

HOUSE BILL 339

IN THE HOUSE

January 23, 1979

Introduced and referred to  
Committee on Taxation.

HOUSE BILL NO. 339

INTRODUCED BY

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

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

NEW SECTION. Section 1. Certain residences exempt -- procedure for application for exemption. (1) There is exempt from property taxation so much of the market value of any improvement on real property, a trailer affixed to land, or mobile home and appurtenant land not exceeding 5 acres as does not exceed \$35,000, when such dwelling and land 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 subsection;

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

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

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

(a) his income;

(b) his retirement benefits;

(c) his marital status;

(d) his primary residence address; and

(e) other information the department considers necessary.

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

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

Section 2. Section 15-6-121, MCA, is amended to read:

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

1 person or married couple, whichever is applicable.

2 (2) A person who applies for this classification must

3 file ~~an affidavit~~ a signed application with the department

4 of revenue as to his income, as set forth in ~~class--fifteen~~

5 [section 1].

6 (3) This class of property is taxed at 6% of market

7 value."

8 Section 3. Section 15-7-121, MCA, is amended to read:

9 "15-7-121. Reappraised real property -- limitation on

10 increased value. (1) The director of revenue shall certify

11 to the governor, before June 30, 1978, the percentage by

12 which the market value of all property in the state

13 classified under ~~15-6-112~~ ~~15-6-116(1)(b)~~ and

14 15-6-119(1)(a) as of January 1, 1977, has increased due to

15 the revaluation conducted under 15-7-111. This figure is the

16 "certified statewide percentage increase".

17 (2) The taxable value of property in these three

18 classes is determined as a function of the certified

19 statewide percentage increase in accordance with the

20 following table:

21 Certified statewide ~~15-6-112~~ ~~15-6-116(1)(b)~~ 15-6-119(1)(a)

22 percentage increase

23 0

24 1% 11.89 ~~one-half~~ 7/30

25 2% 11.79 ~~of-the~~ of the

1	3%	11.69	<del>equiva-</del>	equiva-
2	4%	11.58	<del>lent</del>	lent
3	5%	11.49	<del>taxable</del>	taxable
4	6%	11.39	<del>percent-</del>	percent-
5	7%	11.29	<del>age-under</del>	age under
6	8%	11.20	<del>15-6-112</del>	15-6-112
7	9%	11.11		
8	10%	11.02		
9	11%	10.93		
10	12%	10.84		
11	13%	10.76		
12	14%	10.67		
13	15%	10.59		
14	16%	10.51		
15	17%	10.43		
16	18%	10.35		
17	19%	10.28		
18	20%	10.20		
19	21%	10.13		
20	22%	10.05		
21	23%	9.98		
22	24%	9.91		
23	25%	9.84		
24	26%	9.77		
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*

24 Section 4. Section 15-8-111, MCA, is amended to read:  
 25 \*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

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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. Repealer. 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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