed one--ty years unless sooner terminated
 15 or discontinued in accordance with the provisions of this
 16 act. Certificates of number and license decals shall show
 17 the date of expiration thereon and may be renewed by the
 18 owner in the same manner provided for in the initial
 19 securing of the certificate.

20 ~~and~~ Certificates of number ~~and~~ shall expire on
 21 April 30 of each calendar year and shall--no--longer ~~may~~ not
 22 be ~~of--any~~ in effect unless renewed under this act.

23 ~~If~~ In event of transfer of ownership, the
 24 purchaser shall furnish the county treasurer notice within
reasonable time of the acquisition of all or any part of his

1 interest, other than the creation of a security interest, in
 2 a motorboat numbered in this state ~~under this section~~ or of
 3 the loss, theft, destruction, or abandonment of the
 4 motorboat, within--a--reasonable--time--thereof. Such the
 5 transfer, loss, theft, destruction, or abandonment shall
 6 terminate terminates the certificate of number for the
 7 motorboat, except--that--in--the--case--of--a--recovery Recovery
 8 from theft, or transfer of a part interest which ~~that~~ does
 9 not affect the owner's right to operate the motorboat--the
 10 recovery--or--transfer does not terminate the certificate of
 11 number.

12 ~~If~~ A holder of a certificate of number shall
 13 notify the county treasurer within reasonable time if his
 14 address no longer conforms to the address appearing on the
 15 certificate and shall--as--a--part--of--the--notification
 16 furnish the county treasurer with his new address. The
 17 registrar of motor vehicles may provide in its ~~bureau~~ rules
 18 for the surrender of the certificate bearing the former
 19 address and its replacement with a certificate bearing the
 20 new address or the alteration of an outstanding certificate
 21 to show the new address of the holder.

22 ~~If~~ No number other than the number and license
 23 decal awarded to a motorboat or granted reciprocity under
 24 this act shall be painted, attached, or otherwise displayed
 25 on either side of the forward half of the motorboat.

1 ~~141~~ Fees collected under this section shall be
 2 transmitted to the state treasurer who shall deposit the
 3 fees in the motorboat certificate identification account of
 4 an earmarked revenue fund. These fees shall be used only for
 5 the administration and enforcement of sections 69-3501
 6 through 69-3516.

7 ~~15~~ An owner of a motorboat must within reasonable
 8 time notify the registrar of motor vehicles, giving the
 9 motorboat's identifying number and the owner's name—within
 10 reasonable-time, when that motorboat becomes documented as a
 11 vessel of the United States, or is transferred, lost,
 12 destroyed, abandoned, frauded, or within sixty-60 days
 13 after change of state of principal use."

14 Section 45. Section 75-7104, R.C.M. 1947, is amended
 15 to read as follows:

16 "75-7104. Limitations on amount of bond issue. (1) The
 17 maximum amount for which each school district ~~shall~~ may
 18 become indebted by the issuance of bonds, including all
 19 indebtedness represented by outstanding bonds of previous
 20 issues and registered warrants, is eight-percent-8% ~~22%~~ of
 21 the assessed taxable value of the taxable property therein
 22 subject to taxation as ascertained by the last completed
 23 assessment for state, county, and school taxes previous to
 24 the incurring of such indebtedness. The eight-percent-8%
 25 ~~22%~~ maximum, however, ~~shall~~ may not pertain to indebtedness

1 imposed by special improvement district obligations or
 2 assessments against the school district. All bonds issued
 3 in excess of such amount shall be null and void, except as
 4 provided in subsection-~~12~~ this section.

5 ~~12~~ When the total indebtedness of a school district
 6 has reached the eight-percent-8% ~~22%~~ limitation prescribed
 7 in this section, ~~then~~ the school district ~~shall have the~~
 8 ~~power and authority to~~ may pay all reasonable and necessary
 9 expenses of the school district on a cash basis in
 10 accordance with the financial administration provisions of
 11 this title chapter. Whenever bonds are issued for the
 12 purpose of refunding bonds, any moneys to the credit of the
 13 debt service fund for the payment of the bonds to be
 14 refunded ~~shall be~~ are applied towards the payment of such
 15 bonds and the refunding bond issue ~~shall be~~ is decreased
 16 accordingly.

17 ~~13~~ In the case of a school district within which a
 18 new major industrial facility which seeks to qualify for
 19 taxation as class seven-7 ~~eighteen~~ property under section
 20 ~~84-501-R-Ex-M-1947~~ ~~84-501-R-Ex-M-1947~~ ~~84-501-R-Ex-M-1947~~ is being constructed
 21 or is about to be constructed, the school district may
 22 require, as a precondition of the new major industrial
 23 facility qualifying as class seven-7 ~~eighteen~~ property,
 24 that the owners of the proposed industrial facility enter
 25 into an agreement with the school district concerning the

1 issuing of bonds in excess of the eight-percent-~~18%~~ 29%
 2 limitation prescribed in subsection-one--~~tit~~ this section.
 3 Under such an agreement, the school district may with the
 4 approval of the voters, issue bonds which exceed the
 5 limitation prescribed in subsection-one-~~tit~~ this section by
 6 a maximum of eight--percent-~~18%~~ 29% of the estimated
 7 assessed taxable value of the taxable property of the new
 8 major industrial facility subject to taxation when
 9 completed. The estimated assessed taxable value of the
 10 taxable property of the new major industrial facility
 11 subject to taxation shall be computed by the department of
 12 revenue when requested to do so by a resolution of the board
 13 of trustees of the school district, and a copy of the
 14 department's statement of estimated assessed taxable value
 15 shall be printed on each ballot used to vote on a bond issue
 16 proposed under this subsection section.

17 Pursuant to the agreement between the new major
 18 industrial facility and the school district, and as a
 19 precondition to qualifying as class seven-~~tit~~ EIGHTEEN
 20 property, the new major industrial facility and its owners
 21 shall pay in addition to such the taxes as may be imposed
 22 by the school district on property owners generally pay so
 23 much of the principal and interests interest on the bonds
 24 provided for under this subsection section as shall
 25 represent represents payment on an indebtedness in excess of

1 the limitation prescribed in subsection--one--~~tit~~ this
 2 section. After the completion of the new major industrial
 3 facility and when the indebtedness of the school district no
 4 longer exceeds the limitation prescribed in subsection--one
 5 ~~tit~~ this section, the new major industrial facility shall be
 6 entitled, after all the current indebtedness of the school
 7 district has been paid, to a tax credit over a period of no
 8 more than twenty--~~20~~ years, which the credit shall as a
 9 total amount be equal to the amount by which the facility
 10 paid the principal and interest of the school district's
 11 bonds in excess of its general liability as a taxpayer
 12 within the district.

13 15 A major industrial facility is a facility subject
 14 to the taxing power of the school district whose
 15 construction or operation will increase the population of
 16 the district so-as-to-impose imposing a significant burden
 17 upon the resources of the district and to-require requiring
 18 construction of new school facilities. A significant burden
 19 is an increase in ANB of at least twenty-percent-~~20%~~ in a
 20 single year."

21 Section 4b. Section 75-8104, R.C.M. 1947, is amended
 22 to read as follows:

23 "75-8104. Requirements for organization of community
 24 college district. The registered electors in any area of the
 25 state of Montana may request an election for the

1 organization of a community college district where the
 2 proposed community college district conforms to the
 3 following requirements:

4 (1) The proposed area ~~shall--enlarge~~ coincides with
 5 the then-existing boundaries of contiguous elementary
 6 districts of one or more counties.

7 (2) The assessed--valuation taxable value of the
 8 proposed area is at least thirty--million--dollars
 9 \$30,000,000 ~~is~~ 10 million.

10 (3) There are at least seven--hundred--700 pupils
 11 regularly enrolled in public and private high schools
 12 located in the proposed area."

13 Section 47. Section 84-101, R.C.M. 1947, is amended to
 14 read as follows:

15 "84-101. Definition of terms. Whenever the ~~when~~ terms
 16 mentioned in this section are employed in dealing with the
 17 subject of ~~used in connection with~~ taxation, they are
 18 employed--in-the-sense--hereafter--affixed--to--them--defined--in
 19 the following manner:

20 First-- ~~11~~ The term "property" includes moneys,
 21 credits, bonds, stocks, franchises, and all other matters
 22 and things real, personal, and mixed, capable of private
 23 ownership, ~~but--this~~ This definition must not be construed
 24 so as to authorize the taxation of the stocks of any company
 25 or corporation when the property of such company or

1 corporation represented by ~~such~~ the stocks is within the
 2 state and has been taxed.

3 Second-- ~~12~~ The term "real estate" includes:
 4 ~~11~~ the possession of, claim to, ownership of,
 5 or right to the possession of land:
 6 ~~11~~ all mines, minerals, and quarries in and
 7 under the land, subject to the provisions of section
 8 84-5401: all timber belonging to individuals or
 9 corporations growing or being on the lands of the United
 10 States: and all right ~~rights~~ and privileges appertaining
 11 thereto.

12 ~~3~~--improvements--

13 ~~11~~ The term "improvements" includes all
 14 buildings, structures, fixtures, fences, and improvements,
 15 ~~including--mobile--homes--and--house--trailers~~ situated upon,
 16 erected upon, or affixed to land, when ~~when~~ the department
 17 of revenue or its agent determines that the permanency of
 18 location of the ~~a~~ mobile home or ~~house~~ trailer has been
 19 established ~~and--for--this--purpose--any~~ the mobile home or
 20 ~~house~~ trailer is presumed to be an improvement to real
 21 property. If the mobile home or house trailer is an
 22 improvement located on land not owned by the owner of such
 23 improvement, the improvement ~~shall--be~~ is assessed as a
 24 leasehold improvement to real property and delinquent taxes
 25 can be a lien only on the leasehold improvement.

1 Fourth--151 The term "personal property" includes
 2 everything which that is the subject of ownership but that
 3 is not included within the meaning of the term "real estate"
 4 and "improvements".

5 Fifth--The terms "value" and "full cash value" mean the
 6 amount at which the property would be taken in payment of a
 7 just debt due from a solvent debtor.

8 Sixth--151 The term "credit" means those solvent
 9 debts, secured or unsecured, owing to a person.

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

15 (7) The term "assessed value" means the value of
 16 property as defined in 84-401a

17 (8) The term "taxable value" means the percentage of
 18 assessed value as provided for in 84-301a2 through 84-301a15
 19 and 84-308 84-301a19a"

20 Section 48. Section 84-402, R.C.M. 1947, is amended to
 21 read as follows:

22 "84-402. Department-of-revenue-to-determine--and--show
 23 percentage--basis--and--taxable--value--computed-thereon--and
 24 county County assessor to be agents agent of the state
 25 department of revenue. to--the--percentage--basis--of--true--and

1 full--value--as--provided--for--in--section--84-302a--shall--be
 2 determined--and--assigned--by--the--state--department--of--revenue
 3 or--its--agents--and--the--taxable--value--thereon--computed--when
 4 they--make--their--annual--assessments--and--copies--of--such
 5 assessments--as--provided--for--in--section--84-411--shall--show--the
 6 taxpayer--the--percentage--class--to--which--his--various--classes
 7 of--property--for--taxation--and--the--taxable--value--thereof
 8 have--been--assigned--to--111 The county assessors of the
 9 various counties of the state of Montana are agents of the
 10 state department of revenue for the purpose of locating and
 11 providing the department a description of all taxable
 12 property within the county together with other pertinent
 13 information and for the purpose of performing such other
 14 administrative duties as are required for placing taxable
 15 property on the assessment roles. The assessors shall
 16 perform such other duties as are required by law, not in
 17 conflict with the provisions of this subsection.

18 to--111 The department of revenue shall have full
 19 charge of appraising assessing all property subject to
 20 taxation and equalizing values and shall secure such
 21 personnel as is necessary to properly perform their its
 22 duties.

23 to--111 The salaries salary of the county assessor
 24 shall be the same amount as provided by law for the salary
 25 of the county clerk and recorder; deputy assessors' salaries

1 shall be the same as paid the deputy clerk and recorder.

2 ~~57141~~ The county commissioners of the various
 3 counties shall provide existing office space in the county
 4 courthouse for use by the county assessor, his deputies and
 5 staff, and the state appraiser and staff, if such space is
 6 reasonably available, if such space is not reasonably
 7 available in the courthouse and the same must be contracted
 8 for, the department shall pay the cost thereof. Additional
 9 personal property required by the department for the
 10 assessor to perform his duties as agent of the department
 11 shall be provided by the department."

12 Section 49. Section 84-404, R.C.M. 1947, is amended to
 13 read as follows:

14 "84-404. State--department Department of revenue to
 15 assign percentage basis, when. The percentage basis of
 16 true--and--full assessed value as provided for in section
 17 84-302, shall be 84-301-2 through 84-301-15 and 84-308
 18 84-301-19 is determined and assigned by the state department
 19 of revenue or its agent when it makes its annual assessment
 20 of the property, which it is required to assess under the
 21 laws of this state, and the department shall transmit such
 22 determination and assignment to the various county clerks
 23 with the assessments so made, and its determination shall be
 24 is final except as to the right of review in the proper
 25 court."

1 Section 50. Section 84-406, R.C.M. 1947, is amended to
 2 read as follows:

3 "84-406. Time--of--assessment-----motor--vehicles-----
 4 mobile--homes-----livestock-----snowmobiles General assessment
 5 day. (1) The department of revenue or its agent must,
 6 between the first day of January 1 and the second Monday of
 7 July in each year, ascertain the names of all taxable
 8 inhabitants and assess all property in each county subject
 9 to taxation, except such as is required to be assessed by
 10 the state department of revenue and the department or its
 11 agent must assess such property to the persons person by
 12 whom it was owned or claimed or in whose possession or
 13 control it was at 12 midnight of the first day of January 1
 14 next preceding. It must also ascertain and assess all
 15 mobile homes arriving in the county after 12 midnight of the
 16 first day of January 1 next preceding.

17 (2) The procedure provided by this section shall not apply to:

18 (a) Motor vehicles which are required by
 19 subdivision (2) hereof subsection (4) to be assessed as of
 20 the first day of on January 1, or upon their anniversary
 21 registration dates, but no mistake in the name of the
 22 owner or supposed owner of real property, however, renders
 23 the assessment thereof invalid.

24 (b) Livestock which are required by

1 subdivision--~~37~~ subsection (6) of this section to be
 2 assessed on an average inventory basis in each county:
 3 ~~Credits-must-be-assessed--as--provided--in--section--84--to--is~~
 4 subdivision-6:

5 (c) Property property defined in section 53-642 as
 6 "special mobile equipment" which that is subject to
 7 assessment of for personal property taxes on the date that
 8 application is made for a special mobile equipment plate:

9 (d) Mobile mobile homes held by a distributor or
 10 dealer of mobile homes as a part of his stock in trade:
 11 ~~and~~
 12 ~~tej--Campers-which-are-required-by-subdivision-4--hereof~~
 13 ~~to-be-assessed-as-of-the-first-day-of-January-~~

14 ~~fftel~~ Snowmobiles-which snowmobiles that are required
 15 by subdivision-5--hereof subsection (8) to be assessed as of
 16 the-first-day-of July 1.

17 ~~131~~ Credits must be assessed as provided in 84-101a
 18 subsection (5):

19 ~~127/41~~ The department or its agent must ascertain and
 20 assess all motor vehicles, except mobile homes, in each
 21 county subject to taxation as of January 1, or as of the
 22 anniversary registration date of those vehicles subject to
 23 sections 53-154 through 53-162, in each year, and the same
 24 ~~The motor vehicles~~ shall be assessed to the persons by whom
 25 owned or claimed, or in whose possession or control such
 vehicle-was they were at 12 midnight of the--first--day of

1 January 1 or the anniversary registration date thereof,
 2 whichever is applicable, in each year. ~~Provided--that--such~~ No
 3 tax ~~shall--not~~ may be assessed against motor vehicles which
 4 that constitute inventory of motor vehicle dealers as of
 5 January 1~~a~~ but--said ~~these~~ vehicles, and all other motor
 6 vehicles brought into the state subsequent to January 1 as
 7 motor vehicle dealer's ~~dealers'~~ inventory, inventories shall
 8 be assessed to their respective purchasers as of the dates
 9 ~~the~~ vehicles are registered by ~~the~~ purchasers,
 10 ~~and--purchasers--means--and~~ "Purchasers" includes dealers who
 11 apply for registration or re-registration reregistration of
 12 motor vehicles, except as otherwise provided by section
 13 32-3315. Goods, wares, and merchandise of motor vehicle
 14 dealers, other than new motor vehicles and new mobile homes,
 15 shall be assessed at full-and-true market value as of the
 16 first-day-of January 1.

17 ~~151~~ Except--~~that--this--paragraph--shall--not--apply--to--an~~
 18 ~~applicant--for--registration--or--re--registration--of--a--mobile~~
 19 ~~homer--nothing--herein--contained--shall--relieve--the~~ ~~The~~
 20 ~~applicant--for--registration--or--re--registration--reregistration~~
 21 ~~of--any--other--a--motor--vehicle--other--than--a--mobile--home--is~~
 22 ~~not--relieved--so--assessed--or--subject--to--assessment--of--the~~
 23 ~~duty--of--paying--taxes--thereon--as--a--condition--precedent--to~~
 24 ~~registration--or--re--registration--in--the--event--said~~ ~~if~~ ~~the~~
 25 ~~taxes--have--not--been--paid--by--any--a--prior--applicant--or--owner~~

1 in all cases where taxes were required to be paid.

2 ~~1975~~ The assessed value of livestock in each county
 3 on the assessment date shall be computed by adding the
 4 assessed value of all livestock more than nine-~~197~~ months of
 5 age owned by the taxpayer in each county on the last day of
 6 each month since the last assessment date and dividing the
 7 sum by twelve-~~12~~. For purposes of this subdivision
 8 subsection, "livestock" means cattle, sheep, horses, and
 9 mules.

10 ~~1975~~ The department of revenue or its agent must
 11 ascertain--and assess all campers in each county subject to
 12 taxation as of January 1 in each year, and--the--same the
 13 campers shall be assessed to the persons including dealers
 14 by whom owned or claimed, or in whose possession or control
 15 such--camper--was--including--dealers, they were at 12 midnight
 16 of the--first--day--of January 1 in each year.

17 ~~1975~~ The department of revenue or its agent must
 18 ascertain--and assess all snowmobiles in each county subject
 19 to taxation as of July 1 in each year, and--the--same A
 20 snowmobile shall be assessed to the persons person by whom
 21 owned or claimed, or in whose possession or control such
 22 snowmobile is was at 12 midnight on--the--first--day of July 1
 23 in each year, provided--however--that except snowmobiles
 24 which--constitute in the inventory of snowmobile dealers
 25 which shall be assessed to the dealers as of 12 midnight of

1 the--first--day--of January 1 in each year, and--further
 2 provided--that--all--snowmobiles--that--have--been--assessed--and
 3 for--which--taxes--have--been--paid--for--the--period--of--January--to
 4 ~~1975~~--through--December--31--~~1975~~--shall--be--assessed--for--only
 5 six--~~16~~--months--during--the--period--July--1--~~1975~~--through--June
 6 ~~30~~--~~1976~~."

7 Section 51. Section 84-602, R.L.M. 1947, is amended to
 8 read as follows:

9 "84-602. Equalization of assessments. The--department
 10 of--revenue--has--power--after ~~After~~ giving notice in writing
 11 to the a taxpayer by registered or certified mail,
 12 addressed to him at his last known place of residence, or
 13 its intentions to the department of revenue may increase or
 14 lower his the taxpayer's assessment contained in the
 15 assessment book--so--as to equalize the assessment of the
 16 property contained--therein and make the assessment conform
 17 to the true assessed value of such property in--money as
 18 defined in 84-401 and 84-504, which the notice shall specify
 19 the--date--and--hour when he the taxpayer may appear and be
 20 heard thereon, which--date--shall at a date and hour not be
 21 less than five--~~15~~ days from date of mailing such the
 22 notice, and--immediately immediately after reaching a
 23 decision, the department shall notify the taxpayer in
 24 writing of such the decision, specifying the change, if
 25 any, made in the assessment, so the notice to must be

1 given by registered or certified mail, and addressed to the
 2 taxpayer at his last known place of residence. The
 3 department may also ~~has--power--to~~ raise or lower the
 4 valuation of all the property in a class by a certain
 5 percentage, ~~in-the-event-that if any class of property is~~
 6 assessed as a class, at more or less than its ~~actual~~
 7 ~~assessed value, as defined by 84-401 by its the department's~~
 8 agent and if the valuation of such property within the
 9 county demands a general reclassification."

10 Section 52. Section 84-708.1, R.C.M. 1947, is amended
 11 to read as follows:

12 "84-708.1. Powers and duties of the state department
 13 of revenue. (1) ~~To The department of revenue shall~~ annually
 14 assess the franchise, roadway, roadbeds, rails, and rolling
 15 stock, and all other property of all railroads; and the
 16 pole lines and rights-of-way ~~rights-of-way~~ and all other
 17 property of all telegraph and telephone lines, electric
 18 power and transmission lines, ditches, canals, and flumes;
 19 and other similar property, constituting a single and
 20 continuous property operated in more than one ~~in~~ county in
 21 the state, or more than one ~~in~~ state. To apportion ~~such the~~ the
 22 assessments to the counties in which ~~such the~~ the properties are
 23 located on a mileage basis, or if the property of any
 24 company assessable under this section is of such a character
 25 that its value cannot reasonably be apportioned on the basis

1 of mileage, the department may adopt such any other method
 2 or basis of apportionment to the county or counties in which
 3 the property is situated as may be just and proper.

4 ~~121 At The department may not consider the following~~
 5 ~~property as part of any single or continuous property; lots~~
 6 ~~and parcels of real estate not included in right-of-way~~
 7 ~~right-of-way, with the buildings, structures, and~~
 8 ~~improvements thereon; dams and power houses, depots,~~
 9 ~~stations, shops, and other buildings, erected upon right-of~~
 10 ~~way; right-of-way; and furniture, machinery, and other~~
 11 ~~personal property; shall not be considered as a part of any~~
 12 ~~such single and continuous property; but shall be considered~~
 13 ~~as--separate--and--distinct--therefrom--and--shall--be The~~
 14 ~~property is considered separate and distinct and is assessed~~
 15 ~~by the agent of the department of revenue in the county~~
 16 ~~wherein they are situate where it is situated.~~

17 ~~1211 To The department shall~~ transmit to the county
 18 clerk of each county its apportionment of all assessments
 19 made by the department.

20 ~~1214 To The department shall~~ adjust and equalize the
 21 valuation of taxable property among the several counties,
 22 and the different classes of taxable property in any county
 23 and in the several counties and between individual
 24 taxpayers; supervise and review the acts of agents of the
 25 department; change, increase, or decrease valuations made by

1 its agents; and exercise such authority and do all things
 2 necessary to secure a fair, just, and equitable valuation of
 3 all taxable property among counties between the different
 4 classes of property and between individual taxpayers.

5 ~~to--have--and~~ The department shall exercise
 6 general supervision over the administration of the
 7 assessment and tax laws of the state and over its agents
 8 and any officers of municipal corporations, having any
 9 duties to perform under any of the laws of this state
 10 relating to taxation to the end that all assessments of
 11 property be made relatively just and equal at true a value
 12 in substantial compliance with law, and to supervise the
 13 administration of all revenue laws of the state and assist
 14 in their enforcement. ~~Further~~<sup>er the state The department of
 15 revenue ~~is--empowered--to--organize--and--it~~ shall be its duty
 16 to schedule and hold area schools within the state for
 17 appraisers and assessors as often as ~~is--deemed~~ it ~~considers~~
 18 necessary ~~in--the--judgment--of--the--department--and--the~~ The
 19 costs of such appraisers and assessors attending shall be
 20 borne by the state. ~~Further~~<sup>er ~~the--department--shall--determine~~
 21 ~~if--there--is--a--need--for--a--taxing--assessing--and--appraising~~
 22 ~~schools--and--such--school--shall--be--held--when--deemed~~
 23 ~~necessary.~~ The department shall notify all assessors and
 24 appraisers at least six-~~to~~ months before such school is
 25 scheduled ~~and--it--shall--be--the--duty--of--all~~ All assessors and</sup></sup>

1 appraisers ~~to~~ shall attend ~~and--the--cost--of--their--attendance~~
 2 ~~shall--be--borne--by--the--state.~~

3 ~~to--will~~ To The department ~~may~~ confer with, advise, and
 4 direct officers of municipal corporations as to their
 5 duties, with respect to taxation, under the statutes of the
 6 state.

7 ~~to--will~~ To The department ~~shall~~ direct proceedings,
 8 actions, and prosecutions to be instituted to enforce the
 9 laws relating to the penalties, liabilities, and punishment
 10 of public officials and persons, or their agents, for
 11 failure or neglect to comply with the provisions of the
 12 statutes governing the revenue of the state or municipal
 13 corporations, ~~and--to~~ The department ~~shall~~ cause complaints
 14 to be made against assessors and other public officers to
 15 the proper district court for their removal from office for
 16 official misconduct or neglect of duty.

17 ~~to--will~~ To The department ~~shall~~ require county
 18 attorneys to assist in the commencement and prosecution of
 19 actions and proceedings for penalties, forfeitures,
 20 removals, and punishment for violations of the laws of the
 21 state in respect to the assessment of property and other
 22 revenue laws, in their respective counties.

23 ~~to--will~~ To The department ~~shall~~ collect annually from
 24 the proper officers of the municipal corporations
 25 information ~~as--to~~ about the assessment of property.

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

12 ~~to~~ to the department may in its discretion, to
 13 inspect and examine, or cause an inspection and examination
 14 of the records of the officers of any municipality, whenever
 15 such an officer ~~shall have~~ has failed, neglected, or refused
 16 to return properly the information required by this section
 17 within the time set by the department. Upon completion of
 18 such inspection and examination, the department shall
 19 transmit to the clerk, or other proper official of the
 20 municipality, a statement of the expenses incurred by the
 21 department to secure the necessary information. Within
 22 sixty days after the receipt by the municipality of the
 23 above statement, the same shall be audited, as other claims
 24 of the municipal corporation are audited and shall be paid
 25 into the state treasury, and if the same statement is not

1 ~~so paid,~~ the attorney general shall institute an action, in
 2 the proper court, against the municipality to recover the
 3 same. The officers responsible for the furnishing of the
 4 information collected pursuant to this section, shall be
 5 jointly and severally liable for any loss the municipality
 6 may suffer through their delinquency, and no payment
 7 shall ~~be~~ made to them for salary, or on any other
 8 account, until the cost of such inspection and examination
 9 as provided above ~~shall~~ ~~have~~ has been paid into the
 10 treasury, or to the proper officers of such municipality.
 11 They shall also be subject to such the other fines and
 12 penalties as prescribed by law.

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

21 ~~to~~ to the department may summon witnesses to
 22 appear and give evidence, and to produce records, books,
 23 papers, and documents relating to any matter which the
 24 department ~~shall~~ ~~have~~ has authority to investigate and
 25 determine.

1 ~~1131~~ To the department may cause the deposition of
 2 witnesses residing within or without the state or absent
 3 therefrom to be taken upon notice to the interested party,
 4 if any, in like manner that depositions are taken in actions
 5 pending in the district court, in any matter which the
 6 department shall--have has authority to investigate and
 7 determine.

8 ~~1141~~ To the department may examine into all cases
 9 where evasion or violation of the laws for taxation of
 10 property, proceeds, occupations or business is alleged,
 11 complained of, or discovered, and to ascertain wherein
 12 existing laws are ineffective or are improperly or
 13 negligently administered.

14 ~~1151~~ To the department may investigate the tax
 15 systems of other states and countries and to formulate and
 16 recommend legislation for the better administration of the
 17 fiscal laws so as to secure just and equal taxation and
 18 improvement in the system of taxation and the economical
 19 expenditure of public revenue in the state.

20 ~~1161~~ To the department may consult and confer with
 21 the governor of the state upon the subject of taxation, the
 22 administration of the laws relating thereto, and the
 23 progress of the work of the department, and to furnish the
 24 governor such assistance as he may require.

25 ~~1171~~ To the department shall transmit to the

1 governor and to each member of the legislature twenty--t20+
 2 days before the meeting of the legislature, a report of the
 3 department, showing all the taxable property of the state
 4 and the its value of--the--same in tabulated form, with
 5 recommendations for improvements in the system of taxation,
 6 together with such measures as may be formulated for the
 7 consideration of the legislature, and to the department may
 8 include therein a report showing the selling price of
 9 gasoline at the wholesale level in prime market centers of
 10 Montana and in surrounding states during the biennium, with
 11 indexes tabulated at sufficient intervals to show the
 12 comparative state price structures.

13 ~~1181~~ In its discretion, to the department may waive
 14 the assessment of penalty for the late filing of any tax
 15 statement or return required to be filed with the department
 16 when the filing is done within five--t5+ days of the date
 17 specified for filing the return or statement, and for the
 18 late payment of any tax collected by the department when the
 19 payment is made within five--t5+ days of the date specified
 20 for payment of the tax.

21 ~~1191~~ In its discretion, the department may to enter
 22 into reciprocal agreements with the taxing authorities of
 23 states contiguous to the state of Montana which tax the
 24 income of Montana residents earned in that state to provide
 25 that the tax imposed by Title 84, chapter 49--R&B--Ms--1947,

1 on income derived by persons who are nonresidents of this
 2 state ~~shall need not be payable paid~~ when such other state
 3 or states agree to grant similar treatment to residents of
 4 Montana."

5 Section 53. Section 84-728, R.C.M. 1947, is amended to
 6 read as follows:

7 "84-728. Valuation of interstate fleets --
 8 determination of aggregate tax due. The state department of
 9 revenue shall assess any interstate motor vehicle fleet
 10 making application for proportional registration as follows:

11 ~~total~~ The purchase price depreciated by a schedule as
 12 prescribed by the department shall determine the depreciated
 13 value.

14 ~~total~~ The depreciated value multiplied by the per
 15 cent percent of miles traveled in Montana as prescribed by
 16 section 53-712 shall be the assessed value.

17 ~~total~~ The sum of the assessed value of all vehicles
 18 included in the fleet multiplied by twenty-(20)-per-cent ~~12%~~
 19 shall be the taxable value for the entire fleet.

20 ~~total~~ To determine the amount of tax due, the taxable
 21 value of the entire fleet shall be multiplied by the
 22 state-wide ~~statewide~~ average county mill levy plus state
 23 levies as hereinafter provided."

24 Section 54. Section 84-4605, R.C.M. 1947, is amended
 25 to read as follows:

1 "84-4605. Taxation of banks and shares of stock in.
 2 (1) every state bank or banking corporation located and
 3 doing business in this state, and every private banker doing
 4 business in this state, shall be ~~taxable~~ taxed upon the
 5 value of all real estate and personal property owned by such
 6 ~~the~~ bank, banking corporation, or private banker, ~~and also~~
 7 upon the moneyed capital employed in such ~~the~~ business, ~~such~~
 8 ~~and upon the~~ moneyed capital to be ascertained as provided
 9 by ~~section 84-301-84-301-6a~~ ~~84-301-6a~~ and the ~~the~~ cashier or
 10 secretary of every such bank or banking corporation, and
 11 every such private banker, shall furnish to the department
 12 of revenue or its agent in the county in which its or his
 13 bank is located, within five 5 days after demand therefor, a
 14 statement verified by his oath, showing all the resources
 15 and liabilities of such ~~the~~ bank as disclosed by its books,
 16 at the close of business on December 31 of the preceding
 17 year, ~~if such~~ ~~if the~~ cashier, secretary, or private banker
 18 ~~shall fail~~ ~~fails~~ to make the statement, ~~hereby required~~ the
 19 department or its agent shall forthwith obtain ~~such~~ the
 20 information from any other available source, and for this
 21 purpose shall have access to the books of ~~such~~ the bank,
 22 banking corporation, or private banker. The department or
 23 its agent shall thereupon make an assessment of the real
 24 estate and personal property owned by ~~such~~ the bank, banking
 25 corporation, or private banker, and of the moneyed capital

1 employed in the business of such the bank, banking
 2 corporations or private bankers which the assessment shall
 3 be as fair and equitable as can be made from the best
 4 information available ~~or-for~~ for the purpose of said the
 5 assessment, the figures disclosed by any prior report made
 6 by such the bank, banking corporation or private banker to
 7 any state or federal officer pursuant to any state or
 8 federal law may be adopted. Any person required by this
 9 section to make the statement hereinabove provided who
 10 shall-fail to furnish the same it shall be guilty of
 11 a misdemeanor and shall-be punished accordingly.

12 (2) All shares of stock in any such bank or banking
 13 corporation shall be assessed at their full cash value,
 14 except to the extent that that value is represented in
 15 property which is assessable and taxable to such the bank or
 16 banking corporation in this state, and shall be taxable to
 17 the owners of such the shares in the county, school
 18 district, city, town, or place where such the bank or
 19 banking corporation is located ~~and-not-elsewhere~~, whether or
 20 not the owners of such the shares are residents of such
 21 county, school district, city, town, or place.

22 (3) The cashier or secretary of any such bank or
 23 banking corporation shall furnish to the department or its
 24 agent, upon demand, the name of each stockholder with his
 25 residence and the number of shares belonging to him at the

1 close of business on December 31 of the preceding year, and
 2 if-such if the cashier or secretary, for more than five 2
 3 days after such the demand, shall-fail to furnish such
 4 information, he shall-be is guilty, of a misdemeanor and the
 5 department or its agent may obtain such information from any
 6 other available source~~s-and-for-such-purposes--shall--have~~
 7 access--to ~~or~~ from the books of such the bank or banking
 8 corporation. For convenience, the assessment of such the
 9 shares shall be entered on the personal property assessment
 10 list under the name of the bank or banking corporation
 11 concerned, but in the assessment list the names of the
 12 owners of such shares shall be set forth and the number of
 13 shares owned by each, and--such the assessment, when so
 14 entered, shall-have has all the force and effect as if made
 15 in the names of the owners of such the shares individually.
 16 The bank or banking corporation in which such the shares are
 17 owned shall-be is liable for the payment of taxes assessed
 18 against such the shares, and such the taxes shall-be are
 19 payable by and may be collected from such the bank or
 20 banking corporation in the same manner and under the same
 21 penalties as other taxes~~s~~ provided~~that~~ such the bank or
 22 banking corporation may recover from such the owners of
 23 shares any taxes so paid on such the shares and shall--have
 24 has a lien therefor upon such the shares and upon any
 25 dividends accrued or to accrue thereon."

1 Section 55. Section 84-4701, R.C.M. 1947, is amended
 2 to read as follows:

3 "84-4701. Limitation on amount of tax for municipal
 4 purposes -- distribution of funds -- levy for park parks,
 5 swimming pools, playgrounds, youth centers, and other
 6 purposes. The amount of taxes to be assessed and levied for
 7 general municipal or administrative purposes in cities and
 8 towns ~~must~~ ~~may~~ not exceed two-and-four-tenths--~~24%~~--per
 9 centum--on-the-per-centum ~~24%~~ of the assessed taxable value
 10 of the taxable property of the city or town ~~subject to~~
 11 ~~taxation~~ and the council or commission in each city or
 12 town may distribute the money collected into such the funds
 13 as--are prescribed by ordinances, provided, that for the
 14 purpose of procuring, equipping, and maintaining public
 15 parks, swimming pools, skating rinks, playgrounds, civic
 16 centers, youth centers, museums, and combinations thereof,
 17 the council or commission in any city or town may assess and
 18 levy, in addition to the said levy for general municipal or
 19 administrative purposes, an amount not exceeding seven--~~7~~
 20 mills on the dollar on the per--centum--of--the--assessed
 21 taxable value of the taxable property ~~to be taxed~~ of the
 22 city or town."

23 Section 56. Section 84-4701.2, R.C.M. 1947, is amended
 24 to read as follows:

25 "84-4701.2. Maximum rate of all-purpose levy.

1 Notwithstanding the provisions of the statutes of Montana to
 2 the contrary ~~in~~ ~~except as provided elsewhere~~, the cities
 3 and towns of the state of Montana may make an all-purpose
 4 annual levy upon the assessed taxable value of all the
 5 taxable property in such the cities and towns, ~~subject to~~
 6 ~~taxation~~ for municipal purposes in lieu of the multiple
 7 levies now authorized by statute. The total of such the
 8 all-purpose levy ~~shall~~ ~~may~~ not exceed sixty-five--~~65~~ mills
 9 on the dollar, ~~when this levy shall~~ ~~may~~ not include any
 10 levies necessary for bonded indebtedness, judgments, or
 11 special improvement district revolving funds of
 12 municipalities, ~~which levies may be made~~ in addition to
 13 all-purpose levy as provided in sections 84-4701.1 and
 14 84-4701.6. The moneys received from such the all-purpose
 15 levy shall be accounted for in a common fund known as the
 16 all-purpose general fund.

17 ~~(2)~~ An amount not to exceed five-per--centum--~~5%~~ of
 18 the moneys received from and as a part of the all-purpose
 19 levy aforesaid may be placed in a separate fund known as the
 20 capital improvement program fund to be earmarked for the
 21 replacement and acquisition of property, plants, or equipment
 22 costing in excess of five-thousand-dollars--\$5,000~~7~~ with a
 23 life expectancy of five--~~5~~ years or more, ~~provided that a~~
 24 capital improvement program has been formally adopted by
 25 city or town ordinance.

1 131 The moneys held in the capital improvement program
 2 fund shall, whenever possible, be invested in savings or
 3 time deposits in a state or national bank insured by the
 4 federal deposit insurance corporation or in direct
 5 obligations of the United States government and credited
 6 back to the fund plus interest earned."

7 Section 57. Section 84-4713, R.C.M. 1947, is amended
 8 to read as follows:

9 "84-4713. Taxes in cities and towns ~~which that~~ have
 10 exceeded the statutory limit of indebtedness. All taxes
 11 ~~heretofore~~ levied and collected~~or~~ or to be collected for
 12 municipal and administrative purposes by any city or town
 13 ~~in which~~ the indebtedness ~~of-which~~ equals or exceeds the
 14 limit provided ~~allowed~~ in statute~~r~~ may be used in payment of
 15 current expenses during the fiscal year for which ~~said~~ the
 16 taxes were levied, ~~the-same~~ as though if a special levy had
 17 been made for each of ~~said~~ the purposes. And the council
 18 of any such city or town is--hereby--authorized--to ~~may~~
 19 designate the amount of ~~said~~ the general levy applicable to
 20 each of ~~said~~ the purposes, and the amount so designated
 21 ~~shall-constitute constitutes~~ a special fund for the special
 22 purpose of paying the expenses incurred for ~~such~~ the
 23 purposes, and such the expenses shall be payable out of ~~such~~
 24 the fund and not otherwise~~r~~, provided~~r~~ that ~~however~~ the
 25 aggregate of all taxes authorized for general municipal and

1 administrative purposes ~~shall~~ may not exceed one--and
 2 one-half--per-cent ~~2 1/2%~~ annually upon ~~of~~ the per-centum-of
 3 the-assessed taxable value of all taxable property ~~subject~~
 4 to taxation in such city or town."

5 Section 58. Section 84-5103, R.C.M. 1947, is amended
 6 to read as follows:

7 "84-5103. Taxation of credits of insurance companies
 8 -- other property. All property other than credits of
 9 insurance companies required by law to have and maintain a
 10 legal reserve for the protection of policyholders shall be
 11 assessed, classified, and taxed as other property of like
 12 character. Credits, including evidence of indebtedness
 13 secured by mortgages, less legal reserves for the protection
 14 of policyholders and other indebtedness, shall be classified
 15 and taxed on the basis of thirty-per-centum--(30%) of ~~full~~
 16 cash ~~market~~ value as thus ascertained."

17 Section 59. Section 84-5211, R.C.M. 1947, is amended
 18 to read as follows:

19 "84-5211. Limitation of levies -- livestock moneys.
 20 The amount of ~~such~~ the levy ~~shall~~ may not in any event
 21 exceed two--~~ft~~ & mills upon the ~~assessed--~~ valuation taxable
 22 value of sheep and three--~~ft~~ 2 mills upon the ~~assessed~~
 23 ~~valuation taxable value~~ of other livestock~~r~~, when--~~shall~~--be
 24 levied the levy is raised to aid in the payment of the
 25 general expense expenses of the brands-enforcement functions

1 of the department of livestock, including salaries, office
 2 expense, detective expense, expense-of prosecution, travel,
 3 and all incidental expense, and a separate levy
 4 of not exceeding to exceed three--(3) 2 mills on all
 5 livestock may be raised for the use of the animal health
 6 functions of the department of livestock to be and placed in
 7 the an earmarked revenue fund for the payment of indemnity
 8 for animals slaughtered, and for salaries and expenses
 9 incurred in investigating, controlling, and suppressing
 10 diseases, including expenses of quarantine and salaries and
 11 expenses incurred for such purposes, and for laboratory
 12 maintenance, provided further that At the written request
 13 of the department of livestock the state treasurer and state
 14 controller, at the written request of the department of
 15 livestock shall set aside in a separate account in the
 16 earmarked revenue fund such any moneys as may be available
 17 and requested, which the moneys shall may be expended only
 18 when the department of livestock determines that a livestock
 19 disease emergency exists requiring its expenditure, and they
 20 shall then be expended for such purposes as the department
 21 of livestock may order and direct."

22 SECTION 60. THERE IS A NEW R.C.M. SECTION THAT READS
 23 AS FOLLOWS:

24 Instructions to code commissioner and publisher. In
 25 preparing a composite section of section 84-5211, as amended

1 by this act and by Chapter 120, Laws of 1977, the code
 2 commissioner and the publisher of the Revised Codes of
 3 Montana, 1947, shall indicate the authority granted by
 4 Chapter 120 as authority to levy an additional 3 mills on
 5 the taxable value of all livestock.

6 Section 61. Section 84-5214, R.C.M. 1947, is amended
 7 to read as follows:

8 "84-5214. Levy for bounty moneys -- use of proceeds.
 9 The department of revenue shall annually prescribe, make
 10 and levy an ad valorem tax on all livestock in the state of
 11 Montana for the purpose of protecting such livestock them
 12 against destruction, depredation, and injury by wild
 13 animals, whether the livestock is on lands in private
 14 ownership, in the ownership of the state, or in the
 15 ownership of the United States, including open ranges and
 16 all lands in or of the public domain. This protection may be
 17 by all any means of effective predatory animal destruction,
 18 extermination, and control, including systematic hunting
 19 and trapping in planned campaigns or otherwise, and payment
 20 of bounties against destruction, depredation and injury by
 21 wild animals, whether on lands in private ownership, in the
 22 ownership of the state, or in the ownership of the United
 23 States, including open ranges and all lands in or of the
 24 public domain. The tax levy shall not exceed in any one
 25 year ~~one-and-one-half~~ ~~one-and-one-half~~ ~~one-and-one-half~~ 4.5 mills on the

1 assessed--valuation taxable value of all sheep and fifty-one
 2 ~~forty-mill~~ ~~3~~ MILLS on the assessed--valuation taxable value of
 3 other livestock. The moneys received from ~~such the tax~~ tax
 4 levies shall be transmitted monthly with other taxes for
 5 state purposes by the county treasurer of each county to
 6 the state treasurer and be by the state treasurer
 7 placed in and to the credit of the ~~shall place the money in~~
 8 an earmarked revenue fund with the other moneys in that
 9 fund--under--the--provisions--of--section ~~as provided in~~
 10 46-1901, and such the moneys shall thereafter be paid out
 11 only on claims duly and regularly presented to the
 12 department of livestock and thereafter approved by ~~the~~ the
 13 department in accordance with the law applicable either to
 14 claims for bounties when such claims are approved or to
 15 claims for other expenditures necessary and proper for
 16 predatory animal control by other means and methods ~~other~~
 17 than payment of bounties, as may be determined by the
 18 department of livestock. All such the moneys shall be
 19 available for the payment of bounty claims and for
 20 expenditures in--and for planned, seasonal, or other
 21 campaigns directed or operated by the department in
 22 cooperation with other agencies for the systematic
 23 destruction, extermination, and control of predatory wild
 24 animals, as may be determined by the department and the its
 25 advisory committee thereto. No claims shall ~~may~~ be approved

1 in excess of moneys available for such purposes, and no
 2 warrants shall ~~may~~ be registered against such the moneys."

3 Section 62. Section 84-5216, R.C.M. 1947, is amended
 4 to read as follows:

5 "84-5216. Tax levy for bounties on predatory animals.
 6 Whenever the owners, or agents, or agents of such the owners,
 7 representing fifty-one-per-cent ~~51~~ of the livestock of any
 8 county in this state shall present a petition to the board
 9 of county commissioners of such county asking for the levy
 10 of a tax upon the livestock of such the county for the
 11 purpose of paying bounties on predatory animals killed in
 12 such the county, it shall be the duty of such the board
 13 of county commissioners to make such the levy, which shall
 14 may not exceed ten ~~to~~ 30 mills on the dollar on of the
 15 assessed--valuation taxable value of all livestock in such
 16 the county, in which the tax shall be assessed and collected
 17 in the same manner as all other state and county taxes."

18 Section 63. Section 84-5406, R.C.M. 1947, is amended
 19 to read as follows:

20 "84-5406. Assessment of royalties. Upon receipt of the
 21 list or schedule setting forth the names and addresses of
 22 any and all persons, corporations, and associations owning
 23 or claiming royalty and the amount or amounts paid or
 24 yielded as royalty to such the royalty owners or claimants
 25 during the year for which such the return is made, the state

1 department of revenue shall proceed to the assessment of all
 2 such assess and tax the royalties and shall assess the same
 3 at--the--full--cash--value--of--the--money--or--product--yielded
 4 during such preceding calendar year, and the same shall be
 5 taxed on the same basis as net proceeds of mines are taxed
 6 as provided by section 84-301 ~~84-301.3~~ 84-301.3."

7 Section 64. Section 84-6008, R.C.M. 1947, is amended
 8 to read as follows:

9 "84-6008. Assessment of personal property brought into
 10 the state -- exceptions. (1) Property in the following cases
 11 is subject to taxation and assessment for all taxes levied
 12 that year in the county in which it is located:

13 (a) Any personal property, including livestock,
 14 brought, driven, or coming into this state at any time
 15 during the year which that is used in the state for hire,
 16 compensation, or profit;

17 (b) or--if the property whose owner and/or the user of
 18 the property is engaged in gainful occupation or business
 19 enterprise in the state; or

20 (c) the property otherwise which comes to rest and
 21 becomes a part of the general property of the state, shall
 22 be--subject-to-taxation-and-shall-be-assessed-for-all-taxes,
 23 levied-or-leviable-for-that-year-in-the-county-in-which--the
 24 same--shall--thus--be,

25 (2) The taxes on this property are levied in the same

1 manner and to the same extent, except as hereinafter
 2 otherwise provided, as though such the property had been in
 3 the county on the regular assessment date, provided that
 4 such the property has not been regularly assessed for the
 5 year in some other county of the state,

6 (3) provided further that nothing herein contained
 7 Nothing in this section shall be construed into authority to
 8 assess--or levy any a tax against any a merchant or dealer
 9 within this state on goods, wares, or merchandise brought
 10 into the county to replenish the stock of such the merchant
 11 or dealery in addition to the tax levied against the
 12 inventory of said merchant or dealer on the regular
 13 assessment date.

14 (4) provided further that this act This section shall
 15 not apply to motor vehicles brought, driven, or coming into
 16 this state by any nonresident migratory, bona fide
 17 agricultural workers temporarily employed in agricultural
 18 work in Montana where said if the motor vehicles are used
 19 exclusively for transportation of agricultural workers.

20 (5) Agricultural harvesting machinery classified under
 21 Class--2 class--two CLASSES EIGHT AND TWELVE, section 84-301,
 22 R.C.M.-1947, licensed in other states, and operated on the
 23 lands of persons other than the owner of the machinery,
 24 under contracts for hire shall be subject to a fee, in lieu
 25 of taxation, of thirty-five-dollars-(\$35) per machine for a

1 sixty-~~60~~-day period. Such the machines shall be subject to
 2 taxation under ~~class-2 classes-two~~ CLASSES EIGHT AND TWELVE
 3 only if they are sold in Montana."

4 Section 65. Section 84-6102, R.C.M. 1947, is amended
 5 to read as follows:

6 "84-6102. United States property held under contract
 7 of sale--assessment--at--full--value. When such the property
 8 is held under a contract of sale or other agreement whereby
 9 on--certain upon payment or--payments the legal title is or
 10 may be acquired by such the person, corporations, or
 11 association, such the real property shall be assessed and
 12 taxed as for the full value--thereof defined in ~~84-301-5~~
 13 ~~84-301-6~~--~~84-301-8~~--~~84-301-9~~--~~84-301-11~~--~~84-301-15~~--
 14 ~~84-301-2~~ THROUGH ~~84-301-19~~ AND ~~84-401~~ without deduction on
 15 account of the whole or any part of the purchase price or
 16 other sum due on such the property remaining unpaid
 17 provided,--that--the The lien for such the tax shall neither
 18 may not attach to, impaire nor be enforced against any
 19 interest of the United States in such the real property."

20 Section 66. Section 84-6103, R.C.M. 1947, is amended
 21 to read as follows:

22 "84-6103. United States property held under lease --
 23 assessment at value of leasehold. When such the property is
 24 held under lease, or other interest, or estate therein less
 25 than the fees, except under contract of sale, such the

1 property shall be assessed and taxed as for the true--cash
 2 value as defined in 84-301-2 through ~~84-301-5~~ and ~~84-401~~
 3 ~~84-301-19~~ of such leasehold, interest, or estate in such the
 4 property and the lien for such the tax shall attach to and
 5 be enforced against only the leasehold, interest, or estate
 6 in such the property provided,--that--where the United
 7 States authorizes the taxation of such the property for the
 8 full assessed value of the fee thereof, such the property
 9 shall be assessed for such full assessed value, as defined
 10 in 84-401."

11 Section 67. Section 84-6205, R.C.M. 1947, is amended
 12 to read as follows:

13 "84-6205. Assessment of royalties. The amount of
 14 royalty received shall be considered net proceeds to the
 15 recipient and shall be assessed as follows: Upon upon
 16 receipt of the lists or schedules setting forth the names
 17 and addresses of any and all persons owning or claiming
 18 royalty, and the amount or--amounts paid or yielded as
 19 royalty to such royalty owners or claimants during the year
 20 for which such return is made, the state department of
 21 revenue shall proceed to the--assessment--of--all--such
 22 royalties, and shall assess and tax the same at--the--full
 23 cash--value--of--the--money--or--product--yielded--or--accrued--during
 24 such preceding calendar years, and the same shall be taxed as
 25 net proceeds of mines."

1 Section 68. Section 84-6407, R.C.M. 1947, is amended
 2 to read as follows:

3 "84-6407. Transmission of statement of amount
 4 apportioned to counties. On or before the second Monday in
 5 July, the department shall apportion such the assessment to
 6 the counties in or through which the airline operates. The
 7 county assessor must enter the amount of the assessment
 8 apportioned to the county in the column of the assessment
 9 roll or book which shows the total value of all property for
 10 taxation in the county. The assessment shall be assigned to
 11 class 7 ~~having-a-taxable-value-of-forty-per-cent-(40%)~~
 12 ~~of-assessed-value."~~

13 Section 69. Section 84-7403, R.C.M. 1947, is amended
 14 to read as follows:

15 "84-7403. Tax treatment of certain energy-related
 16 investments. (1) Upon application by a taxpayer, approved
 17 under section 84-7404, a capital investment by the taxpayer
 18 in a recognized nonfossil form of energy generation shall be
 19 treated by the department of revenue as:

20 (a) property exempt from taxation to the extent the
 21 appraised ~~assessed~~ value of the investment does not exceed
 22 one-hundred-thousand-dollars-(\$100,000) or

23 (b) class seven ~~EIGHTEEN~~ property, as defined in
 24 sections--84-301--and--84-302, ~~84-301&84-301.19~~ for such
 25 portion of the appraised ~~assessed~~ value of the investment

1 that exceeds one-hundred-thousand-dollars-(\$100,000).
 2 (2) Upon application by a taxpayer, approved under
 3 section 84-7404, a capital investment in a building by the
 4 taxpayer for an energy conservation purpose shall be treated
 5 by the department of revenue as class eight ~~EIGHTEEN~~
 6 property, as defined in sections-84-301-and-84-302 ~~84-301&84-301.16~~, to the extent the appraised ~~assessed~~ value of the
 7 investment does not exceed twenty--percent--(20%) of the
 8 appraised ~~assessed~~ value of the building in which the
 9 investment is made."

11 Section 70. Section 84-7513, R.C.M. 1947, is amended
 12 to read as follows:

13 "84-7513. Valuation of commercial land. After
 14 classification as commercial, land, whether occupied or not,
 15 shall ~~may~~ not change in value for tax purposes unless it
 16 meets or is governed by the following provisions:

17 (1) Class A -- open undeveloped land. Open
 18 undeveloped land within the boundaries ~~set-as of designated~~
 19 commercial land which has value and is not designated for
 20 usage as a parking area or park~~s~~ and developed as such
 21 within two-(2) years from the effective date of this act,
 22 shall be subject to taxation in the following method (after
 23 the two-(2)-year grace period):
 24 1st year taxation -- 1% over valuation existing at the
 25 beginning of the ~~said~~two-(2) years;

1 2nd year taxation -- +2% over the previous year's valuation;
 2 3rd year taxation -- +10% over the previous year's valuation;
 3 3-5 years taxation -- +20% over the previous year's valuation;
 4 over five 5 years -- +30% over the previous year's valuation.

5 (2) Class B -- existing improved land. All land in a
 6 commercial class shall remain in the same taxable base until
 7 expanded or remodeled. No expansion or remodeling shall ~~may~~
 8 occur without approval of the governing body. Upon
 9 remodeling or improving, it shall receive a reduction in
 10 valuation in the amount of its valuation change which shall
 11 apply as a reduction in valuation of the property for a
 12 period of five--~~5~~ years, commencing in the amount of the
 13 cost of remodeling or improving in the first year and
 14 reducing in an amount of twenty-percent--~~20%~~ per year for
 15 each remaining year thereafter.

16 (3) Class C -- existing improved land. Existing
 17 structures and buildings shall be frozen in their existing
 18 tax base for a period of ten--~~10~~ years, unless remodeled,
 19 where section 12(1)(a) shall apply. If not remodeled after
 20 ten--~~10~~ years, the following shall apply:

21 Age of structure 22 in years	23 1-5 years	24 5-10 years	25 10-15 years	26 15 years and over	27 Tax increase according 28 to the years since remodeled last
29	30	31	32	33	34
35 10-12	36 12	37 2%	38 4%	39 5%	40

1 12-15	2 2%	3 4%	4 6%	5 8%
6 15-20	7 4%	8 8%	9 12%	10 16%
11 21-25	12 10%	13 12%	14 16%	15 18%
16 26-30	17 15%	18 18%	19 20%	20 24%
21 31-40	22 25%	23 28%	24 30%	25 35%
26 40-50	27 40%	28 45%	29 50%	30 60%
31 50-Over	32 50%	33 60%	34 75%	35 100%

36 (4) Class D -- new improved land.
 37 (a) The construction cost and land cost of any
 38 commercial development within a classified commercial or
 39 residential area ~~shall~~ ~~may~~ not be taxed for its construction
 40 period.

41 (b) Following the nontaxable period the total cost of
 42 land and improvements developed as new commercial property
 43 shall be taxed as follows:

44 Commercial land location	45 Taxable schedule
46 (i) Land within and	47 Improvements shall be
48 extending nine-hundred	49 taxed in additional
50 feet beyond that	51 increments as follows:
52 area designated by the	53 one-hundred-percent--100%
54 governing authority as	55 increase in valuation assessed
56 the central business	57 value per year until a total
58 district of a community.	59 value for tax purposes
60	61 is one-hundred-percent--100%
62	63 of assessed value.

1 Section 71. Section 89-3403, R.C.M. 1947, is amended
2 to read as follows:

3 "89-3403. Definitions. As used in this act, unless the
4 context clearly indicates otherwise:

5 (1) "District district" means a conservancy district,
6 which is a public corporation and a political subdivision of
7 the state:
8 (2) "Directors directors" means the board of directors
9 of a conservancy district:
10 (3) "Elector elector" means a person qualified to vote
11 under section 89-3423:
12 (4) "Court court" means the district court of the
13 judicial district in which the largest portion of the
14 taxable valuation of real property of the proposed district
15 is located and within the county in which the largest
16 portion of the taxable valuation of real property of the
17 proposed district is located within the judicial district:
18 (5) "Person person" means a natural person; firm;
19 partnership; co-operative cooperative; association; public
20 or private corporation, including the state of Montana or
21 the United States; foundation; state agency or institution;
22 county; municipality; district or other political
23 subdivision of the state; federal agency or bureau; or any
24 other legal entity:
25 (6) "Department department" means the department of

1 natural resources and conservation provided for in Title
 2 82A, chapter 15*vi*

3 (7) "Board ~~board~~ of supervisors" means the board of
 4 supervisors of the soil and water conservation district in
 5 which the largest portion of the taxable valuation of real
 6 property of the proposed district is located*vi*

7 (8) "Works ~~works~~" means all property, rights,
 8 easements, franchises, and other facilities including, but
 9 not limited to, land, reservoirs, dams, canals, dikes,
 10 ditches, pumping units, mains, pipelines, waterworks
 11 systems, recreational facilities, facilities for fish and
 12 wildlife, and facilities to control and correct pollution*vi*

13 (9) "Cost ~~cost~~ of works" means the cost of
 14 construction, acquisition, improvement, extension, and
 15 development of works, including financing charges, interests,
 16 and professional services*vi*

17 (10) "Applicants ~~applicants~~" means any person residing
 18 within the boundaries of the proposed district making a
 19 request for a study of the feasibility of forming a
 20 conservancy district*vi*

21 (11) "Notice ~~notice~~" means publication at least once
 22 each week for three-*{3}* consecutive weeks in a newspaper
 23 published in each county*vi* or, if no newspaper is published
 24 in a county, a newspaper of general circulation in the
 25 county*vi* or counties*vi* in which a district is or will be

1 located. The last published notice shall appear not less
 2 than five-*{5}* days prior to any hearing or election held
 3 under this act*vi*

4 (12) "Owners ~~owners~~" are the person or persons who
 5 appear as owners of record of the legal title to real
 6 property according to the county records whether such title
 7 is held beneficially or in a fiduciary capacity, except that
 8 a person holding a title for purposes of security is not an
 9 owner nor shall ~~may~~ he affect the previous title for
 10 purposes of this act*vi*

11 (13) "Taxable ~~taxable~~ valuation" ~~shall~~ mean is the
 12 valuation-determined-according-to-section-84-302*v-Rv-Cv-Mv*
 13 ~~1947~~ value as defined in 84-401 and does not mean assessed
 14 valuation.*vi*

15 SECTION 72. THERE IS A NEW R.C.M. SECTION NUMBERED
 16 84-309 THAT READS AS FOLLOWS:

17 84-309. Reappraised real property -- limitation on
 18 increased appraisals -- table of taxable percentages. (1)
 19 The director of revenue shall certify to the governor,
 20 before June 30, 1978, the percentage by which the market
 21 value of all property in the state classified under sections
 22 84-301.12, 84-301.16(1)(b), and 84-301.19(1)(a) as of
 23 January 1, 1977 has increased due to the revaluation
 24 conducted under 84-429.14. This figure is the "certified
 25 statewide percentage increase".

1	(2) The taxable value of property in these three	1	19%	10.28
2	classes is determined as a function of the certified	2	20%	10.20
3	statewide percentage increase in accordance with the	3	21%	10.13
4	following table:	4	22%	10.05
5	Certified statewide 84-301.12 84-301.16 84-301.19	5	23%	9.98
6	percentage increase (1) (b) (1) (a)	6	24%	9.91
7	0	7	25%	9.84
8	1%	8	26%	9.77
9	2%	9	27%	9.70
10	3%	10	28%	9.64
11	4%	11	29%	9.57
12	5%	12	30%	9.51
13	6%	13	31%	9.44
14	7%	14	32%	9.38
15	8%	15	33%	9.32
16	9%	16	34%	9.26
17	10%	17	35%	9.20
18	11%	18	36%	9.14
19	12%	19	37%	9.08
20	13%	20	38%	9.03
21	14%	21	39%	8.97
22	15%	22	40%	8.91
23	16%	23	41%	8.86
24	17%	24	42%	8.81
25	18%	25	43%	8.75

1	44%	8.70
2	45%	8.65
3	46%	8.60
4	47%	8.55
5	48%	8.50
6	49%	8.45
7	50%	8.40

8 SECTION 73. THERE IS A NEW R.C.M. SECTION THAT READS
9 AS FOLLOWS:

10 Temporary authority to exceed mill levy limitations in
11 certain cases. Taxing jurisdictions may adopt and levy for
12 a budget equal to 105% of the preceding year's budget,
13 statutory mill levy limitations notwithstanding, unless the
14 taxable valuation therein has increased to a level which
15 would allow statutory mill levies to produce a budget equal
16 to 105% of the preceding year's budget.

17 Section 74. Repealer. Sections 69-3923, 84-301,
18 84-302, 84-304, 84-305, 84-307, and 84-308, R.C.M. 1947, are
19 repealed. HOWEVER, AMENDMENTS TO 84-301, 84-302, OR 84-307,
20 R.C.M. 1947, ENACTED BY THIS LEGISLATIVE SESSION SHALL BE
21 INCORPORATED INTO THE EQUIVALENT SECTIONS ENACTED IN THIS
22 ACT AS DIRECTED BY SUCH OTHER AMENDATORY ACTS.

-End-

STANDING COMMITTEE REPORT

PERIODICALS 31..... 19...79.....

MR. ~~SPEAKER~~.....

We, your committee on ~~TAXATION~~.....

having had under consideration ~~HOUSE~~..... Bill No. ~~70~~.....

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROPERTY TAX SYSTEM BY GENERALLY REVISING AND RECODIFYING SECTIONS RELATING TO PROPERTY CLASSIFICATION AND TAXATION AND BY ESTABLISHING MARKET VALUE AS THE BASIS OF TAXATION, EXCEPT FOR CERTAIN CASES, AND ADJUSTING THE TAXABLE PERCENTAGE ACCORDINGLY; AMENDING SECTIONS.....

AND REPEALING SECTIONS...

Respectfully report as follows: That ~~HOUSE~~..... Bill No. ~~70~~.....

introduced bill, be amended as follows:

1. Amend title, line 13.

Following: "69-3504,"

Strike: "69-3923,"

2. Amend page 2, section 1, line 1.

Following: "through"

Strike: "84-301.15"

Insert: "84-301.19"

3. Amend page 2, sections 3 through 15, lines 17 through line 12 on page 15.

Following: "percentage."

Strike: lines 17 through line 12 on page 15 in their entirety.

Insert: "(1) Class two property includes the annual net proceeds of all mines and mining claims, except coal mines.

(2) Class two property is taxed at 100% of its annual net proceeds after deducting the expenses specified and allowed by 84-5403.

~~HOUSE~~.....

Section 4. There is a new R.C.M. section numbered 84-301.4 that reads as follows:

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84-301.4. Class three property -- description -- percentage. (1) Class three property includes the annual gross proceeds of coal mines using the strip mining method.

(2) Class three property is taxed at 45% of its assessed value, which is 100% of annual gross proceeds.

Section 5. There is a new R.C.M. section numbered 84-301.5 that reads as follows:

84-301.5. Class four property -- description -- taxable percentage. (1) Class four property includes the annual gross proceeds of underground coal mines.

(2) Class four property is taxed at 33 1/3% of its assessed value, which is 100% of annual gross proceeds.

Section 6. There is a new R.C.M. section numbered 84-301.6 that reads as follows:

84-301.6. Class five property -- description -- taxable percentage. (1) Class five property includes moneyed capital and shares of banks.

(2) Moneyed capital is defined as moneys, bonds, notes, and other evidence of indebtedness, including evidence of indebtedness secured by mortgage on real or personal property, in the hands of individual citizens and corporations in competition with the business of national banks or employed in conducting a banking or investment business.

(3) In ascertaining the value of moneyed capital for taxation, any deposits and any indebtedness borrowed for use as moneyed capital are deducted from the amount of bonds, notes, and other evidence of indebtedness.

(4) In ascertaining the value of the shares of a national bank for taxation, the book value of all real estate owned by a bank is deducted from the value of the shares and assessed to the bank separately. The shares of banking corporations engaged in the banking business in Montana are assessed at 100% of book value, less the book value of the real estate, moneyed capital, and other property of the bank that is assessed and taxed as the property of the bank.

(5) Class five property is taxed at 30% of its book value, with the exception of the surplus shown on the bank's books. The surplus, to the amount of the stated capital of the bank, is taxed at 7% of its book value. The amount of surplus in excess of the stated capital is taxed at 30%.

Section 7. There is a new R.C.M. section numbered 84-301.7 that reads as follows:

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84-301.7. Class six property -- description -- taxable percentage. (1) Class six property includes agricultural land, as defined in 84-437.2.

(2) Class six property is taxed at 30% of its assessed value.

Section 8. There is a new R.C.M. section numbered 84-301.8 that reads as follows:

84-301.8. Class seven property -- description -- taxable percentage. (1) Class seven property includes:

(a) centrally assessed utility allocations after deductions of locally assessed properties, except as provided in:

(i) class fourteen for rural telephones; and

(ii) class eighteen for cooperatives;

(b) all other property not included in classes one through six and classes eight through eighteen;

(c) large trucks and commercial trailers valued in the department of revenue truck and commercial trailer schedule.

(2) Class seven property is taxed at 16% of its market value.

Section 9. There is a new R.C.M. section numbered 84-301.9 that reads as follows:

84-301.9. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural and other tools, implements, and machinery except:

(i) large farm machinery included in class twelve; and

(ii) tools and implements included in class fourteen;

(b) gas and other engines and boilers and threshing machines and outfits used therewith;

(c) harness, saddlery, and robes;

(2) Class eight property is taxed at 13% of its market value.

Section 10. There is a new R.C.M. section numbered 84-301.10 that reads as follows:

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84-301.10. Class nine property -- description -- taxable percentage. (1) Class nine property includes:

- (a) automobiles, motor trucks, and other power-driven cars and vehicles of all kinds, except mobile homes, motorcycles, aircraft, camper trailers, and truck campers;
- (b) livestock, poultry, and unprocessed products of both; and
- (c) furniture and fixtures used in commercial, office, and hotel activities, except improvements included in class thirteen.

(2) Class nine property is taxed at 13.3% of its market value.

Section 11. There is a new R.C.M. section numbered 84-301.11 that reads as follows:

84-301.11. Class ten property -- description -- taxable percentage. (1) Class ten property includes:

- (a) aerial, surface, and portable ski lifts and ski tows, including the towers, cables, ropes, sheave assemblies, conveying devices, power units, and all accessories;
- (b) manufacturing and mining machinery, fixtures, and supplies, except those included in class eighteen; and
- (c) camper trailers and truck campers valued in the "Official Boat Trailer Trade-in Guide Blue Book".

(2) Class ten property is taxed at 12% of market value.

Section 12. There is a new R.C.M. section numbered 84-301.12 that reads as follows:

84-301.12. Class eleven property -- description -- taxable property. (1) Class eleven property includes:

- (a) all land, except agricultural land meeting the qualifications of 84-437.2;
- (b) all improvements, except those included in classes fifteen and eighteen;
- (c) all trailers affixed to land owned, leased, or under contract for purchase by the trailer owner; and
- (d) all mobile homes, except:

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(i) those held by a distributor or dealer of mobile homes as part of his stock in trade; and

(ii) those included in class fifteen.

(2) Class eleven property is taxed at 12% of its market value.

Section 13. There is a new R.C.M. section numbered 84-301.13 that reads as follows:

84-301.13. Class twelve property -- description -- taxable percentage. (1) class twelve property includes:

(a) boats and all watercraft;

(b) aircraft;

(c) motorcycles; and

(d) large farm machinery valued in the official guide/farm implements and department valuation schedules.

tractors and

(2) Class twelve property is taxed at 11% of its market value.

Section 14. There is a new R.C.M. section numbered 84-301.14 that reads as follows:

84-301.14. Class thirteen property -- description -- taxable percentage. (1) Class thirteen property includes the incremental increase in the value of real estate produced by repairing, maintaining, or improving existing improvements.

(2) Class thirteen property is taxed at:

(a) 2.4% of the market value for the first full year following completion of the repair, maintenance, or improving of existing improvements;

(b) 4.8% of the market value for the second full year following completion of the repair, maintenance, or improving of existing improvements;

(c) 7.2% of the market value for the third full year following completion of the repair, maintenance, or improving of existing improvements;

(d) 9.6% of the market value for the fourth full year following completion of the repair, maintenance, or improving of existing improvements; and

(e) 12% of the market value for the fifth full year and every year thereafter following completion of the repair, maintenance, or improving of existing improvements.

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Section 15. There is a new R.C.M. section numbered 84-301.15 that reads as follows:

84-301.15. Class fourteen property -- description -- taxable percentage.

(1) Class fourteen property includes:

(a) all poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property, except that included in class eighteen, used and owned by persons, firms, corporations, or other organizations that are engaged in the business of furnishing telephone communications exclusively to rural areas or to rural areas and cities and towns of 800 persons or less. The average circuit miles for each station on the telephone communications system must be more than 1 1/4 miles to qualify for this classification;

(b) tools, implements, and machinery used to repair and maintain machinery not used for manufacturing and mining purposes; and

(c) electric transformers and meters and gas regulators and meters that are not part of the single and continuous property of a utility that is centrally assessed.

(2) Class fourteen is taxed at 8% of its market value.

Section 16. There is a new R.C.M. section numbered 84-301.16 that reads as follows:

84-301.16. Class fifteen property -- description -- taxable percentage.

(1) Class fifteen property includes:

(a) a capital investment in a building for an energy conservation purpose, to the extent provided under 84-7403; and

(b) any improvement on real property, a trailer affixed to land, or a mobile home and appurtenant land not exceeding 5 acres, which together meet the following conditions:

(i) have a market value of not more than \$27,500;

(ii), are owned or under contract for deed and are actually occupied for at least 10 months per year as the primary residential dwelling of:

(A) a widow or widower 62 years of age or older who qualifies under the income limitations of (C) of this section;

(B) a widow or widower of any age with dependent children who qualifies under the income limitations of (C) of this section; or

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(C) a recipient or recipients of retirement or disability benefits whose total income from all sources is not more than \$6,000 a year for a single person or \$6,800 a year for a married couple.

(2) (a) A person applying for classification of property under this class must make an affidavit to the department of revenue on a form provided by the department without cost as to:

- (i) his income, if applicable;
- (ii) his retirement benefits, if applicable;
- (iii) his marital status, if applicable; and

(iv) the fact that he maintains the land and improvements as his primary residential dwelling.

(b) The county welfare board may investigate the applicant as to the answers given on the form. For the purpose of the affidavit required for classification of property under this class, it shall be sufficient if the applicant signs a statement swearing to or affirming the correctness of the information supplied, whether or not the statement is signed before a person authorized to administer oaths, and mails the application and statement to the department of revenue. This signed statement shall be treated as a statement under oath or equivalent affirmation for the purposes of 94-7-203, relating to the criminal offense of false swearing.

(c) The assessed value of the property may not be increased during the life of the recipient of retirement benefits or widow or widower covered under this class, unless the owner-resident makes a substantial improvement in the dwelling.

(3) Class fifteen property is taxed at 6% of its market value.

Section 17. There is a new R.C.M. section numbered 84-301.17 that reads as follows:

84-301.17. Class sixteen property -- description -- taxable percentage.

(1) Class sixteen property includes:

- (a) business inventories as defined in this section; and
- (b) mobile machines, valued as other heavy construction equipment is valued, used in new industries, as defined in class eighteen.

(2) Mobile machines used in new industry are subject to the conditions imposed in class eighteen for other property used in new industries.

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(3) "Business inventories" includes goods intended for sale or lease in the ordinary course of business and raw materials and work in progress with respect to such goods. Business inventories shall not include goods leased or rented or mobile homes held by a dealer or distributor as part of his stock in trade.

(4) The market value of business inventories, for property tax purposes, is the cost to the person subject to the inventory tax.

(5) Class sixteen property is taxed at 4.2% of market value.

Section 18. There is a new R.C.M. section numbered 84-301.18 that reads as follows:

84-301.18. Class seventeen property -- description -- taxable percentage.

(1) Class seventeen property includes all unprocessed agricultural products on the farm or in storage, except:

(a) all perishable fruits and vegetables in farm storage and owned by the producer; and

(b) livestock and poultry and the unprocessed products of both.

(2) Class seventeen property is taxed at 3.5% of market value.

Section 19. There is a new R.C.M. section numbered 84-301.19 that reads as follows:

84-301.19. Class eighteen property -- description -- taxable percentage.

(1) Class eighteen property includes:

(a) a dwelling house and the lot on which it is erected, owned, and occupied by a resident of the state who:

(i) has been honorably discharged from active service in any branch of the armed services; and

(ii) is rated 100% disabled due to a service-connected disability by the United States veterans administration or its successor. In the event of the veteran's death, the dwelling house and the lot on which it is erected shall remain in this class as long as the surviving spouse remains unmarried and the owner and occupant of the property.

(b) all property used and owned by cooperative rural electrical and cooperative rural telephone associations as provided in (2)(a) of this section.

(c) air pollution control equipment as defined in this section;

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(d) new industrial property as defined in this section; and

(e) a capital investment in a ~~recognizable~~ nontoxic form of energy generation, to the extent provided under 84-7403.

(2) (a) The property of all cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana is included in this class; except that when less than 95% of the electricity consumers or telephone users within the incorporated limits of a city or town are served by the cooperative organization, the property is included in class eighteen.

(b) "Air pollution control equipment" means facilities, machinery, or equipment, attached or unattached to real property, utilized to reduce, eliminate, control, or prevent air pollution. The department of health and environmental sciences determines if such utilization is being made.

(c) "New industrial property" means any new industrial plant, including land, buildings, machinery, and fixtures, except mobile machinery, which is used by a new industry during the first 3 years of its operation. The property may not have been assessed prior to July 1, 1961, within the state of Montana.

(i) New industrial property is limited to industries that:

(A) manufacture, mill, mine, produce, process, or fabricate materials;

(B) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials; or

(C) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the 1972 Standard Industrial Classification Manual prepared by the United States office of management and budget.

(ii) New industrial property does not include:

(A) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions;

(B) a plant that will create adverse impact on existing state, county, or municipal services; or

(C) property used or employed in any industrial plant that has been in operation in this state for 3 years or longer.

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(c) "New industry" means any person, corporation, firm, partnership, association, or other group that establishes a new plant or plants in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry or industries.

(3) The department of revenue shall promulgate rules for the determination of what constitutes an adverse impact, taking into consideration the number of people to be employed and the size of the community in which the location is contemplated. Any person, corporation, firm, partnership, association, or other group seeking to qualify its property for inclusion in this class shall make application to the department of revenue in such a manner and form as the department requires. Once the department has made an initial determination that the industrial facility qualifies as new industrial property, the department shall then, upon proper notice, hold a hearing to determine if the new industrial classification should be retained by the property. The local taxing authority may appear at the hearing and may waive its objection to retention of this classification if the industry agrees to the prepayment of taxes sufficient to satisfy tax requirements created by the location and construction of the facility during the construction period. When a prepayment of taxes is required, the maximum amount of prepayment shall be the amount of tax the industry would have paid without the application of the class seven percentage to such property.

(4) If a major new industrial facility qualifies under class eighteen, the reduction of its yearly payment of property taxes for reimbursement of its prepaid taxes as provided for in 84-41-105 does not begin until the class eighteen qualification expires.

(5) Class eighteen property shall be taxed at 2.8% of its market value."

Remember: all subsequent sections.

4. Amend page 15, section 16, line 20.

Following: "section"

Insert: "and in 84-429.14 through 84-429.17"

5. Amend page 16, section 16, line 3.

Following: "property in"

Strike: "classes one through ten, with the exception of class six"

Insert: "class one and classes seven through eighteen"

6. Amend page 16, section 16, line 6.

Following: "property in"

Strike: "classes one through ten, with the exception of class six,"

Insert: "class one and classes seven through eighteen"

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7. Amend page 16, section 16, line 9.

Following: "84-301.2"

Strike: "through 84-301.11, excluding 84-301.7"

Insert: "and 84-301.8 through 84-301.19"

8. Amend page 16, section 16, lines 10 and 11.

Following: "in"

Strike: "84-301.7 and 84-301.12 through 84-301.15"

Insert: "84-301.3 through 84-301.7"

9. Amend page 16, section 16, line 12.

Following: "in"

Strike: "84-301.7"

Insert: "84-301.6"

Following: "class"

Strike: "six"

Insert: "five"

10. Amend page 16, section 16, line 14.

Following: line 13

Strike: "84-301.7"

Insert: "84-301.6"

11. Amend page 16, section 16, line 15.

Following: "84-301"

Strike: "84-301.12"

Insert: "84-301.3"

12. Amend page 16, section 16, line 16.

Following: "class"

Strike: "eleven"

Insert: "two"

13. Amend page 16, section 16, line 20.

Following: "in"

Strike: "84-301.13 and 84-301.14"

Insert: "84-301.4 and 84-301.5"

14. Amend page 16, section 16, line 21.

Following: "classes"

Strike: "twelve"

Insert: "three"

Following: "and"

Strike: "thirteen"

Insert: "four"

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15. Amend page 16, section 16, line 24.

Following: "in"

Strike: "84-301.15"

Insert: "84-301.7"

Following: "class"

Strike: "fourteen"

Insert: "six"

16. Amend page 17, section 16, subsection (7), line 15.

Following: "classes"

Strike: "eleven"

Insert: "two"

17. Amend page 17, section 16, subsection (7), line 16.

Following: "through"

Strike: "fourteen"

Insert: "six"

18. Amend page 17, section 16, subsection (7), line 17.

Following: "in"

Strike: "84-301.14"

Insert: "84-301.3"

Following: "through"

Strike: "84-301.15"

Insert: "84-301.7"

19. Amend page 48, section 37, line 4.

Following: "half-{"

Strike: 1 1/2"

Insert: "4.5"

20. Amend page 50, section 39, subsection (2), line 2.

Following: "value"

Insert: "and taxable value"

21. Amend page 50, section 39, subsection (6), line 15.

Following: "value"

Insert: "and taxable value"

22. Amend page 56, section 40, subsection (2), line 22.

Following: "value"

Insert: "and taxable value"

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23. Amend page 63, section 41, subsection (3), line 7.

Following: "class"

Strike: "seven"

Insert: "eighteen"

24. Amend page 63, section 41, subsection (3), line 8.

Following: "1947"

Strike: "84-301.8"

Insert: "84-301.19"

25. Amend page 63, section 41, subsection (3), line 11.

Following: "class"

Strike: "seven"

Insert: "eighteen"

26. Amend page 64, section 41, subsection (4), line 6.

Following: "class"

Strike: "seven"

Insert: "eighteen"

27. Amend page 65, section 42, subsection (2), line 20.

Following: "§"

Strike: "1"

Insert: "10"

28. Amend page 68, section 43, subsection (8), lines 4 and 5.

Following: "through"

Strike: "84-301.15 and 84-308"

Insert: "84-301.19"

29. Amend page 70, section 45, subsection 84-404, line 3.

Following: "through"

Strike: "84-301.15 and 84-308"

Insert: "84-301.19"

30. Amend page 75, section 47, line 4.

Following: "84-401"

Strike: "and 84-308"

31. Amend page 84, section 50, subsection (1), line 20.

Following: "84-301.7"

Strike: "84-301.7"

Insert: "84-301.6"

32. Amend page 91, section 55, line 7.

Following: "two-f"

Strike: "2"

Insert: "6"

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33. Amend page 91, section 55, line 8.

Following: "three"

Strike: "3"

Insert: "9"

34. Amend page 91, section 55, line 15.

Following: "three-~~t~~"

Strike: "3"

Insert: "9"

35. Amend page 93, section 55, line 2.

Following: ~~half-~~t~~~~

Strike: "1 1/2"

Insert: "4.5"

36. Amend page 94, section 57, line 16.

Following: "ten"

Strike: "10"

Insert: "30"

37. Amend page 95, section 58, line 4.

Following: "84-301"

Strike: "84-301.12"

Insert: "84-301.3"

38. Amend page 96, section 59, line 23.

Following: "class-2"

Strike: "class two"

Insert: "classes eight and twelve"

39. Amend page 97, section 59, line 4.

Following: "2"

Strike: "class two"

Insert: "classes eight and twelve"

40. Amend page 97, section 60, lines 13 and 14.

Following: "in"

Strike: "84-301.5, 84-301.6, 84-301.8, 84-301.9, 84-301.11, 84-301.15, or"

Insert: "84-301.2 through 84-301.19 and"

41. Amend page 98, section 61, line 3.

Following: "through"

Strike: "84-301.15 and 84-401"

Insert: "84-301.19"

42. Amend page 99, section 64, line 24.

Following: "class"

Strike: "seven"

Insert: "eighteen"

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43. Amend page 99, section 64, line 25.

Following: "84-302"

Strike: "84-301.8"

Insert: "84-301.19"

44. Amend page 100, section 64, subsection (2), line 6.

Following: "class"

Strike: "eight"

Insert: "fifteen"

45. Amend page 100, section 64, subsection (2), line 7.

Following: "84-302"

Strike: "84-301.9"

Insert: "84-301.16"

AS AMENDED, DO PASS

REP. HERB HUENNEKENS, CHAIRMAN

purpose of taxation, the taxable property in the state shall be classified in accordance with 84-301.2 through 84-301.15 84-301.19.

Section 2. There is a new R.C.M. section numbered 84-301.2 that reads as follows:

84-301.2. Class one property -- description -- taxable percentage. (1) Class one property includes the right of entry which is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land whose surface title is held by another to explore, prospect, or dig for oil, gas, coal, or minerals. The market value of the right of entry is determined by the department of revenue.

(2) Class one property is taxed at 100% of its market value.

Section 3. There is a new R.C.M. section numbered 84-301.3 that reads as follows:

84-301.3. Class two property -- description -- taxable percentage. (1) Class two property includes:

(a) all agricultural and other tools, implements, and machinery;

(b) gas and other engines and boilers and threshing machines and outfits used therewith;

(c) automobiles, motor trucks, and other power-driven cars and vehicles of all kinds except mobile homes.

1 (d) boats and all watercraft
 2 (e) harness, saddlery and robes
 3 (f) all property, except that included in class five,
 4 84-301-6 used and owned by persons, firms, corporations or
 5 other organizations that are engaged in the business of
 6 furnishing telephone communications exclusively to rural
 7 areas or to rural areas and cities and towns of 800 persons
 8 or less. The average circuit miles for each station on the
 9 telephone communications system must be more than 1-1/4
 10 miles to qualify for this classification.

11 (2) Class two property is taxed at 13% of its market
 12 values. (1) CLASS TWO PROPERTY INCLUDES THE ANNUAL NET
 13 PROCEEDS OF ALL MINES AND MINING CLAIMS, EXCEPT COAL AND
 14 METAL MINES.

15 (2) CLASS TWO PROPERTY IS TAXED AT 100% OF ITS ANNUAL
 16 NET PROCEEDS AFTER DEDUCTING THE EXPENSES SPECIFIED AND
 17 ALLOWED BY 84-5403.

18 Section 4. There is a new Rule section numbered
 19 84-301-4 that reads as follows:
 20 84-301-4 Class three property description
 21 percentage. (1) Class three property includes
 22 (a) livestock, poultry, and unprocessed products of
 23 both
 24 (b) furniture and fixtures used in commercial offices
 25 and hotel activities, except improvements included in class

1 nine.
 2 (2) Class three property is taxed at 13% of its market
 3 values.
 4 Section 5. There is a new Rule section numbered
 5 84-301-5 that reads as follows:
 6 84-301-5 Class four property description
 7 taxable percentage. (1) Class four property includes
 8 (a) all land, except agricultural land meeting the
 9 qualifications of 84-437-2.
 10 (b) all improvements, except those included in class
 11 five, eighty or nine.
 12 (c) all trailers affixed to land owned, leased, or
 13 under contract for purchase by the trailer owner.
 14 (d) all mobile homes, except
 15 (i) those held by a distributor or dealer of mobile
 16 homes as part of his stock in trade; and
 17 (ii) those included in class eight.
 18 (e) manufacturing and mining machinery, fixtures, and
 19 supplies, except those included in class five, seven or
 20 eight.
 21 (2) Class four property is taxed at 12% of its market
 22 values.
 23 Section 6. There is a new Rule section numbered
 24 84-301-6 that reads as follows:
 25 84-301-6 Class five property description

1 taxable percentage--(1) Class five property includes--
 2 (a) all property used and owned by cooperative rural
 3 electrical and cooperative rural telephone associations as
 4 provided in (2)(a) of this section;
 5 (b) all unprocessed agricultural products on the farm
 6 or in storage except--
 7 (i) all perishable fruits and vegetables in farm
 8 storage and owned by the producer and
 9 (ii) livestock and poultry and the unprocessed products
 10 of both;
 11 (c) a dwelling house and the lot on which it is
 12 erected, owned and occupied by a disabled veteran under the
 13 condition specified in (2)(b) of this section;
 14 (2) (a) The property of all cooperative rural
 15 electrical and cooperative rural telephone associations
 16 organized under the laws of Montana is included in this
 17 class except that when less than 95% of the electricity
 18 consumers or telephone users within the incorporated limits
 19 of a city or town are served by the cooperative
 20 organization, the property is included in class two;
 21 (b) To be included in this class, a dwelling house and
 22 lot on which it is erected must be owned and occupied by a
 23 resident of the state;
 24 (ii) who has been honorably discharged from active
 25 service in any branch of the armed services; and

1 (iii) who is rated 100% disabled due to a
 2 service-connected disability by the United States veterans
 3 administration or its successors. In the event of the
 4 veteran's death, the dwelling house and the lot on which it
 5 is erected shall remain in this class as long as the
 6 surviving spouse remains unmarried and the owner and
 7 occupant of the property;
 8 (3) Class five property is taxed at 4 1/2% of its market
 9 value.
 10 Section 7. There is a new ReMu section numbered
 11 84-301-7 that reads as follows:
 12 84-301-7--Class six property--description--taxable
 13 percentage--(1) Class six property includes moneyed capital
 14 and shares of banks;
 15 (2) Moneyed capital is defined as money, bonds,
 16 notes, and other evidence of indebtedness, including
 17 evidence of indebtedness secured by mortgage on real or
 18 personal property in the hands of individual citizens and
 19 corporations in competition with the business of national
 20 banks or employed in conducting a banking or investment
 21 business;
 22 (3) In ascertaining the value of moneyed capital for
 23 taxation any deposits and any indebtedness borrowed for use
 24 as moneyed capital are deducted from the amount of bonds,
 25 notes, and other evidence of indebtedness.

1 (4) in ascertaining the value of the shares of a
 2 national bank for taxation the book value of all real
 3 estate owned by a bank is deducted from the value of the
 4 shares and assessed to the bank separately. The shares of
 5 banking corporations engaged in the banking business in
 6 Montana are assessed at 100% of book value less the book
 7 value of the real estate, moneyed capital, and other
 8 property of the bank that is assessed and taxed as the
 9 property of the bank.

10 (5) Class six property is taxed at 30% of its book
 11 value, with the exception of the surplus shown on the bank's
 12 books. The surplus to the amount of the stated capital of
 13 the bank is taxed at 7% of its book value. The amount of
 14 surplus in excess of the stated capital is taxed at 30%.

15 Section 8. There is a new Rule section numbered
 16 84-301-8 that reads as follows:

17 84-301-8. Class seven property—description—
 18 taxable percentage. (1) Class seven property includes:
 19 (a) business inventories as defined in this section;
 20 (b) air pollution control equipment as defined in this
 21 section;
 22 (c) all new industrial property as defined in this
 23 section;
 24 (d) a capital investment in a recognized nonfossil
 25 form of energy generation to the extent provided under

1 84-7403.
 2 (2) "Business inventories" includes goods intended for
 3 sale or lease in the ordinary course of business and raw
 4 materials and work in progress with respect to such goods.
 5 Business inventories shall not include goods leased or
 6 rented or mobile homes held by a dealer or distributor as
 7 part of his stock in trade.

8 (3) "Air pollution control equipment" means
 9 facilities, machinery or equipment attached or unattached
 10 to real property utilized to reduce, eliminate, control or
 11 prevent air pollution. The department of health and
 12 environmental sciences shall determine if such utilization
 13 is being made.

14 (4) (a) "New industrial property" means any new
 15 industrial plant including land, buildings, machinery and
 16 fixtures which is used by a new industry during the first 3
 17 years of its operations. The property must not have been
 18 assessed prior to July 1, 1961, within the state of Montana.

19 (b) New industrial property is limited to industries

20 that:

21 (i) manufacture, mill, mine, produce, process, or
 22 fabricate materials;

23 (ii) do similar work employing capital and labor in
 24 which materials unserviceable in their natural state are
 25 extracted, processed, or made fit for use or are

1 substantially altered or treated so as to create commercial
 2 products or materials; or
 3 (iii) engage in the mechanical or chemical
 4 transformation of materials or substances into new products
 5 in the manner defined as manufacturing in the 1972 Standard
 6 Industrial Classification Manual prepared by the United
 7 States Office of Management and Budgets
 8 (c) New industrial property shall in no event include
 9 (i) property used by retail or wholesale merchants,
 10 commercial services of any type, agriculture, trades, or
 11 professions;
 12 (ii) a plant that will create adverse impact on
 13 existing state, county, or municipal services;
 14 (iii) property used or employed in any industrial plant
 15 that has been in operation in this state for 3 years or
 16 longer;
 17 (5) "New industry" means any persons, corporations,
 18 firms, partnerships, associations, or other group that
 19 establishes a new plant or plants in Montana for the
 20 operation of a new industrial endeavor as distinguished
 21 from a mere expansion, reorganization, or merger of an
 22 existing industry or industries;
 23 (6) The department of revenue shall promulgate rules
 24 for the determination of what constitutes an adverse impact,
 25 taking into consideration the number of people to be

1 employed and the size of the community in which the location
 2 is contemplated. Any persons, corporations, firms, partnerships,
 3 associations, or other group seeking to qualify its property
 4 for inclusion in this class shall make application to the
 5 department of revenue in such a manner and form as the
 6 department requires. Once the department has made an initial
 7 determination that the industrial facility qualifies as new
 8 industrial property, the department shall then, upon proper
 9 notice, hold a hearing to determine if the new industrial
 10 classification should be retained by the property. The local
 11 taxing authority may appear at the hearing and may waive its
 12 objection to retention of this classification if the
 13 industry agrees to the prepayment of taxes sufficient to
 14 satisfy tax requirements created by the location and
 15 construction of the facility during the construction period.
 16 When a prepayment of taxes is required, the maximum amount
 17 of prepayment shall be the amount of tax the industry would
 18 have paid without the application of the class seven
 19 percentage to such property.
 20 (7) If a major new industrial facility qualifies under
 21 class seven, the reduction of its yearly payment of property
 22 taxes for reimbursement of its prepaid taxes as provided for
 23 in 84-41-105 does not begin until the class seven
 24 qualification expires.
 25 (8) Class seven property shall be taxed at 4.2% of its

1 market-values

2 Section 9--There is a new Rule--section numbered
 3 84-381-9 that reads as follows:

4 84-381-9--Class eight property--description--
 5 taxable percentage--(1) Class eight property includes:
 6 (a) a capital investment in a building for an energy
 7 conservation purpose to the extent provided under 84-7403;
 8 (b) any improvement on real property a trailer
 9 affixed to land or a mobile home and appurtenant land not
 10 exceeding 5 acres which together meet the following
 11 conditions:
 12 (i) have a market value of not more than \$27,500;
 13 (ii) are owned or under contract for deed and are
 14 actually occupied for at least 10 months per year as the
 15 primary residential dwelling of;
 16 (A) a widow or widower 62 years of age or older who
 17 qualifies under the income limitations of (c) of this
 18 section;
 19 (B) a widow or widower of any age with dependent
 20 children who qualifies under the income limitations of (c)
 21 of this section; or
 22 (c) a recipient or recipients of retirement--or
 23 disability benefits whose total income from all sources is
 24 not more than \$6,000 a year for a single person or \$6,000 a
 25 year for a married couple.

1 (2)--(a) A person applying for classification of
 2 property under this class must make an affidavit to the
 3 department of revenue on a form provided by the department
 4 without cost as to:
 5 (i) his income if applicable;
 6 (ii) his retirement benefits if applicable;
 7 (iii) his marital status if applicable; and
 8 (iv) the fact that he maintains the land and
 9 improvements as his primary residential dwelling;
 10 (b) The county welfare board may investigate the
 11 applicant as to the answers given on the form for the
 12 purpose of the affidavit required for classification of
 13 property under this class; it shall be sufficient if the
 14 applicant signs a statement swearing to or affirming the
 15 correctness of the information supplied; whether or not the
 16 statement is signed before a person authorized to administer
 17 oaths; and mails the application and statement to the
 18 department of revenue. This signed statement shall be
 19 treated as a statement under oath or equivalent affirmation
 20 for the purposes of 94-7-203, relating to the criminal
 21 offense of false swearing;
 22 (c) The assessed value of the property may not be
 23 increased during the life of the recipient of retirement
 24 benefits or widow or widower covered under this class,
 25 unless the owner resident makes a substantial improvement in

1 the dwellings

2 (3) Class-eight property is taxed at 6% of its market

3 value.

4 Section 10. There is a new Revenue section numbered

5 84-301w10 that reads as follows:

6 84-301w10 Class-nine property—description—

7 taxable percentage—(1) Class-nine property includes the

8 increment of increase in the value of real estate produced by

9 repairing, maintaining, or improving existing improvements;

10 (2) Class-nine property is taxed at:

11 (a) 2.4% of the market value for the first full year

12 following completion of the repair, maintenance, or

13 improving of existing improvements;

14 (b) 4.8% of the market value for the second full year

15 following completion of the repair, maintenance, or

16 improving of existing improvements;

17 (c) 7.2% of the market value for the third full year

18 following completion of the repair, maintenance, or

19 improving of existing improvements;

20 (d) 9.6% of the market value for the fourth full year

21 following completion of the repair, maintenance, or

22 improving of existing improvements; and

23 (e) 12% of the market value for the fifth full year

24 and every year thereafter following completion of the

25 repair, maintenance, or improving of existing improvements.

1 Section 11. There is a new Revenue section numbered

2 84-301w11 that reads as follows:

3 84-301w11 Class-ten property—description—

4 taxable percentage—(1) Class-ten property includes:

5 (a) centrally assessed utility allocations after

6 deductions of locally assessed properties except as

7 provided in:

8 (i) class two for rural telephones and

9 (ii) class five for cooperatives;

10 (b) all other property not included in the nine

11 preceding classes;

12 (2) Class-ten property is taxed at 16% of its market

13 value.

14 Section 12. There is a new Revenue section numbered

15 84-301w12 that reads as follows:

16 84-301w12 Class-eleven property—description—

17 taxable percentage—(1) Class-eleven property includes the

18 annual net proceeds of all mines and mining claims except

19 coal mines;

20 (2) Class-eleven property is taxed at 100% of its

21 annual net proceeds after deducting the expenses specified

22 and allowed by 84-5403;

23 Section 13. There is a new Revenue section numbered

24 84-301w13 that reads as follows:

25 84-301w13 Class-twelve property—description—

1 taxable percentage -- (1) Class twelve property includes the
 2 annual gross proceeds of underground coal mines
 3 (2) Class twelve property is taxed at 33 1/3% of the
 4 annual gross proceeds

5 Section 14. There is a new R.C.M. section numbered
 6 84-301-14 that reads as follows:

7 84-301-14. Class thirteen property -- description --
 8 taxable percentage -- (1) Class thirteen property includes
 9 the annual gross proceeds of coal mines using the
 10 strip mining methods

11 (2) Class thirteen property is taxed at 45% of the
 12 annual gross proceeds

13 Section 15. There is a new R.C.M. section numbered
 14 84-301-15 that reads as follows:

15 84-301-15. Class fourteen property -- description --
 16 taxable percentage -- (1) Class fourteen property includes
 17 agricultural lands as defined in 84-437-2.

18 (2) Class fourteen property is taxed at 12% of its
 19 assessed value.

20 SECTION 5. THERE IS A NEW R.C.M. SECTION NUMBERED
 21 84-301-5 THAT READS AS FOLLOWS:

22 84-301-4. Class three property -- description --
 23 percentage. (1) Class three property includes the annual
 24 gross proceeds of coal mines using the strip mining method.

25 (2) Class three property is taxed at 45% of its

1 assessed value, which is 100% of annual gross proceeds.

2 SECTION 5. THERE IS A NEW R.C.M. SECTION NUMBERED
 3 84-301-5 THAT READS AS FOLLOWS:

4 84-301-5. Class four property -- description --
 5 taxable percentage. (1) Class four property includes the
 6 annual gross proceeds of underground coal mines.

7 (2) Class four property is taxed at 33 1/3% of its
 8 assessed value, which is 100% of annual gross proceeds.

9 SECTION 6. THERE IS A NEW R.C.M. SECTION NUMBERED
 10 84-301-6 THAT READS AS FOLLOWS:

11 84-301-6. Class five property -- description --
 12 taxable percentage. (1) Class five property includes moneyed
 13 capital and shares of banks.

14 (2) Moneyed capital is defined as money, bonds,
 15 notes, and other evidence of indebtedness, including
 16 evidence of indebtedness secured by mortgage on real or
 17 personal property in the hands of individual citizens and
 18 corporations in competition with the business of national
 19 banks or employed in conducting a banking or investment
 20 business.

21 (3) In ascertaining the value of moneyed capital for
 22 taxation, any deposits and any indebtedness borrowed for use
 23 as moneyed capital are deducted from the amount of bonds,
 24 notes, and other evidence of indebtedness.

25 (4) In ascertaining the value of the shares of a

1 national bank for taxation the book value of all real
 2 estate owned by a bank is deducted from the value of the
 3 shares and assessed to the bank separately. The shares of
 4 banking corporations engaged in the banking business in
 5 Montana are assessed at 100% of book value less the book
 6 value of the real estate, moneyed capital and other
 7 property of the bank that is assessed and taxed as the
 8 property of the bank.

9 (5) Class five property is taxed at 30% of its book
 10 value with the exception of the surplus shown on the bank's
 11 books. The surplus, to the amount of the stated capital of
 12 the bank, is taxed at 7% of its book value. The amount of
 13 surplus in excess of the stated capital is taxed at 30%.
14 CLASS FIVE PROPERTY IS VALUED AND TAXED AS PROVIDED UNDER
15 84-304, 84-305, 84-307, 84-308, AND CHAPTER 46, TITLE 84.

16 SECTION 7. THERE IS A NEW R.C.M. SECTION NUMBERED
17 84-301.7 THAT READS AS FOLLOWS:

18 84-301.7. Class six property -- description -- taxable
 19 percentage. (1) Class six property includes agricultural
 20 land, as defined in 84-437.2.

21 (2) Class six property is taxed at 30% of its assessed
 22 value.

23 SECTION 8. THERE IS A NEW R.C.M. SECTION NUMBERED
24 84-301.8 THAT READS AS FOLLOWS:

25 84-301.8. Class seven property -- description --

1 taxable percentage. (1) Class seven property includes:
 2 (a) centrally assessed utility allocations after
 3 deductions of locally assessed properties, except as
 4 provided in:
 5 (i) class fourteen for rural telephones; and
 6 (ii) class eighteen for cooperatives;
 7 (b) all other property not included in classes one
 8 through six and classes eight through eighteen NINETEEN;
 9 (c) large trucks and commercial trailers valued in the
 10 department of revenue's truck and commercial trailer
 11 schedule.
 12 (2) Class seven property is taxed at 16% of its market
 13 value.

14 SECTION 9. THERE IS A NEW R.C.M. SECTION NUMBERED
15 84-301.9 THAT READS AS FOLLOWS:

16 84-301.9. Class eight property -- description --
 17 taxable percentage. (1) Class eight property includes:
 18 (a) all agricultural and other tools, implements, and
 19 machinery except:
 20 (i) large farm machinery included in class twelve; and
 21 (ii) tools and implements included in class fourteen;
22 IMPLEMENTS AND MACHINERY INCLUDED IN CLASS FOURTEEN;
 23 (b) gas and other engines and boilers and threshing
 24 machines and outfits used therewith;
 25 (c) harness, saddlery, and robes;

1 (2) Class eight property is taxed at 13% of its market
 2 value.

3 SECTION 10. THERE IS A NEW R.C.M. SECTION NUMBERED
 4 84-301.10 THAT READS AS FOLLOWS:

5 84-301.10. Class nine property -- description --
 6 taxable percentage. (1) Class nine property includes:

7 (a) automobiles, motor trucks, and other power-driven
 8 cars and vehicles of all kinds, except mobile homes,
 9 motorcycles, aircraft, camper trailers, and truck campers;

10 (b) livestock, poultry, and unprocessed products of
 11 both; and

12 (c) furniture and fixtures used in commercial, office,
 13 and hotel activities, except improvements included in class
 14 thirteen.

15 (2) Class nine property is taxed at 13.3% of its
 16 market value.

17 SECTION 11. INSTRUCTIONS TO CODE COMMISSIONER AND
 18 PUBLISHER. IF HOUSE BILL 85 IS ENACTED INTO LAW, THE CODE
19 COMMISSIONER AND THE PUBLISHER SHALL TRANSFER LIVESTOCK,
20 POULTRY, AND UNPROCESSED PRODUCTS OF BOTH FROM CLASS EIGHT
21 PROPERTY TO CLASS FOURTEEN PROPERTY.

22 SECTION 12. THERE IS A NEW R.C.M. SECTION NUMBERED
 23 84-301.11 THAT READS AS FOLLOWS:

24 84-301.11. Class ten property -- description --
 25 taxable percentage. (1) Class ten property includes:

1 (a) aerial, surface, and portable ski lifts and ski
 2 tows, including the towers, cables, ropes, sheave
 3 assemblies, conveying devices, power units, and all
 4 accessories;

5 (b) manufacturing and mining machinery, fixtures, and
 6 supplies, except those included in class eighteen; and

7 (c) camper trailers and truck campers valued in the
 8 "Official Boot-Trailer-Trade-in-Guide-Blue-Book" N.A.D.A.
 9 RECREATIONAL VEHICLE APPRAISAL GUIDE.

10 (2) Class ten property is taxed at 12% of market
 11 value.

12 SECTION 13. THERE IS A NEW R.C.M. SECTION NUMBERED
 13 84-301.12 THAT READS AS FOLLOWS:

14 84-301.12. Class eleven property -- description --
 15 taxable property. (1) Class eleven property includes:

16 (a) all land, except agricultural land meeting the
 17 qualification of 84-437.2;

18 (b) all improvements, except those included in classes
 19 fifteen and eighteen;

20 (c) all trailers affixed to land owned, leased, or
 21 under contract for purchase by the trailer owner; and

22 (d) all mobile homes, except:
 23 (i) those held by a distributor or dealer of mobile
 24 homes as part of his stock in trade; and

25 (ii) those included in class fifteen.

1 (2) Class eleven property is taxed at 12% of its
 2 market value, OR SO MUCH OF 12% AS IS DETERMINED UNDER
 3 84-309, WHICHEVER IS LESS.

4 SECTION 14. THERE IS A NEW R.C.M. SECTION NUMBERED
 5 84-301.13 THAT READS AS FOLLOWS:

6 84-301.13. Class twelve property -- description --
 7 taxable percentage. (1) Class twelve property includes:
 8 (a) boats and all watercraft;
 9 (b) aircraft;

10 (c) motorcycles; and

11 (d) large farm machinery valued in the official guide
 12 tractors and farm implements and department valuation
 13 schedules.

14 (2) Class twelve property is taxed at 11% of its
 15 market value.

16 SECTION 15. THERE IS A NEW R.C.M. SECTION NUMBERED
 17 84-301.14 THAT READS AS FOLLOWS:

18 84-301.14. Class thirteen property -- description --
 19 taxable percentage. (1) Class thirteen property includes the
 20 incremental increase in the value of real estate produced by
 21 repairing, maintaining, or improving existing improvements.

22 (2) Class thirteen property is taxed at:

23 (a) 2.4% of the market value for the first full year
 24 following completion of the repair, maintenance, or
 25 improving of existing improvements;

1 (b) 4.8% of the market value for the second full year
 2 following completion of the repair, maintenance, or
 3 improving of existing improvements;

4 (c) 7.2% of the market value for the third full year
 5 following completion of the repair, maintenance, or
 6 improving of existing improvements;

7 (d) 9.6% of the market value for the fourth full year
 8 following completion of the repair, maintenance, or
 9 improving of existing improvements; and

10 (e) 12% of the market value for the fifth full year
 11 and every year thereafter following completion of the
 12 repair, maintenance, or improving of existing improvements.

13 SECTION 16. THERE IS A NEW R.C.M. SECTION NUMBERED
 14 84-301.15 THAT READS AS FOLLOWS:

15 84-301.15. Class fourteen property -- description --
 16 taxable percentage. (1) Class fourteen property includes:

17 (a) all poles, lines, transformers, transformer
 18 stations, meters, tools, improvements, machinery and other
 19 property, except that included in class eighteen, used and
 20 owned by persons, firms, corporations, or other
 21 organizations that are engaged in the business of furnishing
 22 telephone communications exclusively to rural areas or to
 23 rural areas and cities and towns of 800 persons or less. The
 24 average circuit miles for each station on the telephone
 25 communications system must be more than 1 1/4 miles to

1 qualify for this classification;

2 (b) tools, implements, and machinery used to repair
3 and maintain machinery not used for manufacturing and mining
4 purposes; and

5 (c) electric transformers and meters and gas
6 regulators and meters that are not part of the single and
7 continuous property of a utility that is centrally assessed;

8 ~~(c) ELECTRIC TRANSFORMERS AND METERS AND GAS
REGULATORS AND METERS THAT ARE NOT PART OF THE SINGLE AND
CONTINUOUS PROPERTY OF A UTILITY THAT IS CENTRALLY ASSESSED;
AND ELECTRIC LIGHT AND POWER SUBSTATION MACHINERY,
COMPRESSOR STATION MACHINERY, MEASURING AND REGULATING
STATION EQUIPMENT, AND TOOLS USED IN THE REPAIR AND
MAINTENANCE OF THE PROPERTY INCLUDED IN THIS SUBSECTION.~~

15 (c) ELECTRIC TRANSFORMERS AND METERS AND GAS
16 REGULATORS AND METERS THAT ARE NOT PART OF THE SINGLE AND
17 CONTINUOUS PROPERTY OF A UTILITY THAT IS CENTRALLY ASSESSED;
18 ELECTRIC LIGHT AND POWER SUBSTATION MACHINERY, AND NATURAL
19 GAS MEASURING AND REGULATING STATION EQUIPMENT, METERS, AND
20 COMPRESSOR STATION MACHINERY OWNED BY CENTRALLY ASSESSED
21 PUBLIC UTILITIES, AND TOOLS USED IN THE REPAIR AND
22 MAINTENANCE OF THE PROPERTY INCLUDED IN THIS SUBSECTION.

23 (2) Class fourteen is taxed at 8% of its market value.

24 SECTION 17. THERE IS A NEW R.C.M. SECTION NUMBERED
25 84-301.16 THAT READS AS FOLLOWS:

1 84-301.16. Class fifteen property -- description --

2 taxable percentage. (1) Class fifteen property includes:
3 ~~for a capital investment in a building for an energy~~
4 ~~conservation purpose to the extent provided under 84-7403;~~
5 and

6 ~~for all~~ any improvement on real property, a trailer
7 affixed to land, or a mobile home and appurtenant land not
8 exceeding 5 acres, which together meet the following
9 conditions:

10 (i) have a market value of not more than \$27,500;
11 (ii) are owned or under contract for deed and are
12 actually occupied for at least 10 months per year as the
13 primary residential dwelling of:

14 (A) a widow or widower 62 years of age or older who
15 qualifies under the income limitations of (C) of this
16 section;

17 (B) a widow or widower of any age with dependent
18 children who qualifies under the income limitations of (C)
19 of this section; or

20 (C) a recipient or recipients of retirement or
21 disability benefits whose total income from all sources is
22 not more than \$6,000 a year for a single person or \$6,800
23 for a married couple.

24 (2) (a) A person applying for classification of
25 property under this class must make an affidavit to the

1 department of revenue on a form provided by the department
 2 without cost as to:

- 3 (i) his income, if applicable;
- 4 (ii) his retirement benefits, if applicable;

5 (iii) his marital status, if applicable; and

6 (iv) the fact that he maintains the land and
 7 improvements as his primary residential dwelling.

8 (b) The county welfare board may investigate the
 9 applicant as to the answers given on the form. For the
 10 purpose of the affidavit required for classification of
 11 property under this class, it shall be sufficient if the
 12 applicant signs a statement swearing to or affirming the
 13 correctness of the information supplied, whether or not the
 14 statement is signed before a person authorized to administer
 15 oaths, and mails the application and statement to the
 16 department of revenue. This signed statement shall be
 17 treated as a statement under oath or equivalent affirmation
 18 for the purposes of 94-7-203, relating to the criminal
 19 offense of false swearing.

20 (c) The assessed value of the property may not be
 21 increased during the life of the recipient of retirement
 22 benefits or widow or widower covered under this class,
 23 unless the owner-resident makes a substantial improvement in
 24 the dwelling.

25 (3) Class fifteen property is taxed at 6% of its

1 market value OR SO MUCH OF 6% AS IS DETERMINED UNDER 84-309,
 2 WHICHEVER IS LESS. OR IN THE CASE OF PROPERTY CLASSIFIED
UNDER (1)(B) OF THIS SECTION, SO MUCH OF 6% AS IS DETERMINED
UNDER 84-309, WHICHEVER IS LESS.

5 SECTION 18. THERE IS A NEW R.C.M. SECTION NUMBERED
 6 84-301.17 THAT READS AS FOLLOWS:

7 84-301.17. Class sixteen property -- description --
 8 taxable percentage. (1) Class sixteen property includes:

9 (a) business inventories as defined in this section;
 10 and

11 (b) mobile machines, valued as other heavy
 12 construction equipment is valued, used in new industries, as
 13 defined in class eighteen.

14 (2) Mobile machines used in new industry are subject
 15 to the conditions imposed in class eighteen for other
 16 property used in new industries.

17 (3) "Business inventories" includes goods intended for
 18 sale or lease in the ordinary course of business and raw
 19 materials and work in progress with respect to such goods.
 20 Business inventories shall not include goods leased or
 21 rented or mobile homes held by a dealer or distributor as
 22 part of his stock in trade.

23 (4) The market value of business inventories, for
 24 property tax purposes, is the cost to the person subject to
 25 the inventory tax.

1 (5) Class sixteen property is taxed at 4.2% of market
 2 value.

3 SECTION 19. THERE IS A NEW R.C.M. SECTION NUMBERED
 4 84-301.18 THAT READS AS FOLLOWS:

5 84-301.18. Class seventeen property -- description --
 6 taxable percentage. (1) Class seventeen property includes
 7 all unprocessed agricultural products on the farm or in
 8 storage, except:

9 (a) all perishable fruits and vegetables in farm
 10 storage and owned by the producer; and

11 (b) livestock and poultry and the unprocessed products
 12 of both.

13 (2) Class seventeen property is taxed at 3.5% of
 14 market value.

15 SECTION 20. THERE IS A NEW R.C.M. SECTION NUMBERED
 16 84-301.19 THAT READS AS FOLLOWS:

17 84-301.19. Class eighteen property -- description --
 18 taxable percentage. (1) Class eighteen property includes:

19 (a) a dwelling house and the lot on which it is
 20 erected, owned, and occupied by a resident of the state who:

21 (i) has been honorably discharged from active service
 22 in any branch of the armed services; and

23 (ii) is rated 100% disabled due to a service-connected
 24 disability by the United States veterans administration or
 25 its successor. In the event of the veteran's death, the

1 dwelling house and the lot on which it is erected shall
 2 remain in this class as long as the surviving spouse remains
 3 unmarried and the owner and occupant of the property.

4 (b) all property used and owned by cooperative rural
 5 electrical and cooperative rural telephone associations as
 6 provided in (2)(a) of this section.

7 (c) air pollution control equipment as defined in this
 8 section;

9 (d) new industrial property as defined in this
 10 section; and

11 ~~(e) capital investment in a recognized nonfossil~~
 12 ~~form of energy generation to the extent provided under~~
 13 ~~84-7403.~~

14 (2) (a) The property of all cooperative rural
 15 electrical and cooperative rural telephone associations
 16 organized under the laws of Montana is included in this
 17 class; except that when less than 95% of the electricity
 18 consumers or telephone users within the incorporated limits
 19 of a city or town are served by the cooperative
 20 organization, the property is included in class eighteen.

21 (b) "Air pollution control equipment" means
 22 facilities, machinery, or equipment, attached or unattached
 23 to real property, utilized to reduce, eliminate, control, or
 24 prevent air pollution. The department of health and
 25 environmental sciences determines if such utilization is

1 being made.

2 (c) "New industrial property" means any new industrial
 3 plant, including land, buildings, machinery, and fixtures,
 4 except mobile machinery, which is used by a new industry
 5 during the first 3 years of its operation. The property may
 6 not have been assessed prior to July 1, 1961, within the
 7 state of Montana.

8 (i) New industrial property is limited to industries
 9 that:

10 (A) manufacture, mill, mine, produce, process, or
 11 fabricate materials;

12 (B) do similar work, employing capital and labor, in
 13 which materials unserviceable in their natural state are
 14 extracted, processed, or made fit for use or are
 15 substantially altered or treated so as to create commercial
 16 products or materials; or

17 (C) engage in the mechanical or chemical
 18 transformation of materials or substances into new products
 19 in the manner defined as manufacturing in the 1972 Standard
 20 Industrial Classification Manual prepared by the United
 21 States Office of Management and Budget.

22 (ii) New industrial property does not include:

23 (A) property used by retail or wholesale merchants,
 24 commercial services of any type, agriculture, trades, or
 25 professions;

1 (B) a plant that will create adverse impact on
 2 existing state, county, or municipal services; or
 3 (C) property used or employed in any industrial plant
 4 that has been in operation in this state for 3 years or
 5 longer.

6 (c) "New industry" means any person, corporation,
 7 firm, partnership, association, or other group that
 8 establishes a new plant or plants in Montana for the
 9 operation of a new industrial endeavor, as distinguished
 10 from a mere expansion, reorganization, or merger of an
 11 existing industry or industries.

12 (3) The department of revenue shall promulgate rules
 13 for the determination of what constitutes an adverse impact,
 14 taking into consideration the number of people to be
 15 employed and the size of the community in which the location
 16 is contemplated. Any person, corporation, firm, partnership,
 17 association, or other group seeking to qualify its property
 18 for inclusion in this class shall make application to the
 19 department of revenue in such a manner and form as the
 20 department requires. Once the department has made an initial
 21 determination that the industrial facility qualifies as new
 22 industrial property, the department shall then, upon proper
 23 notice, hold a hearing to determine if the new industrial
 24 classification should be retained by the property. The local
 25 taxing authority may appear at the hearing and may waive its

1 objection to retention of this classification if the
 2 industry agrees to the prepayment of taxes sufficient to
 3 satisfy tax requirements created by the location and
 4 construction of the facility during the construction period.
 5 When a prepayment of taxes is required, the maximum amount
 6 of prepayment shall be the amount of tax the industry would
 7 have paid without the application of the class seven
 8 percentage to such property.

9 (4) If a major new industrial facility qualifies under
 10 class eighteen, the reduction of its yearly payment of
 11 property taxes for reimbursement of its prepaid taxes as
 12 provided for in 84-41-105 does not begin until the class
 13 eighteen qualification expires.

14 (5) Class eighteen property shall be taxed at 2.8% of
 15 its market value, OR IN THE CASE OF PROPERTY CLASSIFIED
 16 UNDER (1)(A) OF THIS SECTION, SO MUCH OF 2.8% AS IS
 17 DETERMINED UNDER 84-309, WHICHEVER IS LESS.

18 Section 21. Section 84-401, R.C.M. 1947, is amended to
 19 read as follows:

20 *84-401. Property assessed at forty percent (40%) of
 21 its full cash value—exceptions Assessments, definitions
 22 and exceptions. (1) All taxable real property and
 23 improvements must be assessed at forty percent (40%) 100% of
 24 its full cash market value except as provided in subsection
 25 (5) of this section AND IN 84-429.14 THROUGH 84-429.17.

1 (2) Market value is the value at which property would
 2 change hands between a willing buyer and a willing seller,
 3 neither being under any compulsion to buy or to sell and
 4 both having reasonable knowledge of relevant facts.

5 (3) The department of revenue or its agents may not
 6 adopt a lower or different standard of value from market
 7 value in making the official assessment and appraisal of the
 8 value of property in classes one through ten with the
 9 exception of class six CLASS ONE AND CLASSES SEVEN THROUGH
 10 EIGHTEEN. For purposes of taxation, assessed value is the
 11 same as appraised value.

12 (4) The taxable value for all property in classes one
 13 through ten with the exception of class six CLASS ONE AND
 14 CLASSES SEVEN THROUGH EIGHTEEN is the percentage of market
 15 value established for each class of property in 84-301.2
 16 through 84-301.17 excluding 84-301.7 AND 84-301.8 THROUGH
 17 84-301.19.

18 (5) The assessed value of properties in 84-301.7 and
 19 84-301.12 through 84-301.15 84-301.3 THROUGH 84-301.7 is as
 20 follows:

21 (a) Property in 84-301.7 84-301.6, under class six
 22 FIVE, is assessed at 100% of book value, by the method
 23 established in 84-301.7 84-301.6, 84-4684, and 84-4685 AND
 24 THE SECTIONS CITED THEREIN.

25 (b) Properties in section 84-301 84-301.12

1 84-301.3, under class-one class eleven TWO, shall be are
 2 assessed at one-hundred-percent-(100%) of full cash value of
 3 the annual net proceeds after deducting the expenses
 4 specified and allowed by 84-5403.

5 (c) Properties in 84-301.3 and 84-301.4 84-301.4,
 6 AND 84-301.5, AND 84-301.20, under classes twelve THREE and,
 7 thirteen FOUR, AND NINETEEN are assessed at 100% of the
 8 annual gross proceeds.

9 ~~12~~¹³ (d) The assessment of agricultural lands shall be
 10 based upon Properties in 84-301.15 84-301.7, under class
 11 fourteen SIX, are assessed at 100% of the productive
 12 capacity of the lands when valued for agricultural purposes.
 13 All lands that meet the qualifications of 84-437.2 shall be
 14 are valued as agricultural lands for tax purposes that meet
 15 the qualifications of section 84-437.2, R.C.M. 1947.

16 (e) Land and the improvements thereon shall be are
 17 separately assessed when any of the following conditions
 18 occur:

19 (a) when ownership of the improvements is different
 20 from ownership of the land;

21 (b) when requested in writing by the taxpayer the
 22 taxpayer makes a written request; or

23 (c) when the land is outside an incorporated city or
 24 town.

25 (f) The taxable value of all property shall be

1 determined--by--sections 84-301-and-84-308 in classes eleven
 2 TWO through fourteen SIX is the percentage of assessed value
 3 established in 84-301.12 84-301.3 through 84-301.15 84-301.7
 4 for each class of property."

5 Section 22. Section 11-988, R.C.M. 1947, is amended to
 6 read as follows:

7 "11-988. Power of cities and towns to acquire natural
 8 gas and distributing system therefor. The city or town
 9 council has power to contract an indebtedness of a city or
 10 town upon the credit thereof by borrowing money or issuing
 11 bonds for the construction, purchase, or development of an
 12 adequate supply of natural gas, and to construct or purchase
 13 a system of gas lines for the distribution thereof to the
 14 inhabitants of said the city or town or vicinity, provided
 15 that the the total amount of indebtedness authorized to be
 16 contracted in any form, including the then-existing
 17 indebtedness, must not at any time exceed three--per--centum
 18 plus 11% of the total assessed valuation taxable value of
 19 the taxable property of the city or town subject to taxation
 20 as ascertained by the last assessment for state and county
 21 taxes, and--provided--further--that no money must may be
 22 borrowed or bonds issued for the purposes herein specified
 23 in this section until the proposition has been submitted to
 24 the vote of the taxpayers affected--thereby of the city or
 25 town, affected thereby and the majority vote cast in its

1 favor thereof."

2 Section 23. Section 11-1011, R.C.M. 1947, is amended
3 to read as follows:

4 "11-1011. Tax levy for band concerts. For the purpose
5 of providing band concerts ~~as in this act provided~~, the
6 council or other governing body in any town or city of the
7 first, second, or third class, or of any incorporated town,
8 may assess and levy, in addition to the levy for general
9 municipal or administrative purposes, an amount not
10 exceeding to exceed one 1 mill on the dollar on the ~~assessed~~
11 taxable value of the taxable property of the ~~said~~ city or
12 town subject to taxation."

13 Section 24. Section 11-1019, R.C.M. 1947, is amended
14 to read as follows:

15 "11-1019. Operation of bus lines -- contracting
16 indebtedness. Whenever a city or town is not being served by
17 a bus company or operator, operating on a regular schedule,
18 and under the jurisdiction of the public service commission
19 or if such service ~~is to be~~ or is likely to be discontinued
20 in the immediate future, the city or town council of any
21 incorporated city or town ~~shall~~ have the power to ~~may~~
22 contract an indebtedness of any such city or town upon the
23 credit thereof by borrowing money or issuing bonds for the
24 purchase, development, operation, or leasing of motor buses
25 and bus lines for the transportation of passengers within

1 the corporate limits of such cities and towns, and to
2 operate the same to any point or points beyond ~~said~~ these
3 limits not ~~to~~ exceed eight-fifteen miles, measured along the
4 route of ~~said~~ the bus lines, provided that the ~~the~~ total
5 amount of indebtedness authorized to be contracted in any
6 form, including the then-existing indebtedness, ~~must~~ ~~may~~ not
7 at any time exceed five-per-centum ~~15~~ 18% of the total
8 assessed--valuation taxable value of the taxable property of
9 the city or town subject to taxation as ascertained by the
10 last assessment for state and county taxes, and provided
11 further that no ~~no~~ money ~~must~~ ~~may~~ be borrowed or bonds
12 issued for the purposes herein specified in this section
13 until the proposition has been submitted to the vote of the
14 taxpayers affected thereby of the city or town and the
15 majority vote cast in its favor thereof."

16 Section 25. Section 11-1301, R.C.M. 1947, is amended
17 to read as follows:

18 "11-1301. Presentation of claims -- limitation of
19 actions. All accounts and demands against a city or town
20 must be presented to the council duly itemized. All claims
21 against a city or town shall contain the following
22 statement: "I certify that this claim is correct and just in
23 all respects, and that payment or credit has not been
24 received." Claims need not be accompanied by affidavit by
25 the party or his agent. These claims must be presented with

1 all necessary and proper vouchers within one-^{1/2} year from
 2 the date the same accrued, and any claim or demand not
 3 so presented within the this time aforesaid is forever
 4 barred, and the council has no authority to allow any
 5 account or demand not so presented, nor must any No action
 6 may be maintained against the city or town for or on account
 7 of any demand or claim against the same city or town until
 8 such demand or claim has first been presented to the
 9 council, for action thereon; provided, however, that, in
 10 case the total indebtedness of a city or town has reached
 11 three-per-centum (3%) 11% of the total assessed valuation
 12 taxable value of the taxable property of such the city or
 13 town, subject to taxation as ascertained by the last
 14 assessment for state and county taxes, it shall be lawful
 15 for, and such the city or town is hereby authorized and
 16 empowered, to may conduct its affairs and business on a cash
 17 basis as provided and contemplated by the next section of
 18 this code 11-1302."

19 Section 26. Section 11-1909, R.C.M. 1947, is amended
 20 to read as follows:

21 "11-1909. Levy of tax for volunteer fire departments.
 22 For the purpose of supporting volunteer fire departments in
 23 any city or town which does not have a paid fire department
 24 and for the purpose of purchasing the necessary equipment
 25 therefor for them, the council in any city or town may

1 assess--and levy, in addition to other levies permitted by
 2 law, a special tax not exceeding two-^{1/2} mills on each
 3 dollar of the assessed--valuation taxable value of the
 4 taxable property of the city or town and provided, further
 5 that the words "assessed valuation" as used in this section
 6 shall be the percentage of the true and full valuation of
 7 the taxable property provided in section 84-302 and shall
 8 not be deemed to be the true and full valuation of such
 9 property subject to taxation."

10 Section 27. Section 11-1919, R.C.M. 1947, is amended
 11 to read as follows:
 12 "11-1919. State auditor to pay fire department relief
 13 association out of premium taxes collected from insurance
 14 companies. (1) At the end of the fiscal year the state
 15 auditor shall issue and deliver to the treasurer of every
 16 city or town of the first and second class for the use and
 17 benefit of the fire department relief association legally
 18 existing in every such the city or town entitled by law to
 19 receive the same, out of the premium taxes on insurance
 20 risks enumerated in subsection (6) collected by him an
 21 amount equal to ten per centum (10%) of the total annual
 22 compensation paid by such city or town to its paid or
 23 part-paid firemen for services in the previous calendar
 24 year. This amount is paid out of the premium taxes on
insurance risks enumerated in subsection (6) and collected

1 by the state auditor the city clerk of each such city or
 2 town shall certify in writing to the state auditor on or
 3 before April 1 of each year the amount so paid by such the
 4 city or town as compensation for services to paid or
 5 part paid firemen.

6 (2) in the event of a disaster resulting in the death
 7 or injury sufficient to draw pension of ten percent (10%) of
 8 the active force when 10% of the active force due to a
 9 disaster suffers injury or death sufficient to draw pension
 10 and when the fund of such the fire department relief
 11 association after receiving all moneys as designated in
 12 section 11-1911 and section 11-1912 and the ten percent
 13 (10%) of annual compensation as designated in this chapter
 14 does not show at least the one (1) mill growth as referred
 15 to in section 11-1912, then the treasurer of such relief
 16 association shall request and the state auditor shall issue
 17 and deliver to the treasurer of every city or town of the
 18 first and second class, for the use and benefit of the fire
 19 department relief association legally existing in every the
 20 city or town entitled to receive the same out of the
 21 premium tax collected by him an additional amount to show
 22 at least the one (1) mill growth referred to in section
 23 11-1912. This amount is paid out of the premium tax
 24 collected by the state auditor.

25 (3) in the event a city of the first or second class

1 is not entitled to receive a sum equal to forty-five one
 2 hundredths (45/100) ~~1-1/2~~ mills of its total assessed
 3 valuation taxable value under the foregoing method of
 4 computation then in that event the fire department relief
 5 association of that city shall receive its money in the same
 6 manner as provided below for cities of the third class.
 7 (4) At the end of the fiscal year the state auditor
 8 shall issue and deliver to the treasurer of every city or
 9 town, except cities or towns of the first or second class,
 10 for the use and benefit of the fire department relief
 11 association legally existing in every such city or town
 12 entitled by law to receive the same, his warrant for an
 13 amount equal to forty-five one hundredths (45/100) ~~1-1/2~~
 14 mills of the total assessed valuation taxable value of the
 15 city or town. This amount is to be paid from premium taxes
 16 after deducting cancellations and return premiums collected
 17 by the state auditor ex officio insurance commissioner
 18 from insurers authorized to effect insurance on risks
 19 enumerated in subsection (6) of this section as said to
 20 which the cities or towns are each severally entitled to.
 21 (5) The legally organized and existing fire department
 22 relief associations in in all cities or towns where the
 23 taxes on premiums collected and distributed pursuant to
 24 subsection (4) above is are insufficient to make an amount
 25 equal to one hundred dollars (\$100) the fire department

1 ~~relief-association shall receive such an additional amount~~
 2 ~~from the total taxes on premiums collected from insurers~~
 3 ~~authorized to effect insurance against of the risks~~
 4 ~~enumerated in subsection (6) of this section as may be~~
 5 ~~necessary to make the total amount received by said the fire~~
 6 ~~department relief association equal to the sum of one~~
 7 ~~hundred dollars (\$100).~~

8 ~~(6) The risks referred to in subsection (4) above, are~~
 9 ~~enumerated as follows:~~

10 ~~for insurance of houses, buildings, and all~~
 11 ~~other kinds of property and goods against loss or damage by~~
 12 ~~fire or other casualty,~~ and all kinds of insurance on
 13 ~~goods, merchandise, or other property in the course of~~
 14 ~~transportation whether on land or water or air.~~

15 ~~(b) insurance against loss or damage to motor vehicles~~
 16 ~~resulting from accident, collision, or marine, and intend~~
 17 ~~navigation and transportation peril.~~

18 ~~(c) insurance of growing crops against loss or damage~~
 19 ~~resulting from heat or the elements.~~

20 ~~(d) insurance against loss or damage by water to any~~
 21 ~~goods or premises arising from the breakage or leakage of~~
 22 ~~sprinklers, pumps, or other apparatus.~~

23 ~~(e) and insurance against loss or legal liability for~~
 24 ~~loss because of damage to property caused by the use of~~
 25 ~~teams or vehicles, and whether by accident or collision or~~

1 ~~by explosion of any engine or tank or boiler or pipe or tire~~
 2 ~~of any vehicle, and also including~~
 3 ~~fire insurance against theft of the whole or any part~~
 4 ~~of any vehicle.~~

5 SECTION 11-1919. R.C.M. 1947, AS AMENDED BY SECTION
 6 CHAPTER 157, LAWS OF 1977 IS AMENDED TO READ
 7 AS FOLLOWS:

8 "11-1919. State auditor to pay association out of
 9 insurance premium taxes. (1) At the end of the fiscal year,
 10 the state auditor shall issue and deliver the payment
 11 described in this subsection to the treasurer of every city
 12 or town of the first and second class which has a fire
 13 department relief association entitled by law to receive
 14 payments. The payment shall be for the use and benefit of
 15 the association. It shall be paid out of the premium taxes
 16 on insurance risks enumerated in subsection (6) collected by
 17 the state auditor and shall be equal to 10% of the total
 18 annual compensation paid by the city or town to its paid or
 19 part-paid firemen for services in the previous calendar
 20 year. The city clerk of the city or town shall certify in
 21 writing to the state auditor, on or before April 1 of each
 22 year, the amount paid by the city or town as compensation
 23 for services to paid or part-paid firemen.

24 (2) When there is a disaster resulting in death or
 25 injury sufficient to draw the pensions of 10% of the active

1 force and the fund, after receiving all moneys provided for
 2 in 11-1911, 11-1912, and subsection (1) of this section, does
 3 not show at least the 1-mill growth referred to in 11-1912,
 4 the treasurer of the association shall request and the state
 5 auditor shall issue and deliver an additional payment under
 6 the same conditions described in subsection (1). The
 7 payment shall be in an amount sufficient to cause at least
 8 the above-mentioned 1-mill growth in the fund.

9 (3) If a city is not entitled to receive a sum equal
 10 to ~~45/100-of-a-mill~~ 1 1/2 mills of its total assessed
 11 valuation taxable value under subsections (1) and (2), the
 12 association of the city shall receive its money in the
 13 manner provided in subsections (4) and (5) for cities of the
 14 third class.

15 (4) At the end of the fiscal year, the state auditor
 16 shall issue and deliver the warrant described in this
 17 subsection to the treasurer of every city or town, except
 18 cities and towns of the first or second class, which has a
 19 fire department relief association entitled by law to
 20 receive payments. The warrant shall be for the use and
 21 benefit of the association. It shall be for an amount equal
 22 to ~~45/100-of-a-mill~~ 1 1/2 mills of the total assessed
 23 valuation taxable value of the city or town and shall be
 24 paid out of the premium taxes on insurance risks enumerated
 25 in subsection (6) collected by the state auditor.

1 (5) If the payment provided for in subsection (4) is
 2 less than \$100, the association shall receive an additional
 3 payment from the same tax moneys so that the total amount
 4 received is \$100.

5 (6) The risks referred to in subsections (1) and (4)
 6 are:

7 (a) insurance of houses, buildings, and all other
 8 kinds of property against loss or damage by fire or other
 9 casualty;

10 (b) all kinds of insurance on goods, merchandise, or
 11 other property in the course of transportation, whether by
 12 land, water, or air;

13 (c) insurance against loss or damage to motor
 14 vehicles resulting from accident, collision, or marine and
 15 inland navigation and transportation perils;

16 (d) insurance of growing crops against loss or damage
 17 resulting from hail or the elements;

18 (e) insurance against loss or damage by water to any
 19 goods or premises arising from the breakage or leakage of
 20 sprinklers, pumps, or other apparatus;

21 (f) insurance against loss or legal liability for
 22 loss because of damage to property caused by the use of
 23 teams or vehicles, whether by accident or collision or by
 24 explosion of any engine, tank, boiler, pipe, or tire of any
 25 vehicle; and

1 (g) insurance against theft of the whole or any part
 2 of any vehicle."

3 Section 28. Section 11-2201, R.C.M. 1947, is amended
 4 to read as follows:

5 "11-2201. Special improvements -- powers of city
 6 council. (1) All streets, alleys, places, or courts in the
 7 municipalities of this state, now open or dedicated or
 8 which may hereafter be opened or dedicated to public use,
 9 shall be deemed and held to be ~~are~~ open public streets,
 10 alleys, places, or courts for the purposes of this chapter,
 11 and the city council of each municipality is hereby
 12 empowered to ~~may~~ establish and change the grades of ~~said the~~
 13 streets, alleys, places, or courts and fix the width
 14 thereof and is hereby invested with jurisdiction to ~~may~~
 15 acquire private property for ~~right-of-way~~ right-of-way and
 16 to order to be done any of the work mentioned in this
 17 chapter under the proceedings hereinafter described.

18 Further, that in addition to the powers heretofore
 19 granted, when (2) When the public interest or convenience
 20 requires, the governing body of a municipality may:

21 (a) Establish ~~establish~~ pedestrian mall*s*;
 22 (b) Prohibit ~~prohibit~~ in whole or in part,
 23 vehicular traffic on a pedestrian mall*s*;

24 (c) Pay ~~pay~~, from general funds of the municipality
 25 or other available moneys or from the proceeds of

1 assessments levied on lands benefited by the establishment
 2 of a pedestrian mall, the damages, if any, allowed or
 3 awarded to any property owner by reason of the establishment
 4 of a pedestrian mall*s* provided that the ~~the~~ resolution of
 5 intention contains must contain a statement that an
 6 assessment will be levied to pay the whole or a stated
 7 portion of such damages, if any, allowed or awarded to any
 8 property owner by reason of the establishment of such
 9 pedestrian mall*s*.

10 (d) Construct ~~construct~~ improvements on public
 11 streets which ~~that~~ have been or will be established as a
 12 pedestrian mall*s*, improvements of any kind or nature
 13 necessary or convenient to the operation of such streets as
 14 a pedestrian mall*s* including but not limited to paving,
 15 sidewalks, curbs, sewers, covered walkways or areas, air
 16 conditioning, drainage works, street lighting facilities,
 17 fire protection facilities, flood protection facilities,
 18 water distribution facilities, vehicular parking areas,
 19 retaining walls, landscaping, tree planting, statuary,
 20 fountains, decorative structures, benches, rest rooms, child
 21 care facilities, display facilities, information booths,
 22 public assembly facilities, and other structures, works or
 23 improvements necessary or convenient to serve members of the
 24 public using such pedestrian mall*s* including the
 25 reconstruction or relocation of existing municipally owned

1 works, improvements, or facilities on such streets. Such the
 2 improvements or structures may be attached to abutting
 3 private buildings or structures, provided that such the
 4 improvements or structures shall be are located on public
 5 property.

6 ~~131~~ It--is-further-provided-that-in-addition-to-the
 7 purposes-for-which-an-improvement-district-may-be-formed-as
 8 heretofore-set-forth, an improvement district may also be
 9 formed for the sole purpose of the--operations--maintenance,
 10 repair--and--improvements--of operating, maintaining,
 11 repairing, and improving pedestrian malls, off-street
 12 parking facilities, and parkings and parkways.

13 ~~14~~ Subject to the powers granted and the
 14 limitations contained in this section, the powers and duties
 15 of the municipality and the procedure to be followed shall
 16 be are as provided in this article chapter for other types
 17 of special improvement districts.

18 ~~15~~ If a petition for the formation of an
 19 improvement district under the provisions of this section is
 20 presented to the governing body purporting to be signed by
 21 all of the real property owners in the proposed district,
 22 exclusive of mortgagees and other lien holders, the
 23 governing body, after verifying such ownership and making a
 24 finding of such the fact, shall adopt a resolution of
 25 intention to order the improvement pursuant--to--the

1 provisions-of-section as provided in 11-2204v and shall have
 2 immediate jurisdiction to adopt the resolution ordering the
 3 improvement pursuant to the following provisions, without
 4 the necessity of the publication and posting of the
 5 resolution of intention provided for in section 11-2204.

6 ~~16~~ The governing body shall make annual statements
 7 and estimates of the expenses of the district, which shall
 8 be provided for by the levy and collection of ad valorem
 9 taxes upon the assessed taxable value of all the real and
 10 personal property in the district, shall publish notice
 11 thereof, and shall have hearings thereon on the statements
 12 and estimates and adopt them at-the-times-and-in-the-manners
 13 as provided for incorporated cities and towns by the
 14 applicable-portions-of-sections 11-2204 and 11-2206. The
 15 governing body, on or before the second Monday in August of
 16 each year, shall fix, levy, and assess the amount to be
 17 raised by ad valorem taxes upon all of the property of the
 18 district. All statutes providing for the levy and collection
 19 of state and county taxes, including the collection of
 20 delinquent taxes and sale of property for nonpayment of
 21 taxes, shall be applicable to the district taxes provided
 22 for under this section.

23 ~~17~~ An improvement district formed for the purposes
 24 of establishing a pedestrian mall or off-street parking may
 25 be financed in accordance with the provisions of section

1 11-2214-R-C-M-1947, and/or in accordance with the
 2 methods of financing set forth for the construction of water
 3 or sewer systems as set forth in section 11-2218-R-C-M-
 4 1947.

5 ~~shall create~~ the governing body may create special
 6 lighting districts on any street or streets or public
 7 highway therein or portions thereof for the purposes of
 8 lighting such street or streets or public highway and is
 9 hereby empowered to them and assess such the costs for
 10 installation and maintenance to property abutting thereto
 11 and to collect such the costs by special assessment against
 12 said the property.

13 (9) Further, that in addition to the powers heretofore
 14 granted the city or town council is empowered to may make
 15 assessments in the manner provided in section 11-2245
 16 hereafter on property abutting said the street or highway
 17 and lying outside the boundaries of said the city or town,
 18 so as long as that portion of the street or public highway
 19 to be lighted is adjacent to the boundary line of said the
 20 city or town or lies partially within said the city or
 21 town or extends from one point within said the city or town
 22 to another point within said the city or town.

23 Section 29. Section 11-2205, R.C.M. 1947, is amended
 24 to read as follows:

25 "11-2205. Assessment of extended district including

1 lots not fronting on improvement. Whenever the contemplated
 2 work of improvement, in the opinion of the city council, is
 3 of more than local or ordinary public benefit or whenever,
 4 according to estimates furnished by the city engineer, the
 5 total estimated costs and expenses thereof would exceed
 6 one-half $\frac{1}{5}$ of the total assessed taxable value of the lots
 7 and lands assessed, if assessed upon the lots or lands
 8 fronting upon said proposed work or improvement according
 9 to the valuation fixed by the last assessment roll, whereon
 10 it was assessed for taxes for municipal purposes, the city
 11 council may make charge the expenses of such the work or
 12 improvement chargeable upon to an extended district and
 13 which that may include other lots not fronting on the
 14 improvement and which the said city council shall, in its
 15 resolution of intention declare declares to be the district
 16 benefited by said the work or improvements and to be
 17 assessed to pay the costs and expenses thereof."

18 Section 30. Section 11-2303, R.C.M. 1947, is amended
 19 to read as follows:

20 "11-2303. Limitation on amount of indebtedness. No
 21 city or town shall may issue bonds for any purpose in an
 22 amount which with all outstanding and unpaid indebtedness
 23 will exceed five-per-centum-(5%) 18% of the assessed taxable
 24 value of the taxable property therein subject to taxation,
 25 to be ascertained by the last assessment for state and

1 county taxes, provided, however, that for the purpose
 2 of constructing a sewerage system, or procuring a water
 3 supply, or constructing or acquiring a water system for a
 4 city or town which shall own and control such the water
 5 supply and water system and devote the revenues therefrom to
 6 the payment of the debt, a city or town may incur an
 7 additional indebtedness by borrowing money or issuing bonds.
 8 The additional total indebtedness which that may be incurred
 9 by borrowing money or issuing bonds for the construction of
 10 a sewerage system, or for the procurement of a water supply,
 11 or for both such purposes, including all indebtedness
 12 theretofore contracted which is unpaid or outstanding,
 13 shall not in the aggregate exceed ten-per-centum—10%
 14 over and above the five-per-centum—5% 18% heretofore
 15 referred to of the total taxable value of the taxable
 16 property therein subject to taxation as ascertained by the
 17 last assessment for state and county taxes. The issuing of
 18 bonds for the purpose of funding or refunding outstanding
 19 warrants or bonds shall is not be deemed the incurring of a
 20 new or additional indebtedness but shall be deemed is
 21 merely the changing of the evidence of outstanding
 22 indebtedness."

23 Section 31. Section 11-3921, R.C.M. 1947, is amended
 24 to read as follows:

25 "11-3921. Allocation of taxes. (1) Any urban renewal

1 plan, as defined in section 11-3901, may contain a provision
 2 or be amended to contain a provision providing that taxes
 3 levied on taxable property in an urban renewal area each
 4 year by or for the benefit of the state, any city, county,
 5 or other political subdivisions for which taxes are levied,
 6 thereafter-referred-to-as-taxing-bodtest shall be allocated
 7 after the effective date of such provision as provided in
 8 subsections (3) and (4) of this section.

9 (2) For the purposes of this section:

10 (a) "prior assessed taxable value" means the assessed
 11 taxable value of the taxable property in the urban renewal
 12 area subject to taxation as shown on the assessment roll
 13 last equalized prior to the effective date of the urban
 14 renewal plan, notwithstanding Notwithstanding the
 15 provisions of this act, any increase resulting from a
 16 comprehensive revaluation of all property within the county
 17 may be applied to the property for the purpose of
 18 determining the "prior assessed taxable value";

19 (b) the word "taxes" includes, but is not limited to,
 20 all levies on an ad valorem basis upon land or real
 21 property;

22 (c) "taxing body" is any city, county, or other
 23 political subdivision for which taxes are levied;

24 (3) The portion of taxes produced by levies for a
 25 taxing-body upon the total sum of the prior assessed taxable

1 value of the ~~taxable~~ property in the urban renewal area
 2 ~~subject to taxation~~ shall be allocated and paid into the
 3 funds of the taxing body like taxes paid by or for the
 4 taxing body on all other property. For the purpose of
 5 allocating taxes levied by a taxing body that did not
 6 include the urban renewal area on the effective date of the
 7 provision allocating the taxes but to which the urban
 8 renewal area has since been annexed or otherwise included,
 9 the assessment roll of the county last equalized prior to
 10 the effective date of the provision shall be used in
 11 determining the prior ~~assessed taxable~~ value.

12 (4) The portion of taxes levied by such ~~the~~ taxing
 13 body each year in excess of the amount levied under
 14 subsection (3) shall be paid by the county treasurer into a
 15 special fund held by the city treasurer to pay the principal
 16 and interest on bonds issued under authority of section
 17 11-3910, except that taxes for the payment of all bonds and
 18 interest of each taxing body must be levied against all
 19 taxable property within the taxing body without limitation
 20 by the provisions of this subsection. Until the actual
 21 ~~assessed--valuation taxable~~ value of all property in the
 22 urban renewal area exceeds the prior ~~assessed taxable~~ value
 23 of all taxable property within such area, the actual
 24 ~~assessed taxable~~ value of all property shall be used for
 25 taxation purposes.

1 (5) The portion of taxes allocated in subsection (4)
 2 above~~v~~ and the special fund into which they are paid~~v~~ may be
 3 pledged by a municipality for the payment of the principal
 4 and interest on bonds issued under the authority of section
 5 11-3910~~v~~ or bonded indebtedness~~v~~ incurred by a municipality
 6 to refinance in whole or in part~~v~~ the urban renewal project.
 7 Prior to the sale of any bonds, there shall be ~~tot~~ an
 8 election under sections 11-2308 and 11-2309 approving such
 9 sale~~v~~ or ~~tot~~ a petition for the sale signed by the owners of
 10 record of at least ~~fifty-one percent~~ 51% of the land
 11 within the urban renewal district.

12 (6) After all bonds and interest have been paid, all
 13 monies ~~money~~ received from taxes upon property within the
 14 urban renewal area shall be allocated as taxes on all other
 15 property.*

16 Section 32. Section 11-4111, R.C.M. 1947, is amended
 17 to read as follows:

18 *11-4111. Levy authorized — uses -- restrictions. (1)
 19 Upon an affirmative vote of a majority of the qualified
 20 voters voting in a city, county, or town on the question of
 21 whether the governing body may levy a tax for economic
 22 development, the governing body of that city, county, or
 23 town is authorized to levy ~~in any one election~~ up to one
 24 ~~tot~~ mill upon the ~~assessed taxable~~ value of all the taxable
 25 property in the county, city, or town ~~subject to taxation~~

1 for the purpose of economic development, for a period not to
 2 exceed five (5) years. ~~By any one election.~~

3 (2) Funds derived from this levy may be used for
 4 purchasing land for industrial parks, constructing buildings
 5 to house manufacturing and processing operations, conducting
 6 preliminary feasibility studies, promoting economic
 7 development opportunities in a particular area, and other
 8 activities generally associated with economic development.
 9 These funds may not be used to directly assist an industry's
 10 operations by loan or grant ~~nor or~~ to pay the salary or
 11 salary supplements of government employees.

12 (3) The governing body of the county, city, or town
 13 may use the funds derived from this levy to contract with
 14 local development companies, and other associations or
 15 organizations capable of implementing the economic
 16 development function."

17 Section 33. Section 14-307, R.C.M. 1947, is amended to
 18 read as follows:

19 "14-307. Lien of corporate indebtedness upon
 20 membership lands. ~~From and after~~ After the date of the
 21 inclusion of any land or property as a member thereof in any
 22 corporation or district organized under the provisions
 23 hereof of this section, all mortgage or bonded indebtedness
 24 thereafter created by such corporation or district ~~shall~~
 25 be deemed ~~is~~ a first lien upon ~~such the~~ membership lands to

1 the ~~an~~ extent of not to exceed five--per--cent 18% of the
 2 ~~assessed--valuation taxable value~~ thereof if the ~~same--shall~~
 3 ~~be land~~ is grazing or agricultural and not to exceed ten
 4 per--cent 30% of the ~~assessed--valuation taxable value~~ thereof
 5 if the ~~same--shall--be land~~ is horticultural or
 6 vegetable-producing lands. The recording of the copy of the
 7 articles of incorporation or petition to become a member of
 8 such corporation or district ~~shall be~~ is notice to all
 9 subsequent lien claimants that ~~such the~~ lands are subject to
 10 a first lien ~~of not to exceed the amount specified herein~~
 11 ~~provided~~. However, nothing ~~herein--shall in this section~~ may
 12 be construed as placing a limit upon the indebtedness that
 13 may be made a lien against any of the corporate or property
 14 assets of the corporation or district, as distinguished
 15 from membership lands individually owned, ~~and~~ included
 16 ~~therein for the purposes hereof.~~"

17 Section 34. Section 16-502, R.C.M. 1947, is amended to
 18 read as follows:

19 "16-502. Basis of taxation upon creation of new county
 20 -- terms used in law defined. For the purposes of this act,
 21 the assessed valuation of all property, whether included
 22 within the boundaries of a proposed new county or remaining
 23 within the boundaries of any existing county or counties
 24 from which territory is taken, shall be fixed and determined
 25 on the same basis as is used for the imposition of taxes in

1 the state of Montana--to-wits--By taking that percentage of
 2 the true and full value of all taxable property in any
 3 county specified by section 84-302.

4 Whenever in this act the term "assessed valuation" or
 5 "valuation based on the last assessment roll" is used, said
 6 terms shall be construed as meaning taxable valuation
 7 determined as herein provided, not the full and true
 8 valuation of property."

9 Section 35. Section 16-807, R.C.M. 1947, is amended to
 10 read as follows:

11 "16-807. Limit of indebtedness. No county may become
 12 indebted in any manner or for any purpose to an amount,
 13 including existing indebtedness, in the aggregate exceeding
 14 five per centum 18% of the assessed taxable value of the
 15 taxable property therein subject to taxation, to be as
 16 ascertained by the last assessment for state and county
 17 taxes previous to the incurring of such indebtedness, and
 18 all bonds or obligations in excess of such amount given
 19 by or on behalf of such the county are void. No county may
 20 incur any indebtedness or liability for any single purpose
 21 to an amount exceeding forty thousand dollars (\$40,000)
 22 without the approval of a majority of the electors thereof
 23 voting at an election to be provided by law, except as
 24 provided in sections 16-1407.1 and 16-1407.2."

25 Section 36. Section 16-808, R.C.M. 1947, is amended to

1 read as follows:

2 "16-808. Counties indebted beyond constitutional limit
 3 may operate on cash basis. That in case the total
 4 indebtedness of a county, lawful when incurred, by reason of
 5 great diminution of assessed value exceeds the limit of five
 6 per centum 18% by reason of great diminution of
 7 taxable value, it shall be lawful for said the county and it
 8 is hereby authorized and empowered to thereafter manage and
 9 may conduct its business affairs on a cash basis and pay the
 10 reasonable and necessary current expenses of said the county
 11 out of the cash in the county treasury and derived from its
 12 current revenue and under such restrictions and regulations
 13 as may be imposed by the board of county commissioners of
 14 said the county by a resolution duly adopted and spread upon
 15 included in the minutes of said the board, provided
 16 however, that nothing herein shall restrict Nothing in this
 17 section restricts the right of said the board to make the
 18 necessary tax levies for interest and sinking fund purposes,
 19 and provided further that nothing herein shall affect in
 20 this section affects the right of any creditor of said the
 21 county to pursue any remedy now given him by law to obtain
 22 payment of his claims."

23 Section 37. Section 16-1152, R.C.M. 1947, is amended
 24 to read as follows:

25 "16-1152. Tax levy for payment of warrants. The board

1 of county commissioners shall annually determine the amount
 2 of such ~~the~~ warrants drawn on the general fund for the
 3 purposes of controlling insect pests under a cropland
 4 spraying program approved by the department of agriculture,
 5 and in the succeeding year, ~~the~~ board shall levy a tax for
 6 the purpose of insect pest extermination sufficient in
 7 amount to reimburse ~~the~~ general fund for the money so
 8 paid out on such ~~the~~ warrants, which ~~the~~ tax shall be
 9 levied upon all the property in the county and shall not
 10 exceed three-~~{3}~~ mills on each dollar of ~~assessed~~ valuation
 11 ~~taxable~~ value. If there be is no money in the general fund
 12 with which to pay such warrants, they shall be registered
 13 and bear interest in the same manner as other county
 14 warrants, but in such ~~in~~ this case the interest shall be
 15 computed and added to the amount for which such tax is
 16 levied."

17 Section 38. Section 16-1412, R.C.M. 1947, is amended
 18 to read as follows:

19 "16-1412. Budget for district fairs -- consideration
 20 by county commissioners -- tax levy -- district fair fund --
 21 expenditures. (1) Aside from the revenue derived from
 22 annual fairs or other exhibitions conducted the necessary
 23 revenue shall be raised as follows: To raise the revenue
 24 necessary to hold district fairs, the board of directors
 25 shall meet during the first week of May of each year and

1 shall make a budget of the amounts required in the conduct
 2 of the affairs of the district for the following year, and
 3 ~~the~~ board shall deduct therefrom from the budget the
 4 probable income from the annual district fair and other
 5 exhibitions to be held by ~~said~~ the district during the
 6 following year, and shall then apportion the remaining
 7 balance among the various counties forming ~~the~~ district
 8 in proportion to the assessed property of each county as
 9 determined by the assessment rolls of the preceding year,
 10 ~~saye-in-the-case-of~~ By mutual agreement of the directors,
 11 the share apportioned to the county in which the fair is
 12 being conducted, in which county the levy may by mutual
 13 agreement of the directors may be made larger than in other
 14 counties comprising the district, and the ~~the~~ secretary
 15 shall certify to each board of county commissioners the
 16 amount of ~~said~~ the budget and the amount of revenue to be
 17 raised by ~~such~~ the county for ~~such~~ these purposes, and shall
 18 file a certified copy thereof with the clerk of the board of
 19 county commissioners of each of the counties in ~~the~~ the
 20 district on or before the first day of June 1 of each year.
 21 The respective boards of county commissioners of the
 22 counties comprising ~~the~~ said district shall meet in joint
 23 assembly with their county fair commissioners during the
 24 first week of June of each year and shall jointly consider
 25 the budget proposed by the board of directors of the

1 district, and shall give such approval or suggest such
 2 amendments or modifications as to them may seem they think
 3 proper and desirable.

4 (2) If the county commissioners shall fail to hold
 5 such the joint meetings or shall fail to take any action,
 6 then the budget certified by the secretary of the fair
 7 district shall be, without further action, deemed approved,
 8 and the sums of money apportioned to the county shall be the
 9 sums to be raised by special levy for said this purpose. For
 10 the purpose of raising the aforesaid revenues, the board of
 11 county commissioners of each county in the district shall
 12 annually make a levy to raise the required sum apportioned
 13 to the respective counties, provided however that However,
 14 the said levy shall not exceed one-fifteen mill on the dollar of
 15 the assessed--valuation taxable value of all the taxable
 16 property in the county, except in the case of the county in
 17 which the fair is being conducted, in which In this county,
 18 the levy shall not exceed one-and-one-half (1 1/2) mills on
 19 the dollar of taxable property in the county, in addition
 20 thereto to this levy, any and all moneys available
 21 to for the holding of county fairs may be allotted and
 22 transferred to the use of the district fair as the
 23 respective county fair commissioners may elect, the The
 24 funds available to a district fair shall, on the first
 25 Monday in August or as soon thereafter as may be possible,

1 be deposited with the county treasurer of the county in
 2 which the district fair is to be held and by him and
 3 credited to a fund to be known as the district fair fund,
 4 held and paid out in the same manner as the county fair
 5 fund, except that it shall be paid out on district fair
 6 board warrants signed by the chairman or the vice-chairman
 7 and the secretary of the district fair board, provided that
 8 the The treasurer of the county in which the district fair
 9 shall will be held shall carry the moneys received from the
 10 various counties in the district in the regular county fair
 11 fund in the same manner as regular county fair moneys,
 12 payable, however, only on district fair warrants."

13 Section 39. Section 16-2010.1, R.C.M. 1947, is amended
 14 to read as follows:

15 "16-2010.1. Limit on city-county consolidated
 16 indebtedness. No city-county consolidated local government
 17 may issue bonds for any purpose which, with all outstanding
 18 indebtedness, will may exceed seven-and-one-half percent--
 19 ~~7 1/2~~ 2 1/2% of the assessed taxable value of the taxable
 20 property therein subject to taxation, to be as ascertained
 21 by the last assessment for state and county taxes,
 22 provided--however--that However for the purpose of
 23 constructing a sewerage system or procuring a water supply
 24 or constructing or acquiring a water system for a
 25 city-county consolidated government which shall own and

1 control such water supply and water system and devote the
 2 revenues therefrom to the payment of the debt, a city-county
 3 consolidated government may incur an additional indebtedness
 4 by borrowing money or issuing bonds. The additional
 5 indebtedness, which may be incurred by borrowing money or
 6 issuing bonds for the construction of a sewerage system or
 7 for the procurement of a water supply or for both such
 8 purposes, ~~including all indebtedness theretofore contracted~~
 9 which is unpaid or outstanding, may not in the aggregate
 10 exceed ten percent ~~{10%}~~ over and above the seven-and
 11 one-half percent ~~{7-1/2%}~~ 2 1/2% heretofore referred to of the
 12 assessed taxable value of the taxable property therein
 13 subject to taxation as ascertained by the last assessment
 14 for state and county taxes. The issuing of bonds for the
 15 purpose of funding or refunding outstanding warrants or
 16 bonds is not the incurring of a new or additional
 17 indebtedness, but is merely the changing of the evidence of
 18 outstanding indebtedness."

19 Section 40. Section 16-4020, R.C.M. 1947, is amended
 20 to read as follows:

21 "16-4020. Disposal of property -- leasing -- sale. (1)
 22 Each county to which any part of an abandoned and abolished
 23 county is attached ~~and made a part and becoming becomes~~ the
 24 owner under the provisions of this act of the real and any
 25 tangible personal property of ~~an~~ the abandoned and abolished

1 county ~~and~~ may use all of ~~such~~ this property for county
 2 purposes, or may lease any of ~~such~~ this real estate, or ~~may~~
 3 sell any of ~~such~~ the real estate or personal property.
 4 ~~(2)~~ provided that no such No personal property having
 5 a value in excess of one hundred dollars (\$100.00) shall be
 6 sold unless the same ~~may~~ be sold unless it has been
 7 appraised within one year immediately prior to the date of
 8 sale by three taxpayers residing ~~who reside~~ within the
 9 territory embraced within the boundaries of the abandoned
 10 and abolished county ~~and who were~~ appointed by the judge of
 11 the district court to which the county succeeding to the
 12 ownership of ~~such~~ the property is attached, on petition of
 13 the board of county commissioners thereof, and no sale
 14 of any such personal property shall ~~may~~ be made except at
 15 public sale after notice or for a price less than ninety-per
 16 centum ~~{90%}~~ of ~~such~~ the appraised value.

17 ~~(2)~~ ~~(3)~~ No such real property shall ~~may~~ be leased
 18 unless the board of county commissioners shall present
 19 presents to the judge of the district court to which the
 20 county is attached a petition describing the real estate,
 21 with any improvements thereon, and setting forth the terms
 22 of the proposed lease, ~~and the same~~ The petition shall be
 23 approved by ~~such~~ the judge which approves shall be endorsed
 24 on such petition and filed in the office of the clerk of
 25 said ~~the~~ county.

1 ~~t3t4~~ No real estate ~~shall~~ may be sold by ~~said the~~
 2 board of county commissioners unless the ~~same~~ property has
 3 been appraised within one 1 year immediately prior to the
 4 date of sale by three taxpayers ~~residing who reside~~ within
 5 the territory ~~embraced within the boundaries~~ of the
 6 abandoned and abolished county~~s and who were~~ appointed by
 7 the judge of the district court to which the county is
 8 attached, on petition of the board of county commissioners
 9 of such county~~s and every such~~ Every sale of real estate
 10 shall be made at public sale~~s~~ and notice of such sale shall
 11 be published once a week for at least two weeks immediately
 12 prior to the date for holding the same, in the official
 13 newspaper of the county, and no such real estate shall be
 14 sold for a price less than ninety per centum (90%) of the
 15 appraised value thereof.

16 ~~t4t5~~ The full purchase price of any real estate so
 17 sold shall not be required to be made in one payment but the
 18 purchaser thereof may pay the same in four installments, the
 19 first of which shall be not less than twenty five per centum
 20 (25%) of the purchase price to be paid at the time of
 21 purchase, the remainder to be paid in three equal annual
 22 installments with interest thereon at not less than five per
 23 centum (5%) per annum. All real estate sold, with any
 24 improvements thereon, shall be subject to assessment and
 25 taxation annually to the purchaser or his successor in

1 interest, at a value equal to the amount paid on the
 2 purchase price thereof until the purchase price is fully
 3 paid when such real estate shall be assessed at its full
 4 cash value, and any and all improvements placed on any such
 5 real estate, after its purchase, shall be subject to
 6 assessment and taxation at the full cash value thereof.
 7 Whenever the purchase price of any real estate is to be paid
 8 in installments the board of county commissioner shall enter
 9 into a contract with the purchaser thereof and such contract
 10 shall be recorded in the office of the county clerk. When
 11 payment in full has been made for any personal property or
 12 real estate the chairman of the board of county
 13 commissioners shall execute and deliver the proper bill of
 14 sale or deed to the purchaser or his successor in interest.

15 ~~t5t6~~ The compensation of all appraisers appointed
 16 under the provisions of this section shall be fixed by the
 17 district judge appointing the same. Moneys received from
 18 leases or sales of real or personal property by any county
 19 other than the county designated in the petition for
 20 abandonment as the county to which the territory of the
 21 abandoned county is to be allocated shall be transmitted by
 22 the officers of such counties to the treasurer of the county
 23 designated in such petition for abandonment.

24 ~~t6t7~~ All moneys received from the sales of personal
 25 property and from the leasing or sales of real estate, after

1 deducting therefrom the amounts paid appraisers and for
 2 publishing notices of sale, shall be used and applied as
 3 follows:

4 If there are any warrants issued and outstanding
 5 against any of the funds of the abandoned and abolished
 6 county, such moneys shall be applied in payment of such
 7 warrants and interest;

8 (b) if there are no such warrants outstanding but
 9 district bonds have been issued under the provisions of
 10 subdivision (b) of section 16-4016, then such the moneys
 11 shall be deposited in the sinking and interest fund for such
 12 district bond bonds;

13 (c) if there be are no such district bonds
 14 outstanding, then such the moneys shall be deposited to the
 15 credit of the sinking and interest funds for bonds issued
 16 and outstanding when the abandoned and abolished county
 17 ceased to exist, and

18 (d) if there be are no such bonds outstanding and
 19 unpaid, then such the moneys shall be apportioned to all of
 20 the counties to which parts of the abandoned county were
 21 attached in the proportion which the assessed valuation
 22 taxable value of the property in each such part on the first
 23 day of January 1 immediately preceding the abandonment bears
 24 to the assessed valuation taxable value of all the property
 25 in such the abandoned county, and the apportioned moneys

1 shall be deposited in such the funds of such each county as
 2 the boards of county commissioners of such the counties may
 3 direct."

4 Section 41. Section 32-3107, R.C.M. 1947, is amended
 5 to read as follows:

6 "32-3107. Report of county road superintendent --
 7 order creating district. (1) At the next annual meeting of
 8 the board after the road superintendent has completed
 9 surveying the road and making estimates, he shall make a
 10 detailed report. (a) The report shall state that the maps,
 11 descriptions, plans, specifications, and details and
 12 estimates of damages, costs, and expenses have been
 13 completed.

14 (2) The whole amount of damages, costs, and expenses
 15 shall not exceed fifty-per-cent ~~(50%)~~ 135% of the total
 16 assessed valuation taxable value of the parcels of land in
 17 the district, as determined from the last annual assessment
 18 roll of the county. If it does not, the board shall make and
 19 enter upon the report an order that the road be made.

20 (3) That order shall create the local improvement
 21 district to be known and designated as local improvement
 22 district No. in county, Montana. Copies of the
 23 report shall be kept in the offices of the board and road
 24 superintendent."

25 Section 42. Section 46-1914, R.C.M. 1947, is amended

1 to read as follows:

2 "46-1914. Levy of tax for purpose of paying for
 3 destruction of wild animals -- limitation on levy. The
 4 department of revenue shall annually prescribe the levy
 5 recommended by the department to be made against livestock
 6 of all classes, for paying for the destruction of wild
 7 animals killed in this state. The tax in any one year may
 8 not exceed one-and-one-half (1 1/2) ~~and~~ 1 1/2 mills on the
 9 ~~assessed valuation taxable value~~ of the livestock. The money
 10 received shall be used only for the payment of claims for
 11 the destruction of wild animals and for the administration
 12 of this act, approved by the department. The money received
 13 for the taxes levied shall be sent annually with other taxes
 14 for state purposes to the state treasurer by the county
 15 treasurer of each county, and when when the money is
 16 received by the state treasurer, it shall be placed in the
 17 earmarked revenue fund, and the money may then be paid out
 18 on claims approved under the law governing the payment of
 19 claims."

20 Section 43. Section 53-114, R.C.M. 1947, is amended to
 21 read as follows:

22 "53-114. Application for registration of motor
 23 vehicles and payment of license fees thereon -- assessment
 24 of motor vehicles in the stock of licensed motor vehicle
 25 dealers as merchandise. (1) Every owner of a motor vehicle

1 operated or driven upon the public highways of this state
 2 shall, for each motor vehicle owned, except as herein
 3 otherwise expressly provided, file or cause to be filed in
 4 the office of the county treasurer ~~wherein~~ where such the
 5 motor vehicle is owned or taxable, an application for
 6 registration or reregistration upon a blank form to be
 7 prepared and furnished by the registrar of motor vehicles,
 8 which the application shall contain:

9 (a) Name name and address of owner, giving county,
 10 school district, and town or city within whose corporate
 11 limits the motor vehicle is taxable;

12 (b) Name name and address of conditional sales vendor,
 13 mortgagee, or holder of other lien against said the motor
 14 vehicle, with statement of amount owing under such contract
 15 or lien;

16 (c) Description description of motor vehicle,
 17 including make, year model, engine or serial number,
 18 manufacturer's model or letter, gross weight, type of body,
 19 and if truck, the rated capacity;

20 (d) In in case of reregistration, the license number
 21 for the preceding year;

22 (e) Such such other information as the registrar of
 23 motor vehicles may require.

24 (2) Whoever A person who files an application for
 25 registration or reregistration of a motor vehicle, except of

1 a mobile home as defined in section 84-101, ~~Re-6-May-1947~~,
 2 shall before filing such application with the county
 3 treasurer submit the same to the county assessor of ~~said the~~
 4 county, ~~and~~ ~~said~~ ~~the~~ county assessor shall enter on ~~said the~~
 5 application in a space to be provided for that purpose, the
 6 ~~full and true and the assessed valuation market value AND~~
 7 ~~TAXABLE VALUE~~ of ~~said the~~ vehicle for the year for which
 8 ~~said the~~ application for registration is made.

9 (3) ~~A person who~~ files an application for
 10 registration or reregistration of a motor vehicle, except of
 11 a mobile home as defined in section 84-101, ~~Re-6-May-1947~~,
 12 shall upon the filing of ~~said the~~ application ~~to~~ pay to the
 13 county treasurer the registration fee, as provided in
 14 section 53-122 and section 53-115, and ~~shall also at such~~
 15 ~~time to~~ pay the personal property taxes assessed on the new
 16 motor vehicle sales tax against ~~said the~~ vehicle for the
 17 current year of registration, unless the same shall have
 18 been theretofore paid for ~~said the~~ year, before the
 19 application for registration or reregistration may be
 20 accepted by the county treasurer. The county treasurer is
 21 hereby empowered to ~~may~~ make full and complete investigation
 22 of the tax status of ~~said the vehicle, and any~~ Any applicant
 23 for registration or reregistration must submit proof with
 24 respect thereto from the tax records of the proper county at
 25 the request of the county treasurer.

1 (4) The amount of taxes on ~~said the~~ motor vehicle,
 2 except a mobile home as defined in section 84-101, ~~Re-6-May~~
 3 ~~1947~~, ~~shall be~~ is computed and determined by the county
 4 treasurer on the basis of the levy of the year preceding the
 5 current year of application for registration or
 6 reregistration, ~~and such~~ ~~the~~ determination ~~shall be~~ is
 7 entered on the application form in a space provided
 8 therefor.

9 (5) Motor vehicles, except mobile homes as defined in
 10 section 84-101, ~~Re-6-May-1947~~, are hereby declared to be
 11 assessable ~~assessed for taxation as of and taxes on the~~
 12 first day of January 1 in each year irrespective of the time
 13 fixed by law for the assessment of other classes of personal
 14 property and irrespective of whether or not the levy and
 15 tax may be a lien upon real property within the state of
 16 Montana, provided that in no event ~~shall~~ ~~may~~ any motor
 17 vehicle be subject to assessment, levy, and taxation more
 18 than once in each year.

19 (6) The applicant for original registration of any
 20 wholly new and unused motor vehicle, except a mobile home as
 21 defined in section 84-101, ~~Re-6-May-1947~~, acquired by
 22 original contract after the first day of January 1 of any
 23 year shall be required, whenever such vehicle has not been
 24 otherwise assessed, to pay the motor vehicle sales tax
 25 provided by section 32-3315, ~~Re-6-May-1947~~, irrespective of

1 whether or not such the vehicle was in the state of Montana
 2 on the first day of January 1 of such the year.

3 (7) Upon accepting application for registration or
 4 reregistration of any motor vehicle which is subject to
 5 taxation in this state on January 1 in any years and upon
 6 payment of taxes, the county treasurer shall stamp on said
 7 the application: "taxes on this vehicle due January 1 of
 8 current year paid by applicant, prior applicant, or owner,
 9 and this vehicle is eligible for registration." Upon
 10 accepting application for registration of any motor vehicle
 11 which was not subject to taxation in this state on January
 12 1 in any year, the county treasurer shall indicate such
 13 the fact by proper entry on said the application.

14 (8) The registrar of motor vehicles shall have
 15 authority to make proper entry of the payment of taxes
 16 in accord with the facts on any certificate of title to any
 17 a motor vehicle respecting payment of taxes in accord with
 18 the facts.

19 (9) Motor vehicles subject to anniversary date
 20 registration as provided in sections 53-154 through 53-162
 21 are exempt from the provisions of subsections (5), (6), and
 22 (7) of this section."

23 Section 44. Section 53-1025, R.C.M. 1947, is amended
 24 to read as follows:

25 "53-1025. Display of tax-paid decals on snowmobiles

1 required -- application and issuance. ~~for~~ ~~111~~ No snowmobile
 2 shall ~~may~~ be operated by any person in the state of Montana
 3 unless there is displayed in a conspicuous place thereon ~~on~~
 4 ~~it~~ a decal as visual proof that Montana personal property
 5 taxes have been paid ~~thereon~~ ~~on it~~ for the current year.

6 ~~121~~ Application for the ~~issuance~~ of such tax-paid
 7 decal shall be made to the county treasurer upon forms to be
 8 furnished for this purpose, which may be obtained from the
 9 registrar of motor vehicles or at the county assessor's
 10 office in the county wherein ~~where~~ the owner resides and
 11 ~~is to provide for substantially~~ ~~The application shall~~
 12 ~~contain the following information:~~

13 ~~(a) name of owner;~~
 14 ~~(b) address;~~
 15 ~~(c) registration number;~~
 16 ~~(d) name of manufacturer;~~
 17 ~~(e) model number;~~
 18 ~~(f) make;~~
 19 ~~(g) horsepower;~~
 20 ~~(h) year of manufacture;~~
 21 ~~(i) statement evidencing assessment and payment of~~
 22 ~~property tax;~~ and
 23 ~~(j) such other information as the registrar of motor~~
 24 ~~vehicles may require.~~
 25 ~~(k) Said~~ ~~The~~ application shall be signed by the county

1 treasurer and transmitted by him to the registrar of motor
 2 vehicles accompanied by a fee of two-dollars-~~-\$2-~~. All
 3 moneys collected from payment of such the fees shall be
 4 turned over to the state treasurer and placed by him in the
 5 earmarked revenue fund to the credit of the state fish and
 6 game commission, with one-dollar-~~-\$1-~~ designated for use in
 7 enforcing the purposes of this act and one-dollar-~~-\$1-~~ designated for use in developing snowmobile facilities. Upon
 9 receipt of the application in approved form, the registrar
 10 of motor vehicles or county treasurer shall issue to the
 11 applicant a decal in the style and design prescribed by the
 12 registrar of motor vehicles and of a different color than
 13 the preceding year, numbered numerically in sequence.

14 ~~(b)(4)~~ Before filing the application with the county
 15 treasurer, the applicant shall submit the same to the
 16 county assessor of the county and the county assessor shall
 17 enter on the application in a place provided for that
 18 purpose, the ~~full--and--true market and assessed valuation~~
 19 value AND TAXABLE VALUE of the snowmobile for the year for
 20 which the application is made.

21 ~~(c)(5)~~ The applicant shall pay the county treasurer
 22 the application fee and ~~shall also pay~~ the personal property
 23 taxes assessed against the snowmobile for the current year
 24 before the application for registration or reregistration
 25 may be accepted by the county treasurer."

1 Section 45. Section 69-3504, R.C.M. 1947, is amended
 2 to read as follows:
 3 "69-3504. Identification number. ~~full~~ The owner of
 4 each motorboat requiring numbering by this state shall file
 5 an application for number in the office of the county
 6 treasurer wherein ~~where~~ the motorboat or vessel is owned or
 7 taxable on forms prepared and furnished by the registrar of
 8 motor vehicles. The application shall be signed by the owner
 9 of the motorboat and shall be accompanied by a fee of one
 10 ~~-\$1-~~ dollar. Any alteration, change, or false statement
 11 contained in the application for certificate of registration
 12 will render the certificate of number null and void. Upon
 13 receipt of the application in approved form, the county
 14 treasurer shall issue to the applicant a certificate of
 15 number prepared and furnished by the registrar of motor
 16 vehicles, stating the number awarded to the motorboat and
 17 the name and address of the owner. The number awarded must
 18 be painted on or attached to each outboard side of the
 19 forward half of the motorboat, or, if there are no such
 20 sides, at a corresponding location on both outboard sides of
 21 the foredeck of the motorboat ~~for which it is issued~~. The
 22 number awarded shall read from left to right, in Arabic
 23 numerals, in block characters of good proportion, a minimum
 24 of at least three-~~-(3)~~ inches in height tall, excluding
 25 border or trim, and of a color which shall contrast that

1 ~~contrasts with the color of the background, and so~~
 2 ~~maintained as to be clearly visible and legible. The number~~
 3 ~~shall not be placed on the obscured underside of the~~
 4 ~~flared bow where the angle is such that the numbers it~~
 5 ~~cannot be easily seen from another vessel or ashore. No~~
 6 ~~numerals, letters, or devices other than those used in~~
 7 ~~connection with the identifying number issued shall may be~~
 8 ~~placed in the proximity of the identifying number, and no~~
 9 ~~No numerals, letters, or devices which might interfere with~~
 10 ~~the ready identification of the motorboat by its identifying~~
 11 ~~number shall may be carried as to interfere with the~~
 12 ~~motorboat's identification. The certificate of number shall~~
 13 ~~be pocket size and shall be available to federal, state, or~~
 14 ~~local law enforcement officers at all reasonable times for~~
 15 ~~inspection on the motorboat for which issued, whenever the~~
 16 ~~motorboat is on waters of this state, except boat boat~~
 17 ~~liveries are not required to have the certificate of number~~
 18 ~~on board each motorboat, except that a rental agreement~~
 19 ~~must be carried on board livery motorboats in place of the~~
 20 ~~certificate of number.~~

21 ~~fb7(2) Before filing such the application with the~~
 22 ~~county treasurer, the applicant shall submit the same it to~~
 23 ~~the county assessor of said the county and said the county~~
 24 ~~assessor shall enter on said the application in a space to~~
 25 ~~be provided for that purpose, the full-and-true-and-assessed~~

1 ~~valuation market value AND TAXABLE VALUE of said the vehicle~~
 2 ~~for the year for which said the application for registration~~
 3 ~~is made.~~

4 ~~fb7(3) The applicant shall upon the filing of the~~
 5 ~~application pay to the county treasurer the registration~~
 6 ~~fee and shall also pay the personal property taxes assessed~~
 7 ~~against the motorboat or vessel for the current year of~~
 8 ~~registration before the application for registration or~~
 9 ~~reregistration may be accepted by the county treasurer.~~

10 ~~td) The numbering requirements of this act shall apply~~
 11 ~~to motorboats operated by dealers, manufacturers or their~~
 12 ~~employees as follows:~~

13 ~~fb7(4) A dealer or manufacturer may apply directly to~~
 14 ~~the registrar of motor vehicles for one fb7 identifying~~
 15 ~~number and one fb7 or more certificates of number. A~~
 16 ~~dealer's or manufacturer's identifying number shall be~~
 17 ~~displayed on a-dealer's-or-manufacturer's his boat while the~~
 18 ~~boat is operating for a purpose related to the buying,~~
 19 ~~selling, or exchanging of the boat by the dealer or~~
 20 ~~manufacturer. fb7 The application for a dealer's or~~
 21 ~~manufacturer's identifying number shall include the his name~~
 22 ~~of-the-dealer-or-manufacturer and the business address of~~
 23 ~~the-dealer-or-manufacturer. Each dealer or manufacturer~~
 24 ~~shall will have one fb7 identifying number assigned to his~~
 25 ~~business. fb7 An application for dealer's or manufacturer's~~

1 identifying number and certificate of number shall ~~must~~ be
 2 accompanied by the following fees:

3 ~~(a)~~ for the identifying number, first certificate
 4 of number, and set of license decals, five-dollars-(\$5);

5 ~~(b)~~ for each additional certificate of number and
 6 set of license decals applied for in any application, two
 7 dollars-(\$2).

8 ~~(c)~~ The registrar of motor vehicles shall issue
 9 certificates of number for the identifying number awarded to
 10 a dealer or manufacturer in the same manner as provided in
 11 section 69-3504(a), except that no boat shall be described
 12 in the certificate and each certificate shall state that the
 13 identifying number has been awarded to a dealer or
 14 manufacturer. A dealer's or manufacturer's certificate of
 15 number expires on April 30 of the year for which it is
 16 issued. ~~(d)~~ A dealer's or manufacturer's identifying number
 17 shall be displayed in the same manner as provided in section
 18 69-3504(a) of this act, except that the number may be
 19 temporarily attached and that the last three ~~(e)~~ letters
 20 shall be "DLR" for dealer and "MFR" for manufacturer. These
 21 These letters shall be included, respectively, in dealer or
 22 manufacturer identification numbers only. ~~(e)~~ No person
 23 other than a dealer or manufacturer or an employee of a
 24 dealer or manufacturer shall display or use a dealer's or
 25 manufacturer's identifying number. A dealer's or

1 manufacturer's identifying number may be displayed only on
 2 motorboats owned by the dealer or manufacturer. ~~(f)~~ No
 3 dealer or manufacturer or employee of a dealer or
 4 manufacturer shall ~~may~~ use a dealer's or manufacturer's
 5 identifying number for any purpose other than the purpose
 6 described in subsection ~~(g)~~ (f) of this section.

7 ~~(g)~~ The owner of any motorboat already covered by a
 8 number in full force and effect which ~~that~~ has been awarded
 9 to it pursuant to then under operative federal law or a
 10 federally approved numbering system of another state shall
 11 record the number prior to operating the motorboat on the
 12 waters of this state in excess of the sixty-~~(h)~~ day
 13 reciprocity period provided for in section 69-3506(1) of
 14 this act. Such recordation The record shall be in the manner
 15 and pursuant to the made according to the procedure required
 16 for the award of number under subsection ~~(h)~~ (i) of this
 17 section.

18 ~~(h)~~ Should the ownership of a motorboat change
 19 within a reasonable time a new application form with fee
 20 shall be filed within a reasonable time with the county
 21 treasurer and a new certificate of number shall be awarded
 22 in the same manner as provided for in an original award of
 23 number.

24 ~~(i)~~ If an agency of the United States government
 25 has in force an overall a comprehensive system of

1 identification numbering for motorboats in the United
 2 States, the numbering system employed pursuant to this act
 3 by the registrar of motor vehicles shall be in conformity
 4 therewith.

5 ~~th~~191 Every certificate of number and the license
 6 decals awarded under this act shall continue in effect for a
 7 period not to exceed one-~~1~~ year unless sooner terminated
 8 or discontinued in accordance with the provisions of this
 9 act. Certificates of number and license decals shall show
 10 the date of expiration thereon and may be renewed by the
 11 owner in the same manner provided for in the initial
 12 securing of the certificate.

13 ~~th~~110 Certificates of number due shall expire on
 14 April 30 of each calendar year and shall no longer may not
 15 be of any in effect unless renewed under this act.

16 ~~th~~111 In event of transfer of ownership, the
 17 purchaser shall furnish the county treasurer notice within
reasonable time of the acquisition of all or any part of his
 18 interest, other than the creation of a security interest, in
 19 a motorboat numbered in this state ~~under this section~~ or of
 20 the loss, theft, destruction, or abandonment of the
 21 motorboat, ~~within reasonable time thereof~~. Such ~~the~~ transfer,
 22 loss, theft, destruction, or abandonment shall
 23 terminate ~~terminates~~ the certificate of number for the
 24 motorboat, ~~except that in the case of a recovery~~ ~~Recovery~~

1 from theft, or transfer of a part interest which ~~that~~ does
 2 not affect the owner's right to operate the motorboat, ~~the~~
 3 recovery-or-transfer does not terminate the certificate of
 4 number.

5 ~~th~~121 A holder of a certificate of number shall
 6 notify the county treasurer within reasonable time if his
 7 address no longer conforms to the address appearing on the
 8 certificate and ~~shall~~ as a part of the notifications
 9 furnish the county treasurer with his new address. The
 10 registrar of motor vehicles may provide in its bureau rules
 11 for the surrender of the certificate bearing the former
 12 address and its replacement with a certificate bearing the
 13 new address or the alteration of an outstanding certificate
 14 to show the new address of the holder.

15 ~~th~~131 No number other than the number and license
 16 decal awarded to a motorboat or granted reciprocity under
 17 this act shall be painted, attached, or otherwise displayed
 18 on either side of the forward half of the motorboat.

19 ~~th~~141 Fees collected under this section shall be
 20 transmitted to the state treasurer who shall deposit the
 21 fees in the motorboat certificate identification account of
 22 an earmarked revenue fund. These fees shall be used only for
 23 the administration and enforcement of sections 69-3501
 24 through 69-3518.

25 ~~th~~151 An owner of a motorboat must within reasonable

1 time notify the registrar of motor vehicles, giving the
 2 motorboat's identifying number and the owner's name—within
 3 reasonable time when that motorboat becomes documented as a
 4 vessel of the United States ~~or~~ is transferred, lost,
 5 destroyed, abandoned, frauded, or within sixty-(60) days
 6 after change of state of principal use."

7 Section 46. Section 75-7104, R.C.M. 1947, is amended
 8 to read as follows:

9 "75-7104. Limitations on amount of bond issue. (1) The
 10 maximum amount for which each school district ~~shall~~ ~~may~~
 11 become indebted by the issuance of bonds, including all
 12 indebtedness represented by outstanding bonds of previous
 13 issues and registered warrants, is eight-percent-(8%) 29% of
 14 the assessed taxable value of the taxable property therein
 15 subject to taxation as ascertained by the last completed
 16 assessment for state, county, and school taxes previous to
 17 the incurring of such indebtedness. The eight-percent-(8%)
 18 29% maximum, however, ~~shall~~ ~~may~~ not pertain to indebtedness
 19 imposed by special improvement district obligations or
 20 assessments against the school district. All bonds issued
 21 in excess of such amount shall be null and void, except as
 22 provided in subsection-(2) this section.

23 (2) When the total indebtedness of a school district
 24 has reached the eight-percent-(8%) 29% limitation prescribed
 25 in this section, such the school district ~~shall~~ have the

1 power—and authority—to ~~may~~ pay all reasonable and necessary
 2 expenses of the school district on a cash basis in
 3 accordance with the financial administration provisions of
 4 this title chapter. Whenever bonds are issued for the
 5 purpose of refunding bonds, any moneys to the credit of the
 6 debt service fund for the payment of the bonds to be
 7 refunded ~~shall~~ be ~~are~~ applied towards the payment of such
 8 bonds and the refunding bond issue ~~shall~~ be ~~is~~ decreased
 9 accordingly.

10 ~~(2)~~ In the case of a school district within which a
 11 new major industrial facility which seeks to qualify for
 12 taxation as class seven-(7) EIGHTEEN property under section
 13 84-301-~~R.C.M.-1947~~ ~~84-301-8~~ ~~84-301-19~~ is being constructed
 14 or is about to be constructed, the school district may
 15 require, as a precondition of the new major industrial
 16 facility qualifying as class seven-(7) EIGHTEEN property,
 17 that the owners of the proposed industrial facility enter
 18 into an agreement with the school district concerning the
 19 issuing of bonds in excess of the eight-percent-(8%) 29%
 20 limitation prescribed in subsection-one-(1) this section.
 21 Under such an agreement, the school district ~~may~~ with the
 22 approval of the voters, issue bonds which exceed the
 23 limitation prescribed in subsection-one-(1) this section by
 24 a maximum of eight-percent-(8%) 29% of the estimated
 25 assessed taxable value of the taxable property of the new

1 major industrial facility subject to taxation when
 2 completed. The estimated assessed taxable value of the
 3 taxable property of the new major industrial facility
 4 subject to taxation shall be computed by the department of
 5 revenue when requested to do so by a resolution of the board
 6 of trustees of the school district~~s~~ and A copy of the
 7 department's statement of estimated assessed taxable value
 8 shall be printed on each ballot used to vote on a bond issue
 9 proposed under this subsection section.

10 (4) Pursuant to the agreement between the new major
 11 industrial facility and the school district~~s~~ and as a
 12 precondition to qualifying as class seven-~~17~~ EIGHTEEN
 13 property, the new major industrial facility and its owners
 14 shall pay in addition to such the taxes ~~as may be~~ imposed
 15 by the school district on property owners generally pay so
 16 much of the principal and interests interest on the bonds
 17 provided for under this subsection section as shall
 18 represent represents payment on an indebtedness in excess of
 19 the limitation prescribed in subsection one-~~17~~ this
 20 section. After the completion of the new major industrial
 21 facility and when the indebtedness of the school district no
 22 longer exceeds the limitation prescribed in subsection one
 23 ~~17~~ this section, the new major industrial facility shall be
 24 entitled, after all the current indebtedness of the school
 25 district has been paid, to a tax credit over a period of no

1 more than twenty-~~20~~ years, which the credit shall as a
 2 total amount~~s~~ be equal to the amount by which the facility
 3 paid the principal and interest of the school district's
 4 bonds in excess of its general liability as a taxpayer
 5 within the district.

6 (5) A major industrial facility is a facility~~s~~ subject
 7 to the taxing power of the school district~~s~~ whose
 8 construction or operation will increase the population of
 9 the district~~s~~ ~~so as to impose~~ imposing a significant burden
 10 upon the resources of the district and ~~to require~~ requiring
 11 construction of new school facilities. A significant burden
 12 is an increase in ANB of at least twenty-percent-~~20%~~ in a
 13 single year."

14 Section 47. Section 75-8104, R.C.M. 1947, is amended
 15 to read as follows:

16 "75-8104. Requirements for organization of community
 17 college district. The registered electors in any area of the
 18 state of Montana may request an election for the
 19 organization of a community college district where the
 20 proposed community college district conforms to the
 21 following requirements:

22 (1) The proposed area shall coincide coincides with
 23 the then existing boundaries of contiguous elementary
 24 districts of one or more counties.

25 (2) The assessed valuation taxable value of the

1 proposed area is at least ~~thirty-million-dollars~~
 2 ~~+\$30,000,000~~ ~~is~~ ~~10~~ million.

3 (3) There are at least seven-hundred-~~700~~ pupils
 4 regularly enrolled in public and private high schools
 5 located in the proposed area."

6 Section 48. Section 84-101, R.C.M. 1947, is amended to
 7 read as follows:

8 "84-101. Definition of terms. Whenever the when terms
 9 mentioned in this section are employed in dealing with the
 10 subject of used in connection with taxation, they are
 11 employed in the sense hereafter affixed to them, defined in
 12 the following manner:

13 First— (1) The term "property" includes moneys,
 14 credits, bonds, stocks, franchises, and all other matters
 15 and things real, personal, and mixed, capable of private
 16 ownership, but this This definition must not be construed
 17 so as to authorize the taxation of the stocks of any company
 18 or corporation when the property of such company or
 19 corporation represented by such the stocks is within the
 20 state and has been taxed.

21 Second— (2) The term "real estate" includes:

22 (a) The the possession of, claim to, ownership of,
 23 or right to the possession of land;

24 (b) All mines, minerals, and quarries in and
 25 under the land, subject to the provisions of section

1 84-5401vi all timber belonging to individuals or
 2 corporations growing or being on the lands of the United
 3 Statesvi and all right rights and privileges appertaining
 4 thereto.

5 3—Improvements—

6 Third—(3) The term "improvements" includes all
 7 buildings, structures, fixtures, fences, and improvements,
 8 including mobile homes and house trailers situated upon,
 9 erected upon, or affixed to land, when when the department
 10 of revenue or its agent determines that the permanency of
 11 location of the a mobile home or house trailer has been
 12 established, and for this purpose any the mobile home or
 13 house trailer is presumed to be an improvement to real
 14 property. If the mobile home or house trailer is an
 15 improvement located on land not owned by the owner of such
 16 improvement, the improvement shall be is assessed as a
 17 leasehold improvement to real property and delinquent taxes
 18 can be a lien only on the leasehold improvement.

19 Fourth—(4) The term "personal property" includes
 20 everything which that is the subject of ownership but that
 21 is not included within the meaning of the term "real estate"
 22 and "improvements".

23 Fifth—The terms "value" and "full cash value" mean the
 24 amount at which the property would be taken in payment of a
 25 just debt due from a solvent debtor.

1 Sixth—~~(5)~~ The term "credit" means those solvent
2 debts, secured or unsecured, owing to a person.

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

8 ~~(7)~~ The term "assessed value" means the value of
9 property as defined in ~~84-401~~.

10 ~~(8)~~ The term "taxable value" means the percentage of
11 assessed value as provided for in ~~84-301.2 through 84-301.15~~
12 ~~and 84-308 84-301.19~~.

13 Section 49. Section 84-402, R.C.M. 1947, is amended to
14 read as follows:

15 ~~84-402. Department of revenue to determine and show
16 percentage basis and taxable value computed thereon and
17 county~~ assessor to be agents agent of the state
18 department of revenue. ~~(1)~~ The percentage basis of true and
19 full value as provided for in section 84-302, shall be
20 determined and assigned by the state department of revenue
21 or its agents and the taxable value thereupon computed when
22 they make their annual assessments and copies of such
23 assessments as provided for in section 84-411 shall show the
24 taxpayer the percentage class to which his various classes
25 of property for taxation and the taxable valuation thereof

1 ~~have been assigned~~ ~~(2)~~ The county assessors of the
2 various counties of the state of Montana are agents of the
3 state department of revenue for the purpose of locating and
4 providing the department a description of all taxable
5 property within the county together with other pertinent
6 information and for the purpose of performing such other
7 administrative duties as are required for placing taxable
8 property on the assessment roles. The assessors shall
9 perform such other duties as are required by law, not in
10 conflict with the provisions of this subsection.

11 ~~(3)~~ The department of revenue shall have full
12 charge of appraising assessing all property subject to
13 taxation and equalizing values and shall secure such
14 personnel as is necessary to properly perform their its
15 duties.

16 ~~(4)~~ The ~~salaries~~ salary of the county assessor
17 shall be the same amount as provided by law for the salary
18 of the county clerk and recorder; deputy assessors' salaries
19 shall be the same as paid the deputy clerk and recorder.

20 ~~(5)~~ The county commissioners of the various
21 counties shall provide existing office space in the county
22 courthouse for use by the county assessor, his deputies and
23 staff, and the state appraiser and staff, if such space is
24 reasonably available. If such space is not reasonably
25 available in the courthouse and the same must be contracted

1 for, the department shall pay the cost thereof. Additional
 2 personal property required by the department for the
 3 assessor to perform his duties as agent of the department
 4 shall be provided by the department."

5 Section 50. Section 84-404, R.C.M. 1947, is amended to
 6 read as follows:

7 "84-404. State--department Department of revenue to
 8 assign percentage basis~~y~~ -- when. The percentage basis of
 9 true--and--full assessed value as provided for in section
 10 ~~84-302~~ shall be ~~84-301.2 through 84-301.35 and 84-306~~
 11 ~~84-301.19~~ is determined and assigned by the state department
 12 of revenue ~~or its agent~~ when it makes its annual assessment
 13 of the property~~y~~ which it is which it is required to assess
 14 to ASSESS CENTRALLY under the laws of this state, and The
 15 department shall transmit such determination and assignment
 16 to the various county clerks with the assessments so made,
 17 and its determination ~~shall be~~ is final except as to the
 18 right of review in the proper court."

19 Section 51. Section 84-406, R.C.M. 1947, is amended to
 20 read as follows:

21 "84-406. Time--of--assessment--motor--vehicles--
 22 mobile--homes--livestock--snowmobiles General assessment
 23 day. (1) The department of revenue or its agent must,
 24 between the--first--day--of January 1 and the second Monday of
 25 July in each year, ascertain the names of all taxable

1 inhabitants~~y~~ and assess all property in each county subject
 2 to taxation~~y~~ except such as is required to be assessed by
 3 the state department of revenue and The department or its
 4 agent must assess such property to the persons person by
 5 whom it was owned or claimed~~y~~ or in whose possession or
 6 control it was at 12 midnight of the first day of January 1
 7 next preceding. It must also ascertain and assess all
 8 mobile homes arriving in the county after 12 midnight of the
 9 first day of January 1 next preceding.

10 (2) The procedure provided by this section ~~shall~~ may
 11 not apply to:

12 (a) Motor motor vehicles which ~~that~~ are required by
 13 subdivision--(2)--hereof subsection (4) to be assessed as of
 14 the first day of on January 1~~y~~ or upon their anniversary
 15 registration date~~s~~ but no ~~no~~ mistake in the name of the
 16 owner or supposed owner of real property~~s~~ however, renders
 17 the assessment thereof invalid.

18 (b) Livestock livestock which are required by
 19 subdivision--(3)--subsection (6) of this section to be
 20 assessed on an average inventory basis in each county~~in~~
 21 credits must be assessed as provided in section 84-101~~y~~
 22 subdivision--6--

23 (c) Property property defined in section 53-642 as
 24 "special mobile equipment" which ~~that~~ is subject to
 25 assessment of for personal property taxes on the date that

1 application is made for a special mobile equipment plate:
 2 (d) Mobile mobile homes held by a distributor or
 3 dealer of mobile homes as a part of his stock in trade; and
 4 ~~trailer-campers which are required by subdivision 4 hereof~~
 5 to be assessed as of the first day of January.

6 ~~title~~ Snowmobiles which ~~snowmobiles~~ that are required
 7 by subdivision 5 hereof subsection (8) to be assessed as of
 8 the first day of July 1.

9 ~~(3) Credits must be assessed as provided in 84-101~~
 10 subsection (5).

11 ~~(2)(4)~~ The department or its agent must ascertain and
 12 assess all motor vehicles, except mobile homes, in each
 13 county subject to taxation as of January 1, or as of the
 14 anniversary registration date of those vehicles subject to
 15 sections 53-154 through 53-162, in each year, and the same
 16 motor vehicles shall be assessed to the persons by whom
 17 owned or claimed, or in whose possession or control such
 18 vehicle was they were at 12 midnight of the first day of
 19 January 1 or the anniversary registration date thereof,
 20 whichever is applicable, in each year. Provided that such no
 21 tax shall not be assessed against motor vehicles which
 22 that constitute inventory of motor vehicle dealers as of
 23 January 1, but said these vehicles, and all other motor
 24 vehicles brought into the state subsequent to January 1, as
 25 motor vehicle dealers' inventories, inventories shall

1 be assessed to their respective purchasers as of the dates
 2 said the vehicles are registered by said the purchasers,
 3 and purchasers means and "Purchasers" includes dealers who
 4 apply for registration or re-registration reregistration of
 5 motor vehicles, except as otherwise provided by section
 6 32-3315. Goods, wares, and merchandise of motor vehicle
 7 dealers, other than new motor vehicles and new mobile homes,
 8 shall be assessed at full and true market value as of the
 9 first day of January 1.

10 ~~(5)~~ Except that this paragraph shall not apply to an
 11 applicant for registration or re-registration of a mobile
 12 home, nothing herein contained shall relieve the the
 13 applicant for registration or re-registration reregistration
 14 of any other a motor vehicles, other than a mobile home, is
 15 not relieved so assessed or subject to assessment of the
 16 duty of paying taxes thereon as a condition precedent to
 17 registration or re-registration in the event said if the
 18 taxes have not been paid by any a prior applicant or owner
 19 in all cases where taxes were required to be paid.

20 ~~(3)(6)~~ The assessed value of livestock in each county
 21 on the assessment date shall be is computed by adding the
 22 assessed value of all livestock more than nine ~~12~~ months of
 23 age owned by the taxpayer in each county on the last day of
 24 each month since the last assessment date and dividing the
 25 sum by twelve ~~12~~. For purposes of this subdivision

1 subsections "livestock" means cattle, sheep, horses, and
 2 mules.

3 ~~44171~~ The department of revenue or its agent must
 4 ascertain--and assess all campers in each county subject to
 5 taxation as of January 1 in each year, ~~and--the--same~~ The
 6 campers shall be assessed to the persons including dealers
 7 by whom owned or claimed, or in whose possession or control
 8 such camper was, ~~including dealers, they were~~ at 12 midnight
 9 of the first day of January 1 in each year.

10 ~~55181~~ The department of revenue or its agent must
 11 ascertain--and assess all snowmobiles in each county subject
 12 to taxation as of July 1 in each year, ~~and--the--same~~ A
 13 snowmobile shall be assessed to the persons person by whom
 14 owned or claimed, or in whose possession or control such
 15 snowmobile ~~it was~~ at 12 midnight on the first day of July 1
 16 in each year, ~~provided, however, that except~~ snowmobiles
 17 which constitute ~~in~~ the inventory of snowmobile dealers
 18 which shall be assessed to the dealers as of 12 midnight of
 19 the first day of January 1 in each year--and--further
 20 provided--that--all--snowmobiles--that--have--been--assessed--and
 21 for which taxes have been paid for the period of January 1
 22 through December 31, 1975, shall be assessed for only
 23 six (6) months during the period January 1, 1975, through June
 24 30, 1976."

25 Section 52. Section 84-602, R.C.M. 1947, is amended to

1 read as follows:

2 "84-602. Equalization of assessments. The--department
 3 of--revenue--has--power--after ~~After~~ giving notice in writing
 4 to the a taxpayer by registered or certified mail
 5 addressed to him at his last known place of residence of
 6 its intention, to the department of revenue may increase or
 7 lower his ~~the taxpayer's~~ assessment contained in the
 8 assessment book--so--as to equalize the assessment of the
 9 property contained--therein and make the assessment conform
 10 to the true assessed value of such property in--money as
 11 defined in 84-401 and 84-308, which the notice shall specify
 12 the date--and--hour when he ~~the taxpayer~~ may appear and be
 13 heard thereon, ~~which date shall at a date and hour not be~~
 14 less than five--~~5~~ days from date of mailing such the
 15 notice, ~~and--immediately~~ ~~Immediately~~ after reaching a
 16 decision, the department shall notify the taxpayer in
 17 writing of such ~~the~~ decision, specifying the change, if
 18 any, made in the assessment, ~~and~~ the notice to ~~must be~~
 19 given by registered or certified mail and addressed to the
 20 taxpayer at his last known place of residence. The
 21 department ~~may~~ also has--power--to raise or lower the
 22 valuation of all the property in a class by a certain
 23 percentage, ~~in--the--event--that~~ if any class of property is
 24 assessed as a class at more or less than its ~~actual~~
 25 assessed value as defined by 84-401 by ~~the~~ the department's

1 agent and if the valuation of such property within the
 2 county demands a general reclassification."

3 Section 53. Section 84-708.1, R.C.M. 1947, is amended
 4 to read as follows:

5 "84-708.1. Powers and duties of the state department
 6 of revenue. (1) To the department of revenue shall annually
 7 assess--the-franchise,--roadways,--roadbeds,--rights,--and--rolling
 8 stock,--and--all--other--property--of--all--railroads,--and--the
 9 pole--lines--and--rights--of--way--rights--of--way--and--all--other
 10 property--of--all--telegraph--and--telephone--lines,--electric
 11 power--and--transmission--lines,--ditches,--canals,--and--flumes,--
 12 and--other--similar--property,--constituting--a--single--and
 13 continuous--property--operated--in--more--than--one--(1)--county--in
 14 the--state,--or--more--than--one--(1)--states--to--apportion--such--the
 15 assessments--to--the--counties--in--which--such--the--properties--are
 16 located--on--a--mitage--basis,--or--if--the--property--of--any
 17 company--assessable--under--this--section--is--of--such--a--character
 18 that--its--value--cannot--reasonably--be--apportioned--on--the--basis
 19 of--mitage,--the--department--may--adopt--such--any--other--method
 20 or--basis--of--apportionment--to--the--county--or--counties--in--which
 21 the--property--is--situated--as--may--be--just--and--proper
 22 CENTRALLY--ASSESS--THE--PROPERTIES--DESCRIBED--IN--84-7801.

23 (2) All The department may not consider the following
 24 property--as--part--of--any--single--or--continuous--property:--lots
 25 and--parcels--of--real--estate--not--included--in--right--of--way

1 right--of--way,--with--the--buildings,--structures,--and
 2 improvements--thereon;--dams--and--power--houses,--depots,
 3 stations,--shops,--and--other--buildings,--erected--upon--right--of
 4 way,--right--of--way,--and--furniture,--machinery,--and--other
 5 personal--property,--shall--not--be--considered--as--a--part--of--any
 6 such--single--and--continuous--property,--but--shall--be--considered
 7 as--separate--and--distinct--therefrom,--and--shall--be--the
 8 property--is--considered--separate--and--distinct--and--is--assessed
 9 by--the--agent--of--the--department--of--revenue--in--the--county
 10 wherein--they--are--situate--where--it--is--situated. MAY--ADOPT
 11 RULES--NECESSARY--FOR--THE--TAXATION--OF--PROPERTY--UNDER--CHAPTERS
 12 8, 9, 13, 54, 62, 64, AND 78.

13 (2) (3) To the department shall transmit to the county
 14 clerk of each county its apportionment of all assessments
 15 made by the department.

16 (2) (4) To the department shall adjust and equalize the
 17 valuation of taxable property among the several counties
 18 and the different classes of taxable property in any county
 19 and in the several counties and between individual
 20 taxpayers; supervise and review the acts of agents of the
 21 department; change, increase, or decrease valuations made by
 22 its agents; and exercise such authority and do all things
 23 necessary to secure a fair, just, and equitable valuation of
 24 all taxable property among counties between the different
 25 classes of property and between individual taxpayers.

1 ~~(4) (5)~~ ~~To--have--and~~ The department shall exercise
 2 general supervision over the administration of the
 3 assessment and tax laws of the state, and over its agents
 4 and any officers of municipal corporations, having any
 5 duties to perform under any of the laws of this state
 6 relating to taxation to the end that all assessments of
 7 property be made relatively just and equal at ~~true~~ a value
 8 in substantial compliance with law, and to supervise the
 9 administration of all revenue laws of the state and assist
 10 in their enforcement. Further, the state ~~the~~ the department of
 11 revenue is empowered to organize, and it shall be its duty
 12 to schedule and hold area schools within the state for
 13 appraisers and assessors as often as is deemed ~~it~~ it considers
 14 necessary, in the judgment of the department, and the ~~the~~ the
 15 costs of such appraisers and assessors attending shall be
 16 borne by the state. Further, the department shall determine
 17 if there is a need for a taxing, assessing, and appraising
 18 school, and such school shall be held, when deemed
 19 necessary. The department shall notify all assessors and
 20 appraisers at least six ~~to~~ months before such school is
 21 scheduled, and it shall be the duty of all assessors and
 22 appraisers to ~~shall~~ attend and the cost of their attendance
 23 shall be borne by the state.

24 ~~(5) (6)~~ ~~To~~ The department may ~~SHALL~~ confer with,
 25 advise, and direct officers of municipal corporations as to

1 their duties, with respect to taxation, under the statutes
 2 of the state.

3 ~~(6) (7)~~ ~~To~~ The department shall ~~MAY~~ direct proceedings,
 4 actions, and prosecutions to be instituted to enforce the
 5 laws relating to the penalties, liabilities, and punishment
 6 of public officials and persons, or their agents, for
 7 failure or neglect to comply with the provisions of the
 8 statutes governing the revenue of the state or municipal
 9 corporations, and ~~to~~ The department shall cause complaints
 10 to be made against assessors and other public officers to
 11 the proper district court for their removal from office for
 12 official misconduct or neglect of duty.

13 ~~(7) (8)~~ ~~To~~ The department shall ~~MAY~~ require county
 14 attorneys to assist in the commencement and prosecution of
 15 actions and proceedings for penalties, forfeitures,
 16 removals, and punishment for violations of the laws of the
 17 state in respect to the assessment of property and other
 18 revenue laws, in their respective counties.

19 ~~(8) (9)~~ ~~To~~ The department shall collect annually from
 20 the proper officers of the municipal corporations
 21 information as to about the assessment of property,
 22 collection of taxes, receipts from licenses and other
 23 sources, the expenditure of public funds for all purposes,
 24 and such other information as may be needful and helpful in
 25 the work of the department in such form and upon such blanks

1 as the department shall prescribe, and it shall be the
 2 duty of all public officers so called upon to fill out
 3 properly and return promptly to the department all blanks so
 4 transmitted and in every way aid the department in its
 5 work, to the department may SHALL examine the records of
 6 all municipal corporations for such purposes as are deemed
 7 needful or helpful by the department.

8 ~~to~~ 101 to the department may, in its discretion, to
 9 inspect and examine, or cause an inspection and examination
 10 of the records of the officers of any municipality, whenever
 11 such an officer ~~shall have~~ has failed, neglected, or refused
 12 to return properly the information required by this section
 13 within the time set by the department. Upon completion of
 14 such inspection and examination, the department shall
 15 transmit to the clerk, or other proper official of the
 16 municipality, a statement of the expenses incurred by the
 17 department to secure the necessary information. Within
 18 sixty ~~60~~ days after the receipt by the municipality of the
 19 above statement, the same shall be audited, as other claims
 20 of the municipal corporation are audited and shall be paid
 21 into the state treasury, and if if the same statement is not
 22 so paid, the attorney general shall institute an action in
 23 the proper court, against the municipality to recover the
 24 same. The officers responsible for the furnishing of the
 25 information collected pursuant to this section, shall be

1 jointly and severally liable for any loss the municipality
 2 may suffer, through their delinquency, and no payment
 3 ~~shall~~ may be made to them for salary, or on any other
 4 account, until the cost of such inspection and examination
 5 as provided above ~~shall~~ have been paid into the
 6 treasury, or to the proper officers of such municipality.
 7 They shall also be subject to such the other fines and
 8 penalties as prescribed by law.

9 ~~to~~ 111 to the department may require persons, as
 10 defined above, to furnish information concerning their
 11 capital, funded or other debt, current assets and
 12 liabilities, cost and value of property, earnings, operating
 13 and other expenses, taxes, and all other facts which may
 14 enable the department to ascertain the value of the relative
 15 burdens borne by all kinds of property and occupations in
 16 the state.

17 ~~to~~ 112 to the department may summon witnesses to
 18 appear and give evidence, and to produce records, books,
 19 papers, and documents relating to any matter which the
 20 department ~~shall~~ have has authority to investigate and
 21 determine.

22 ~~to~~ 113 to the department may cause the deposition of
 23 witnesses residing within or without the state, or absent
 24 therefrom, to be taken upon notice to the interested party,
 25 if any, in like manner that depositions are taken in actions

1 pending in the district court, in any matter which the
 2 department shall have ~~has~~ authority to investigate and
 3 determine.

4 ~~(14)~~ To the department may examine into all cases
 5 where evasion or violation of the laws for taxation of
 6 property, proceeds, occupation, or business is alleged,
 7 complained of, or discovered, and to ascertain wherein
 8 existing laws are ineffective or are improperly or
 9 negligently administered.

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

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

21 ~~(17)~~ To the department shall transmit to the
 22 governor and to each member of the legislature twenty--~~20~~
 23 days before the meeting of the legislature a report of the
 24 department, showing all the taxable property of the state
 25 and the its value of--the--same in tabulated form, with

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

9 ~~(18)~~ In its discretion, ~~to the department may~~ waive
 10 the assessment of penalty for the late filing of any tax
 11 statement or return required to be filed with the department
 12 when the filing is done within ~~five~~-~~5~~ days of the date
 13 specified for filing the return or statement, and for the
 14 late payment of any tax collected by the department when the
 15 payment is made within ~~five~~-~~5~~ days of the date specified
 16 for payment of the tax.

17 ~~(19)~~ In its discretion, the department may to enter
 18 into reciprocal agreements with the taxing authorities of
 19 states contiguous to the state of Montana which tax the
 20 income of Montana residents earned in that state to provide
 21 that the tax imposed by Title 84, chapter 49--ReCoHs--1947--
 22 on income derived by persons who are nonresidents of this
 23 state ~~shall~~ not be payable~~paid~~ IS NOT PAYABLE when
 24 such other state or states agree to grant similar treatment
 25 to residents of Montana."

1 Section 54. Section 84-728, R.C.M. 1947, is amended to
 2 read as follows:

3 "84-728. Valuation of interstate fleets --
 4 determination of aggregate tax due. The state department of
 5 revenue shall assess any interstate motor vehicle fleet
 6 making application for proportional registration as follows:

7 ~~total~~ The purchase price depreciated by a schedule as
 8 prescribed by the department shall determine the depreciated
 9 value.

10 ~~fb712~~ The depreciated value multiplied by the per
 11 cent percent of miles traveled in Montana as prescribed by
 12 section 53-712 shall be the assessed value.

13 ~~fb713~~ The sum of the assessed value of all vehicles
 14 included in the fleet multiplied by twenty-(20)-per-cent 12%
 15 shall be the taxable value for the entire fleet.

16 ~~fb714~~ To determine the amount of tax due, the taxable
 17 value of the entire fleet shall be multiplied by the
 18 state-wide statewide average county mill levy plus state
 19 levies as hereinafter provided."

20 Section 55. Section 84-4605, R.C.M. 1947, is amended
 21 to read as follows:

22 "84-4605. Taxation of banks and shares of stock in.
 23 (1) Every state bank or banking corporation located and
 24 doing business in this state and every private banker doing
 25 business in this state shall be taxable taxed upon the

1 value of all real estate and personal property owned by such
 2 the bank, banking corporation, or private banker, and also
 3 upon the moneyed capital employed in such the business, such
 4 and upon the AND SUCH moneyed capital to be ascertained as
 5 provided by section ~~84-301-84-301-7~~ 84-301-6, and the the cashier
 6 or secretary of every such bank or banking
 7 corporation and every such private banker shall furnish to
 8 the department of revenue or its agent in the county in
 9 which its or his bank is located, within five 5 days after
 10 demand therefor, a statement verified by his oath, showing
 11 all the resources and liabilities of such the bank as
 12 disclosed by its books, at the close of business on December
 13 31 of the preceding year, if such if the cashier,
 14 secretary, or private banker ~~shall fail~~ fails to make the
 15 statement, hereby required, the department or its agent
 16 shall forthwith obtain such the information from any other
 17 available source and for this purpose shall have access to
 18 the books of such the bank, banking corporation, or private
 19 banker. The department or its agent shall thereupon make an
 20 assessment of the real estate and personal property owned by
 21 such the bank, banking corporation, or private banker and
 22 of the moneyed capital employed in the business of such the
 23 bank, banking corporation, or private banker, which the
 24 assessment shall be as fair and equitable as can be made
 25 from the best information available, ~~try for~~ for the purpose

1 of said the assessment, the figures disclosed by any prior
 2 report made by such the bank, banking corporations or
 3 private banker to any state or federal officer pursuant to
 4 any state or federal law may be adopted. Any person
 5 required by this section to make the statement hereinabove
 6 provided who shall fail to furnish the same it shall
 7 be guilty of a misdemeanor and shall be punished
 8 accordingly.

9 (2) All shares of stock in any such bank or banking
 10 corporation shall be assessed at their full cash value,
 11 except to the extent that that value is represented in
 12 property which is assessable and taxable to such the bank or
 13 banking corporation in this state, and shall be taxable to
 14 the owners of such the shares in the county, school
 15 district, city, town, or place where such the bank or
 16 banking corporation is located and not elsewhere, whether or
 17 not the owners of such the shares are residents of such
 18 county, school district, city, town, or place.

19 (3) The cashier or secretary of any such bank or
 20 banking corporation shall furnish to the department or its
 21 agent, upon demand, the name of each stockholder with his
 22 residence and the number of shares belonging to him at the
 23 close of business on December 31 of the preceding year, and
 24 if such if the cashier or secretary, for more than five 5
 25 days after such the demand, shall fail to furnish such

1 Information, he shall be is guilty of a misdemeanor and the
 2 department or its agent may obtain such information from any
 3 other available source,--and--for--such--purposes--shall--have
 4 access--to or from the books of such the bank or banking
 5 corporation. For convenience, the assessment of such the
 6 shares shall be entered on the personal property assessment
 7 list under the name of the bank or banking corporation
 8 concerned, but in the assessment list the names of the
 9 owners of such shares shall be set forth and the number of
 10 shares owned by each, and--such the assessment, when so
 11 entered, shall--have has all the force and effect as if made
 12 in the names of the owners of such the shares individually.
 13 The bank or banking corporation in which such the shares are
 14 owned shall be is liable for the payment of taxes assessed
 15 against such the shares, and such the taxes shall be are
 16 payable by and may be collected from such the bank or
 17 banking corporation in the same manner and under the same
 18 penalties as other taxes, provided that such the bank or
 19 banking corporation may recover from such the owners of
 20 shares any taxes so paid on such the shares, and shall have
 21 has a lien therefor upon such the shares and upon any
 22 dividends accrued or to accrue thereon."

23 Section 56. Section 84-4701, R.C.M. 1947, is amended
 24 to read as follows:

25 "84-4701. Limitation on amount of tax for municipal

1 purposes -- distribution of funds -- levy for park parks,
 2 swimming pools, playgrounds, youth centers, and other
 3 purposes. The amount of taxes to be assessed and levied for
 4 general municipal or administrative purposes in cities and
 5 towns ~~must~~ ~~may~~ not exceed two-and-four-tenths {2+4/10} per
 6 centum-on-the-per-centum ~~2.4%~~ of the assessed taxable value
 7 of the taxable property of the city or town subject to
 8 taxation and the council or commission in each city or
 9 town may distribute the money collected into such the funds
 10 as are prescribed by ordinances, provided, that for the
 11 purpose of procuring, equipping, and maintaining public
 12 parks, swimming pools, skating rinks, playgrounds, civic
 13 centers, youth centers, museums, and combinations thereof,
 14 the council or commission in any city or town ~~may~~ assess and
 15 levy, in addition to the ~~said~~ levy for general municipal or
 16 administrative purposes, an amount not exceeding seven-{7}
 17 mills on the dollar on the per--centum--of--the--assessed
 18 taxable value of the taxable property to be taxed of the
 19 city or town."

20 Section 57. Section 84-4701.2, R.C.M. 1947, is amended
 21 to read as follows:

22 "84-4701.2. Maximum rate of all-purpose levy.
 23 Notwithstanding the provisions of the statutes of Montana to
 24 the contrary (1) Except as provided elsewhere, the cities
 25 and towns of the state of Montana may make an all-purpose

1 annual levy upon the assessed taxable value of all the
 2 taxable property in such the cities and towns, subject to
 3 taxation for municipal purposes in lieu of the multiple
 4 levies now authorized by statute. The total of such the
 5 all-purpose levy ~~shall~~ may not exceed sixty-five {65} mills
 6 on the dollar, ~~which~~ this levy ~~shall~~ may not include any
 7 levies necessary for bonded indebtedness, judgments, or
 8 special improvement district revolving funds of
 9 municipalities, which levies may be made in addition to
 10 all-purpose levy as provided in sections 84-4701.1 and
 11 84-4701.6. The moneys received from such the all-purpose
 12 levy shall be accounted for in a common fund known as the
 13 all-purpose general fund.

14 (1) An amount not to exceed five-per-centum-{5%} of
 15 the moneys received from and as a part of the all-purpose
 16 levy aforesaid may be placed in a separate fund known as the
 17 capital improvement program fund to be earmarked for the
 18 replacement and acquisition of property, plants or equipment
 19 costing in excess of five thousand dollars {5,000} with a
 20 life expectancy of five-{5} years or more, ~~provided~~ that a
 21 capital improvement program has been formally adopted by
 22 city or town ordinance.

23 (2) The moneys held in the capital improvement program
 24 fund shall, whenever possible, be invested in savings or
 25 time deposits in a state or national bank insured by the

1 federal deposit insurance corporation or in direct
 2 obligations of the United States government and credited
 3 back to the fund plus interest earned."

4 Section 58. Section 84-4713, R.C.M. 1947, is amended
 5 to read as follows:

6 "84-4713. Taxes in cities and towns ~~which that~~ have
 7 exceeded the statutory limit of indebtedness. All taxes
 8 heretofore levied and collected, or to be collected for
 9 municipal and administrative purposes by any city or town,
 10 ~~in which the indebtedness of~~ which equals or exceeds the
 11 limit provided ~~allowed~~ in statute, may be used in payment of
 12 current expenses during the fiscal year for which ~~the~~ said the
 13 taxes were levied, the same as though ~~if~~ a special levy had
 14 been made for each of ~~the~~ said the purposes. And the ~~the~~ council
 15 of any such city or town is hereby authorized to ~~may~~
 16 designate the amount of ~~the~~ general levy applicable to
 17 each of ~~the~~ said the purposes, and the amount so designated
 18 shall constitute ~~constitutes~~ a special fund for the special
 19 purpose of paying the expenses incurred for such the
 20 purposes, and such ~~the~~ expenses shall be payable out of such
 21 the fund and not otherwise, provided, however, the
 22 aggregate of all taxes authorized for general municipal and
 23 administrative purposes shall ~~may~~ not exceed one and
 24 one-half-per-cent 5 1/2% annually upon of the per-centum of
 25 the assessed taxable value of all taxable property ~~subject~~

1 to taxation in such city or town."

2 Section 59. Section 84-5103, R.C.M. 1947, is amended
 3 to read as follows:

4 "84-5103. Taxation of credits of insurance companies
 5 -- other property. All property other than credits of
 6 insurance companies required by law to have and maintain a
 7 legal reserve for the protection of policyholders shall be
 8 assessed, classified, and taxed as other property of like
 9 character. Credits, including evidence of indebtedness
 10 secured by mortgages, less legal reserves for the protection
 11 of policyholders and other indebtedness, shall be classified
 12 and taxed on the basis of thirty-per-centum (30%) of full
 13 cash ~~market~~ value as thus ascertained."

14 Section 60. Section 84-5211, R.C.M. 1947, is amended
 15 to read as follows:

16 "84-5211. Limitation of levies — livestock moneys.
 17 The amount of such the levy shall ~~may~~ not in any event
 18 exceed two (2) & 10 mills upon the assessed valuation
 19 taxable value of sheep and three (3) & 15 mills upon the
 20 assessed valuation taxable value of other livestock, which
 21 shall be levied ~~the~~ levy is raised to aid in the payment of
 22 the general expense expenses of the brands-enforcement
 23 functions of the department of livestock, including
 24 salaries, office expense, detective expense, expense-of
 25 prosecution, travel, and all incidental expenses ~~expenses~~

1 and a separate levy of not exceeding to exceed three to 2
 2 15 mills on all livestock may be raised for the use of the
 3 animal health functions of the department of livestock to be
 4 and placed in the an earmarked revenue fund for the payment
 5 of indemnity for animals slaughtered, and for salaries and
 6 expenses incurred in investigating, controlling and
 7 suppressing diseases, including expenses of quarantine and
 8 salaries and expenses incurred for such purposes, and for
 9 laboratory maintenance, provided further that At the
 10 written request of the department of livestock the state
 11 treasurer and state controller at the written request of
 12 the department of livestock shall set aside in a separate
 13 account in the earmarked revenue fund such any moneys as may
 14 be available and requested, which the moneys shall may be
 15 expended only when the department of livestock determines
 16 that a livestock disease emergency exists requiring its
 17 expenditure and they shall then be expended for such
 18 purposes as the department of livestock may order and
 19 direct."

20 SECTION 61. INSTRUCTIONS TO CODE COMMISSIONER AND
 21 PUBLISHER. IN PREPARING A COMPOSITE SECTION OF SECTION
 22 84-5211, AS AMENDED BY THIS ACT AND BY CHAPTER 120, LAWS OF
 23 1977, THE CODE COMMISSIONER AND THE PUBLISHER OF THE REVISED
 24 CODES OF MONTANA, 1947, SHALL INDICATE THE AUTHORITY GRANTED
 25 BY CHAPTER 120 AS AUTHORITY TO LEVY AN ADDITIONAL 5 MILLS ON

1 THE TAXABLE VALUE OF ALL LIVESTOCK.
 2 SECTION 60. THERE IS A NEW REVENUE SECTION THAT READS
 3 AS FOLLOWS:
 4 instructions to code commissioner and publishers in
 5 preparing a composite section of section 84-5214, as amended
 6 by this act and by chapter 120, laws of 1977, the code
 7 commissioner and the publisher of the Revised Codes of
 8 Montana, 1947, shall indicate the authority granted by
 9 chapter 120 as authority to levy an additional 3 mills on
 10 the taxable value of all livestock.
 11 Section 62. Section 84-5214, R.C.M. 1947, is amended
 12 to read as follows:
 13 "84-5214. Levy for bounty moneys -- use of proceeds.
 14 The department of revenue shall annually prescribe make
 15 and levy an ad valorem tax on all livestock in the state of
 16 Montana for the purpose of protecting such livestock them
 17 against destruction, depredation, and injury by wild
 18 animals, whether the livestock is on lands in private
 19 ownership, in the ownership of the state, or in the
 20 ownership of the United States, including open ranges and
 21 all lands in or of the public domain. This protection may be
 22 by all any means of effective predatory animal destruction,
 23 extermination, and control, including systematic hunting
 24 and trapping in planned campaigns, or otherwise, and payment
 25 of bounties, against destruction, depredation and injury by

1 wild--animates--whether--on--lands--in--private--ownership--in--the
2 ownership--of--the--state,--or--in--the--ownership--of--the--United
3 States--including--open--ranges--and--all--lands--in--or--of--the
4 public--domain. The tax levy shall ~~not~~ not exceed in any one
5 ~~tit~~ year ~~to~~ one--and--one--half--~~1-1/2~~ ~~to~~ 1.5 mills on the
6 assessed--valuation taxable value of all sheep~~v~~ and ~~to~~ one
7 ~~tit~~ mill ~~3--MILLS~~ ~~1--MILL~~ ~~5--MILLS~~ on the assessed--valuation
8 taxable value of other livestock. The moneys received from
9 such the tax levies shall be transmitted monthly with other
10 taxes for state purposes~~v~~ by the county treasurer of each
11 county~~v~~ to the state treasury~~v~~ and be by the The state
12 treasurer placed in and to the credit of the shall place the
13 money in an earmarked revenue fund with the other moneys in
14 that fund under the provisions of section as provided in
15 46-1901 ~~1~~ and such The moneys shall thereafter be paid out
16 only on claims duly and regularly presented to the
17 department of livestock~~v~~ and thereafter approved by ~~said~~ the
18 department~~v~~ in accordance with the law applicable either to
19 claims for bounties~~v~~ when such claims are approved~~v~~ or to
20 claims for other expenditures necessary and proper for
21 predatory animal control by other means and methods other
22 than payment of bounties~~v~~ as ~~may~~ be determined by the
23 department of livestock. All such the moneys shall be
24 available for the payment of bounty claims and for
25 expenditures in and for planned, seasonal, or other

1 campaigns directed or operated by the department in
2 cooperation with other agencies for the systematic
3 destruction, extermination, and control of predatory wild
4 animals, as may be determined by the department and the its
5 advisory committee thereto. No claims shall may be approved
6 in excess of moneys available for such purposes, and no
7 warrants shall may be registered against such the moneys."

8 Section 63. Section 84-5216, R.C.M. 1947, is amended
9 to read as follows:

10 *84-5216. Tax levy for bounties on predatory animals.
11 Whenever the owners, or agents, or agents of such the owners,
12 representing fifty-one-per-cent 51% of the livestock of any
13 county in this state shall present a petition to the board
14 of county commissioners of such county, asking for the levy
15 of a tax upon the livestock of such the county for the
16 purpose of paying bounties on predatory animals killed in
17 such the county, it shall be is the duty of such the board
18 of county commissioners to make such the levy, which shall
19 may not exceed ten ~~to~~ ~~30~~ 50 mills on the dollar on of the
20 assessed valuation taxable value of all livestock in such
21 the county, which the tax shall be assessed and collected
22 in the same manner as all other state and county taxes.*

23 Section 64. Section 84-5406, R.C.M. 1947, is amended
24 to read as follows:

25 "84-5406. Assessment of royalties. Upon receipt of the

1 list or schedule setting forth the names and addresses of
 2 any and all persons, corporations, and associations owning
 3 or claiming royalty, and the amount or amounts paid or
 4 yielded as royalty to such the royalty owners or claimants
 5 during the year for which such the return is made, the state
 6 department of revenue shall proceed to the assessment of all
 7 such assess and tax the royalties, and shall assess the same
 8 at the full cash value of the money or product yielded
 9 during such preceding calendar year, and the same shall be
 10 taxed on the same basis as net proceeds of mines are taxed
 11 as provided by section 84-301 ~~84-302~~ 84-301-3."

12 Section 65. Section 84-6008, R.C.M. 1947, is amended
 13 to read as follows:

14 "84-6008. Assessment of personal property brought into
 15 the state -- exceptions. (1) Property in the following cases
 16 is subject to taxation and assessment for all taxes levied
 17 that year in the county in which it is located:

18 (a) Any personal property, including livestock,
 19 brought, driven, or coming into this state at any time
 20 during the year which that is used in the state for hire,
 21 compensation, or profit;

22 (b) or if the property whose owner and/or the user of
 23 the property is engaged in gainful occupation or business
 24 enterprise in the state; or

25 (c) the property otherwise which comes to rest and

1 becomes a part of the general property of the state, shall
 2 be subject to taxation and shall be assessed for all taxes,
 3 levied or leviable for that year in the county in which the
 4 same shall thus be.

5 (2) The taxes on this property are levied in the same
 6 manner and to the same extent, except as hereinafter
 7 otherwise provided, as though such the property had been in
 8 the county on the regular assessment date, provided that
 9 such the property has not been regularly assessed for the
 10 year in some other county of the state.

11 (3) provided further that nothing herein contained
 12 Nothing in this section shall be construed into authority to
 13 assess or levy any a tax against any a merchant or dealer
 14 within this state on goods, wares, or merchandise brought
 15 into the county to replenish the stock of such the merchant
 16 or dealer, in addition to the tax levied against the
 17 inventory of said merchant or dealer on the regular
 18 assessment date.

19 (4) provided further that this act This section shall

 20 not apply to motor vehicles brought, driven, or coming into
 21 this state by any nonresident, migratory, bona fide
 22 agricultural workers temporarily employed in agricultural
 23 work in Montana where said if the motor vehicles are used
 24 exclusively for transportation of agricultural workers.

25 (5) Agricultural harvesting machinery classified under

1 ~~etess--2 class--two CLASSES EIGHT AND TWELVE, section-84-301,~~
 2 ~~R.C.M. 1947,~~ licensed in other states, and operated on the
 3 lands of persons other than the owner of the machinery,
 4 under contracts for hire shall be subject to a fee, in lieu
 5 of taxation, of ~~thirty-five-dollars~~-\$35 per machine for a
 6 ~~sixty-(60)-day~~ period. Such ~~the~~ machines shall be subject to
 7 taxation under ~~etess--2 class--two CLASSES EIGHT AND TWELVE~~
 8 only if they are sold in Montana."

9 Section 66. Section 84-6102, R.C.M. 1947, is amended
 10 to read as follows:

11 "84-6102. United States property held under contract
 12 of sale--assessment--at--full--value. When such ~~the~~ property
 13 is held under a contract of sale or other agreement whereby
 14 on--certain upon payment or--payments the legal title is or
 15 may be acquired by such ~~the~~ person, corporation, or
 16 association, such ~~the~~ real property shall be assessed and
 17 taxed as for the full value thereof ~~defined in 84-301-5,~~
~~84-301-6, 84-301-8, 84-301-9, 84-301-10, 84-301-15, or~~
~~84-301-2 THROUGH 84-301-19 AND 84-401~~ without deduction on
 20 account of the whole or any part of the purchase price or
 21 other sum due on such ~~the~~ property remaining unpaid,
 22 ~~provided~~--that--the ~~the~~ lien for such ~~the~~ tax shall neither
 23 ~~may not~~ attach to, impair, nor or be enforced against any
 24 interest of the United States in such ~~the~~ real property."

25 Section 67. Section 84-6103, R.C.M. 1947, is amended

1 to read as follows:
 2 "84-6103. United States property held under lease --
 3 assessment at value of leasehold. When such ~~the~~ property is
 4 held under lease, or other interest, or estate therein less
 5 than the fee, except under contract of sale, such ~~the~~
 6 property shall be assessed and taxed as for the true--cash
 7 value ~~as defined in 84-301-2 through 84-301-15 and 84-401~~
~~8 84-301-19~~ of such leasehold, interest, or estate in such ~~the~~
 9 property and the lien for such ~~the~~ tax shall attach to and
 10 be enforced against only the leasehold, interest, or estate
 11 in such ~~the~~ property, ~~provided~~--that--where ~~when~~ the United
 12 States authorizes the taxation of such ~~the~~ property for the
 13 full ~~assessed~~ value of the fee thereof, such ~~the~~ property
 14 shall be assessed for such full ~~assessed~~ value, ~~as defined~~
 15 in 84-401."

16 Section 68. Section 84-6205, R.C.M. 1947, is amended
 17 to read as follows:

18 "84-6205. Assessment of royalties. The amount of
 19 royalty received shall be considered net proceeds to the
 20 recipient and shall be assessed as follows: Upon upon
 21 receipt of the lists or schedules setting forth the names
 22 and addresses of any and all persons owning or claiming
 23 royalty, and the amount or--amounts paid or yielded as
 24 royalty to such royalty owners or claimants during the year
 25 for which such return is made, the state department of

1 revenue shall proceed to the--assessment--of--all--such
 2 ~~royalties~~ and shall assess and tax the same at--the--full
 3 cash--value--of--the--money--or--product--yielded--or--accrued--during
 4 such--preceding--calendar--year, and the same shall be taxed as
 5 net proceeds of mines."

6 Section 69. Section 84-6407, R.C.M. 1947, is amended
 7 to read as follows:

8 "84-6407. Transmission of statement of amount
 9 apportioned to counties. On or before the second Monday in
 10 July, the department shall apportion ~~such~~ the assessment to
 11 the counties in or through which the airline operates. The
 12 county assessor must enter the amount of the assessment
 13 apportioned to the county in the column of the assessment
 14 roll or book which shows the total value of all property for
 15 taxation in the county. The assessment shall be assigned to
 16 class 7 ~~having a taxable value of forty per cent (40%)~~
 17 ~~of assessed value.~~"

18 Section 68--Section 84-7403, R.C.M. 1947, is amended
 19 to read as follows:

20 "84-7403--Tax--treatment--of--certain--energy--related
 21 investments--(1) Upon application by a taxpayer, approved
 22 under section 84-7404, a capital investment by the taxpayer
 23 in a recognized nonfossil form of energy generation shall be
 24 treated by the department of revenue as
 25 ~~for~~--property--exempt--from--taxation--to--the--extent--the

1 appraised ~~assessed~~ value--of--the--investment--does--not--exceed
 2 one--hundred--thousand--dollars--(\$100,000) or
 3 ~~(b)~~--class--seven ~~EIGHTEEN~~ property--as--defined--in
 4 sections--84-301--and--84-302, ~~84-301-8~~ ~~84-301-9~~ for such
 5 portion--of--the appraised ~~assessed~~ value--of--the--investment
 6 that--exceeds--one--hundred--thousand--dollars--(\$100,000).
 7 (2) Upon application by a taxpayer approved under
 8 section 84-7404, a capital investment in a building by the
 9 taxpayer for an energy conservation purpose shall be treated
 10 by the department of revenue as class--eight ~~EIGHTEEN~~
 11 property--as--defined--in--sections--84-301--and--84-302 ~~84-301-9~~
 12 ~~84-301-16~~ to the extent the appraised ~~assessed~~ value--of--the
 13 investment--does--not--exceed--twenty--percent--(20%)--of--the
 14 appraised ~~assessed~~ value--of--the--building--in--which--the
 15 investment--is--made."

16 Section 70. Section 84-7513, R.C.M. 1947, is amended
 17 to read as follows:

18 "84-7513. Valuation of commercial land. After
 19 classification as commercial, land, whether occupied or not,
 20 shall ~~may~~ not change in value for tax purposes unless it
 21 meets or is governed by the following provisions:
 22 (1) Class A -- open undeveloped land. Open
 23 undeveloped land within the boundaries set--as--of--designated
 24 commercial land which has value and is not designated for
 25 usage as a parking area or park, and developed as such

1 within two-~~2~~ years from the effective date of this act
 2 shall be subject to taxation in the following method (after
 3 the two-~~2~~-year grace period):
 4 1st year taxation -- 1% over valuation existing at the
 5 beginning of the said two-~~2~~ years;
 6 2nd year taxation -- +2% over the previous year's valuation;
 7 3rd year taxation -- +10% over the previous year's valuation;
 8 3-5 years taxation -- +20% over the previous year's valuation;
 9 over five ~~2~~ years -- +30% over the previous year's valuation.
 10 (2) Class B -- existing improved land. All land in a
 11 commercial class shall remain in the same taxable base until
 12 expanded or remodeled. No expansion or remodeling shall ~~may~~
 13 occur without approval of the governing body. Upon
 14 remodeling or improving, it shall receive a reduction in
 15 valuation in the amount of its valuation change which shall
 16 apply as a reduction in valuation of the property for a
 17 period of five-~~5~~ years, commencing in the amount of the
 18 cost of remodeling or improving in the first year and
 19 reducing in an amount of twenty-percent-~~20%~~ per year for
 20 each remaining year thereafter.
 21 (3) Class C -- existing improved land. Existing
 22 structures and buildings shall be frozen in their existing
 23 tax base for a period of ten-~~10~~ years, unless remodeled,
 24 where section 12(1)(a) shall apply. If not remodeled after
 25 ten-~~10~~ years, the following shall apply:

1	Age of structure	Tax increase according			
2	in years	to the years since remodeled last			
3		1-5 years	5-10 years	10-15 years	15 years
4		and over			
5	10-12	1%	2%	4%	5%
6	12-15	2%	4%	6%	8%
7	15-20	4%	8%	12%	16%
8	21-25	10%	12%	16%	18%
9	26-30	15%	18%	20%	24%
10	31-40	25%	28%	30%	35%
11	40-50	40%	45%	50%	60%
12	50-Over	50%	60%	75%	100%
13	(4) Class D -- new improved land.				
14	(a) The construction cost and land cost of any				
15	commercial development within a classified commercial or				
16	residential area shall may not be taxed for its construction				
17	period.				
18	(b) Following the nontaxable period the total cost of				
19	land and improvements developed as new commercial property				
20	shall be taxed as follows:				
21	Commercial land location		Taxable schedule		
22	(i) Land within and		Improvements shall be		
23	extending nine-hundred		taxed in additional		
24	feet beyond that		increments as follows:		
25	area designated by the		A-ten-percent- 10%		

1 governing authority as increase in valuation assessed
 2 the central business value per year until a total
 3 district of a community. value for tax purposes
 4 is one-hundred-percent ~~+(100%)~~
 5 of assessed value.
 6 (i) Land from that improvements shall be
 7 designation under taxed in additional
 8 subsection (4) (b) (i) increments as follows: A
 9 to the corporate thirty-three-and
 10 boundary or city limits. one-third-percent
 11 ~~+(33 1/3%)~~ increase in
 12 valuation assessed value per year until
 13 a total value for tax
 14 purposes is one-hundred
 15 percent ~~+(100%)~~ of assessed value.
 16 (ii) Land lying from An increase in taxes
 17 the corporate boundary to over the normally
 18 the four-and-one-half assessed value of ten
 19 ~~+(4 1/2)~~ 4 1/2-mile limit. percent ~~+(10%)~~ per year
 20 for a period of ten ~~10~~ years
 21 unless given a waiver by
 22 the governing authority.
 23 (iv) Land lying beyond An increase in taxes
 24 the four-and-one-half over the normally
 25 ~~+(4 1/2)~~ 4 1/2-mile limit. assessed value of

1 twenty-five-percent ~~+(25%)~~
 2 per year for fifteen ~~+(15)~~
 3 years unless given a
 4 waiver by the governing
 5 authority.*
 6 Section 71. Section 89-3403, R.C.M. 1947, is amended
 7 to read as follows:
 8 *89-3403. Definitions. As used in this act, unless the
 9 context clearly indicates otherwise:
 10 (1) "District district" means a conservancy district,
 11 which is a public corporation and a political subdivision of
 12 the state;
 13 (2) "Directors directors" means the board of directors
 14 of a conservancy district;
 15 (3) "Elector elector" means a person qualified to vote
 16 under section 89-3423*vi*;
 17 (4) "Court court" means the district court of the
 18 judicial district in which the largest portion of the
 19 taxable valuation of real property of the proposed district
 20 is located and within the county in which the largest
 21 portion of the taxable valuation of real property of the
 22 proposed district is located within the judicial district;
 23 (5) "Person person" means a natural person; firm;
 24 partnership; co-operative cooperative; association; public
 25 or private corporation, including the state of Montana or

1 the United States; foundation; state agency or institution;
 2 county; municipality; district or other political
 3 subdivision of the state; federal agency or bureau; or any
 4 other legal entity;ⁱ

5 (6) "Department department" means the department of
 6 natural resources and conservation provided for in Title
 7 82A, chapter 15;ⁱ

8 (7) "Board board of supervisors" means the board of
 9 supervisors of the soil and water conservation district in
 10 which the largest portion of the taxable valuation of real
 11 property of the proposed district is located;ⁱ

12 (8) "Works works" means all property, rights,
 13 easements, franchises, and other facilities including but
 14 not limited to land, reservoirs, dams, canals, dikes,
 15 ditches, pumping units, mains, pipelines, waterworks
 16 systems, recreational facilities, facilities for fish and
 17 wildlife, and facilities to control and correct pollution;ⁱ

18 (9) "Cost cost of works" means the cost of
 19 construction, acquisition, improvement, extension and
 20 development of works, including financing charges, interest,
 21 and professional services;ⁱ

22 (10) "Applicants applicants" means any person residing
 23 within the boundaries of the proposed district making a
 24 request for a study of the feasibility of forming a
 25 conservancy district;ⁱ

1 (11) "Notice notice" means publication at least once
 2 each week for three-ⁱ consecutive weeks in a newspaper
 3 published in each countyⁱ or, if no newspaper is published
 4 in a county, a newspaper of general circulation in the
 5 countyⁱ or countiesⁱ in which a district is or will be
 6 located. The last published notice shall appear not less
 7 than five-ⁱ days prior to any hearing or election held
 8 under this act;ⁱ

9 (12) "Owners owners" are the person or persons who
 10 appear as owners of record of the legal title to real
 11 property according to the county records whether such title
 12 is held beneficially or in a fiduciary capacity, except that
 13 a person holding a title for purposes of security is not an
 14 owner nor shall may he affect the previous title for
 15 purposes of this act;ⁱ

16 (13) "Taxable taxable valuation" shall mean is the
 17 valuation—determined—according—to—section—84-302—R-6-May
 18 1947, value as defined in 84-401 and does not mean assessed
 19 valuation.ⁱ

20 SECTION 73—THERE IS A NEW REREME SECTION NUMBERED
 21 84-309, THAT READS AS FOLLOWS:

22 84-309—Reappraised real property—limitation on
 23 increased appraisals—table of taxable percentages—ⁱ
 24 the director of revenue shall certify to the governor
 25 before June 30, 1978, the percentage by which the market

1 value of all property in the state classified under sections
 2 84-301-12, 84-301-16(1)(b), and 84-301-19(1)(a) as of
 3 January 1, 1977 has increased due to the revaluation
 4 conducted under 84-429-14. This figure is the "certified
 5 statewide percentage increase".
 6 (2) The taxable value of property in these three
 7 classes is determined as a function of the certified
 8 statewide percentage increase in accordance with the
 9 following table:
 10 Certified statewide 84-301-12 84-301-16 84-301-19
 11 percentage increase (1) (b) (1) (a)
 12 0
 13 1% \$11.89 one-half 7.30
 14 2% 11.79 of the of the
 15 3% 11.69 equiva equiva
 16 4% 11.58 tent tent
 17 5% 11.49 millage millage
 18 6% 11.39 under under
 19 7% 11.29 84-301-12 84-301-12
 20 8% 11.20
 21 9% 11.11
 22 10% 11.02
 23 11% 10.93
 24 12% 10.84
 25 13% 10.76

1	14%	10.67
2	15%	10.59
3	16%	10.51
4	17%	10.43
5	18%	10.35
6	19%	10.28
7	20%	10.20
8	21%	10.13
9	22%	10.05
10	23%	9.98
11	24%	9.91
12	25%	9.84
13	26%	9.77
14	27%	9.70
15	28%	9.64
16	29%	9.57
17	30%	9.51
18	31%	9.44
19	32%	9.38
20	33%	9.32
21	34%	9.26
22	35%	9.20
23	36%	9.14
24	37%	9.08
25	38%	9.03

1 -----39%-----0.97
 2 -----40%-----0.91
 3 -----41%-----0.86
 4 -----42%-----0.81
 5 -----43%-----0.75
 6 -----44%-----0.70
 7 -----45%-----0.65
 8 -----46%-----0.60
 9 -----47%-----0.55
 10 -----48%-----0.50
 11 -----49%-----0.45
 12 -----50%-----0.40

13
 14 SECTION 72. THERE IS A NEW R.C.M. SECTION THAT READS
 15 AS FOLLOWS:

16 temporary authority to exceed mill levy limitations in
 17 certain cases. Taxing jurisdictions may adopt and levy for
 18 a budget equal to 105% of the preceding year's budget.
 19 Statutory mill levy limitations notwithstanding, unless the
 20 taxable valuation therein has increased to a level which
 21 would allow statutory mill levies to produce a budget equal
 22 to 105% of the preceding year's budget.

23 SECTION 72. THERE IS A NEW R.C.M. SECTION NUMBERED
 24 84-309 THAT READS AS FOLLOWS:

25 84-309. Reappraised real property -- limitation on
 26 increased appraisals -- table of taxable percentages. (1)

1 The director of revenue shall certify to the governor,
 2 before June 30, 1978, the percentage by which the market
 3 value of all property in the state classified under sections
 4 84-301.12, 84-301.16(1)(b), and 84-301.19(1)(a) as of
 5 January 1, 1977 has increased due to the revaluation
 6 conducted under 84-429.14. This figure is the "certified
 7 statewide percentage increase".

8 (2) The taxable value of property in these three
 9 classes is determined as a function of the certified
 10 statewide percentage increase in accordance with the
 11 following table:

Certified statewide percentage increase	84-301.12 (1) (b)	84-301.16 (1) (a)	84-301.19
0	11.89	one-half	7/30
1%	11.79	of the	of the
2%	11.69	equiva-	equiva-
3%	11.58	lent	lent
4%	11.49	taxable	taxable
5%	11.39	percent-	percent-
6%	11.29	age under	age under
7%	11.20	84-301.12	84-301.12
8%	11.11		
9%	11.02		
10%	10.93		
11%			

1	12%	10.84
2	13%	10.76
3	14%	10.67
4	15%	10.59
5	16%	10.51
6	17%	10.43
7	18%	10.35
8	19%	10.28
9	20%	10.20
10	21%	10.13
11	22%	10.05
12	23%	9.98
13	24%	9.91
14	25%	9.84
15	26%	9.77
16	27%	9.70
17	28%	9.64
18	29%	9.57
19	30%	9.51
20	31%	9.44
21	32%	9.38
22	33%	9.32
23	34%	9.26
24	35%	9.20
25	36%	9.14

1	37%	9.08
2	38%	9.03
3	39%	8.97
4	40%	8.91
5	41%	8.86
6	42%	8.81
7	43%	8.75
8	44%	8.70
9	45%	8.65
10	46%	8.60
11	47%	8.55
12	48%	8.50
13	49%	8.45
14	50%	8.40

15 SECTION 73. THERE IS A NEW R.C.M. SECTION THAT READS
 16 AS FOLLOWS:
 17 Temporary authority to exceed mill levy limitations in
 18 certain cases. Taxing jurisdictions may adopt and levy for
 19 a budget equal to 105% of the preceding year's budget,
 20 statutory mill levy limitations notwithstanding, unless the
 21 taxable valuation therein has increased to a level which
 22 would allow statutory mill levies to produce a budget equal
 23 to 105% of the preceding year's budget.
 24 Section 74. Repealer. Sections 69-3923, 84-301, AND
 25 84-302, 84-304v-84-305v-84-307v-end-84-308v R.C.M. 1947, are

1 repealed. HOWEVER, AMENDMENTS TO 84-301 OR 84-302, R.C.M.
2 1947, ENACTED BY THIS LEGISLATIVE SESSION SHALL BE
3 INCORPORATED INTO THE EQUIVALENT SECTIONS ENACTED IN THIS
4 ACT AS DIRECTED BY SUCH OTHER AMENDATORY ACTS. HOWEVER,
5 AMENDMENTS TO 84-301, 84-302, OR 84-307, R.C.M., 1947,
6 ENACTED BY THIS LEGISLATIVE SESSION SHALL BE INCORPORATED
7 INTO THE EQUIVALENT SECTIONS ENACTED IN THIS ACT AS DIRECTED
8 BY SUCH OTHER AMENDATORY ACTS.

-End-