

HOUSE BILL 339

IN THE HOUSE

January 23, 1979

Introduced and referred to
Committee on Taxation.

House Bill No. 339
 1 INTRODUCED BY *H. Robbins Palmer Peterson Vincent*

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 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE
 5 RESIDENCES OF CERTAIN RETIRED, WIDOWED, OR DISABLED PERSONS
 6 FROM PROPERTY TAXATION; AMENDING SECTIONS 15-6-121,
 7 15-7-121, AND 15-8-111, MCA; REPEALING SECTION 15-6-116,
 8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 NEW SECTION Section 1. Certain residences exempt —
 12 procedure for application for exemption. (1) There is exempt —
 13 from property taxation so much of the market value of any
 14 improvement on real property, a trailer affixed to land, or
 15 mobile home and appurtenant land not exceeding 5 acres as
 16 does not exceed \$35,000, when such dwelling and land are
 17 owned or under contract for deed and are actually occupied
 18 for at least 10 months per year as the primary residential
 19 dwelling of:

20 (a) a widow or widower 62 years of age or older who
 21 qualifies under the income limitations of (c) of this
 22 subsection;

23 (b) a widow or widower of any age with dependent
 24 children who qualifies under the income limitations of (c)
 25 of this subsection; or

1 (c) a recipient or recipients of retirement or
 2 disability benefits whose total income from all sources is
 3 not more than \$7,000 for a single person or \$8,000 for a
 4 married couple.

5 (2) A person applying for this exemption must complete
 6 and sign a form, provided by the department, showing:

7 (a) his income;
 8 (b) his retirement benefits;
 9 (c) his marital status;
 10 (d) his primary residence address; and
 11 (e) other information the department considers
 12 necessary.

13 (3) Application must be made before March 1 of the
 14 year in which the exemption is sought.

15 (4) The signed application shall be treated as a
 16 statement under oath for the purposes of 45-7-202.

17 Section 2. Section 15-6-121, MCA, is amended to read:
 18 "15-6-121. Class twenty property -- description --
 19 taxable percentage. (1) There is a class of property which
 20 includes a pickup camper, travel trailer, including a fifth
 21 wheel trailer, or motor home which is owned by and is
 22 actually used primarily by a person 60 years of age or older
 23 who is retired from full employment and whose total income
 24 each year from all sources does not exceed the income
 25 limitations set in class-fifteen [section 1] for a single

1	person or married couple, whichever is applicable.	1	3%	11.69	equiva-	equiva-
2	(2) A person who applies for this classification must	2	4%	11.58	tent	lent
3	file an affidavit <u>a signed application</u> with the department	3	5%	11.49	taxable	taxable
4	of revenue as to his income, as set forth in class --fifteen	4	6%	11.39	percent-	percent-
5	<u>[section 1]</u> .	5	7%	11.29	age-under	age under
6	(3) This class of property is taxed at 6% of market	6	8%	11.20	15-6-112	15-6-112
7	value."	7	9%	11.11		
8	Section 3. Section 15-7-121, MCA, is amended to read:	8	10%	11.02		
9	"15-7-121. Reappraised real property -- limitation on	9	11%	10.93		
10	increased value. (1) The director of revenue shall certify	10	12%	10.84		
11	to the governor, before June 30, 1978, the percentage by	11	13%	10.76		
12	which the market value of all property in the state	12	14%	10.67		
13	classified under 15-6-112 y --15-6-116 tttbt and	13	15%	10.59		
14	15-6-119(1)(a) as of January 1, 1977, has increased due to	14	16%	10.51		
15	the revaluation conducted under 15-7-111. This figure is the	15	17%	10.43		
16	"certified statewide percentage increase".	16	18%	10.35		
17	(2) The taxable value of property in these three	17	19%	10.28		
18	classes is determined as a function of the certified	18	20%	10.20		
19	statewide percentage increase in accordance with the	19	21%	10.13		
20	following table:	20	22%	10.05		
21	Certified statewide 15-6-112 15-6-116 tttbt 15-6-119(1)(a)	21	23%	9.98		
22	percentage increase	22	24%	9.91		
23	0	23	25%	9.84		
24	1% 11.89 one-half 7/30	24	26%	9.77		
25	2% 11.79 of-the of the	25	27%	9.70		

1	28%	9.64
2	29%	9.57
3	30%	9.51
4	31%	9.44
5	32%	9.38
6	33%	9.32
7	34%	9.26
8	35%	9.20
9	36%	9.14
10	37%	9.08
11	38%	9.03
12	39%	8.97
13	40%	8.91
14	41%	8.86
15	42%	8.81
16	43%	8.75
17	44%	8.70
18	45%	8.65
19	46%	8.60
20	47%	8.55
21	48%	8.50
22	49%	8.45
23	50%	8.40*

Section 4. Section 15-8-111, MCA, is amended to read:
 "15-8-111. Assessment -- market value standard --

1 exceptions. (1) All taxable property must be assessed at
 2 100% of its market value except as provided in subsection
 3 (5) of this section and in 15-7-111 through 15-7-114.
 4 (2) Market value is the value at which property would
 5 change hands between a willing buyer and a willing seller,
 6 neither being under any compulsion to buy or to sell and
 7 both having reasonable knowledge of relevant facts.
 8 (3) The department of revenue or its agents may not
 9 adopt a lower or different standard of value from market
 10 value in making the official assessment and appraisal of the
 11 value of property in class one, and classes seven through
 12 fourteen, and classes sixteen through eighteen. For
 13 purposes of taxation, assessed value is the same as
 14 appraised value.
 15 (4) The taxable value for all property in class one,
 16 and classes seven through fourteen, and classes sixteen
 17 through eighteen is the percentage of market value
 18 established for each class of property in 15-6-102, and
 19 15-6-108 through 15-6-115, and 15-6-117 through 15-6-119.
 20 (5) The assessed value of properties in 15-6-103
 21 through 15-6-107 and 15-6-120 is as follows:
 22 (a) Property in 15-6-106, under class five, is
 23 assessed at 100% of book value by the method established in
 24 15-6-106 and the sections cited therein.
 25 (b) Properties in 15-6-103, under class two, are

1 assessed at 100% of the annual net proceeds after deducting
2 the expenses specified and allowed by 15-23-503.

3 (c) Properties in 15-6-104, 15-6-105, and 15-6-120,
4 under classes three, four, and nineteen are assessed at 100%
5 of the annual gross proceeds.

6 (d) Properties in 15-6-107, under class six, are
7 assessed at 100% of the productive capacity of the lands
8 when valued for agricultural purposes. All lands that meet
9 the qualifications of 15-7-202 are valued as agricultural
10 lands for tax purposes.

11 (6) Land and the improvements thereon are separately
12 assessed when any of the following conditions occur:

13 (a) ownership of the improvements is different from
14 ownership of the land;

15 (b) the taxpayer makes a written request; or

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

17 (7) The taxable value of all property in classes two
18 through six is the percentage of assessed value established
19 in 15-6-103 through 15-6-107 for each class of property."

20 Section 5. Repeater. Section 15-6-116, MCA, is
21 repealed.

22 Section 6. Effective date. This act is effective on
23 passage and approval and applies to taxable years beginning
24 after December 31, 1978.

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