

CHAPTER NO. 663

HOUSE BILL NO. 639

INTRODUCED BY LIEN, MANLEY, CONROY, DAY, BURNETT,  
BOYLAN, NATHE, ELLERD, STAIGMILLER, JOHNSTON,  
KEYSER, YARDLEY, THIESSEN, ERNST

IN THE HOUSE

February 8, 1979	Introduced and referred to Committee on Taxation.
March 12, 1979	Committee recommend bill do pass as amended. Report adopted.
March 14, 1979	Printed and placed on members' desks.
March 15, 1979	Motion pass consideration.
March 16, 1979	Second reading, do pass as amended.
March 19, 1979	Correctly engrossed.
March 20, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

March 21, 1979	Introduced and referred to Committee on Taxation.
April 5, 1979	Committee recommend bill be concurrent in. Report adopted.
April 7, 1979	Motion pass consideration.
April 9, 1979	Second reading, indefinitely postponed.
	On motion Senate reconsider its action taken on second reading this day and order placed on second reading. Motion failed.

IN THE HOUSE

April 9, 1979                      Returned from second house.  
Indefinitely postponed.

April 13, 1979                      On motion request of Senate  
granted for return of HB  
No. 639 for further con-  
sideration.

IN THE SENATE

April 13, 1979                      Returned from House and placed  
on second reading.

April 16, 1979                      Second reading, pass con-  
sideration.

   On motion taken from second  
reading and rereferred to  
Committee on Taxation. Motion  
adopted.

April 17, 1979                      Committee recommend bill be  
concurrent in as amended.  
Report adopted.

   On motion rules suspended.  
Bill referred to second  
reading for consideration  
this day.

   Second reading, concurred in.

   On motion rules suspended.  
Bill placed on Calendar for  
third reading this day.

   Third reading, concurred in  
as amended.

IN THE HOUSE

April 18, 1979                      Returned from second house.  
Concurred in as amended.

   Second reading, amendments  
rejected.

April 18, 1979

On motion Free Joint Conference Committee requested and appointed.

April 19, 1979

Adopted by second house.

April 20, 1979

Free Joint Conference Committee reported.

Second reading, adopted.

Third reading, adopted.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *639*  
 2 INTRODUCED BY *Lisa Manley Conroy Day Burditt*  
 3 *Boyle* *NATHAN* *Ellard* *Stigmiller* *Shostack*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE CURRENT  
 5 METHOD OF ASSESSING LIVESTOCK; REQUIRING THAT ALL LIVESTOCK  
 6 BE ASSESSED AND TAXED IN THEIR HOME COUNTY; PROVIDING FOR  
 7 PRORATION OF PROPERTY TAX ON MIGRATORY CATTLE AMONG  
 8 COUNTIES; INCREASING THE PENALTY FOR FAILURE TO PROVIDE  
 9 ASSESSMENT INFORMATION; AMENDING SECTIONS 15-8-201,  
 10 15-24-903, AND 15-24-904, MCA; AND REPEALING SECTIONS  
 11 15-24-907 THROUGH 15-24-910, MCA."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 14 Section 1. Section 15-8-201, MCA, is amended to read:  
 15 "15-8-201. General assessment day. (1) The department  
 16 of revenue or its agent must, between January 1 and the  
 17 second Monday of July in each year, ascertain the names of  
 18 all taxable inhabitants and assess all property subject to  
 19 taxation in each county. The department or its agent must  
 20 assess property to the person by whom it was owned or  
 21 claimed or in whose possession or control it was at midnight  
 22 of January 1 next preceding. It must also ascertain and  
 23 assess all mobile homes arriving in the county after  
 24 midnight of January 1 next preceding. No mistake in the name  
 25 of the owner or supposed owner of real property, however,

1 renders the assessment invalid.  
 2 (2) The procedure provided by this section may not  
 3 apply to:  
 4 (a) motor vehicles that are required by 15-8-202 to be  
 5 assessed on January 1 or upon their anniversary registration  
 6 date;  
 7 ~~(b) livestock which are required by 15-24-908 to be~~  
 8 ~~assessed on an average inventory basis in each county;~~  
 9 ~~(c) property defined in 61-1-104(2) as "special~~  
 10 ~~mobile equipment" that is subject to assessment for personal~~  
 11 ~~property taxes on the date that application is made for a~~  
 12 ~~special mobile equipment plate;~~  
 13 ~~(d) mobile homes held by a distributor or dealer of~~  
 14 ~~mobile homes as a part of his stock-in-trade; and~~  
 15 ~~(e) snowmobiles that are required by 15-8-203 to be~~  
 16 ~~assessed as of July 1.~~  
 17 (3) Credits must be assessed as provided in  
 18 15-1-101(1)(b)."  
 19 Section 2. Section 15-24-903, MCA, is amended to read:  
 20 "15-24-903. Duty of owner to assist in assessment. The  
 21 owner of livestock, as defined in 15-24-901, or his agent,  
 22 at the time of assessment shall make and deliver to the  
 23 department of revenue or its agent in the county or counties  
 24 where his livestock were located since the last assessment  
 25 date, a written statement, under oath, showing the different

1 kinds of his livestock within the county or counties  
2 belonging to him or under his charge, with their marks and  
3 brands, ~~and showing the times during that period that his~~  
4 ~~livestock were within the county or counties."~~

5 Section 3. Section 15-24-904, MCA, is amended to read:

6 "15-24-904. Penalty for violation of law. Any persons,  
7 persons, company, or corporation who is the owner or has in  
8 charge any livestock within this state who refuses to make  
9 the statement or statements as provided in 15-24-903 shall  
10 be guilty of a misdemeanor and upon conviction thereof shall  
11 be fined a sum not exceeding ~~\$100~~ 10% of the assessed value  
12 of the livestock owned by him or in his charge."

13 NEW SECTION. Section 4. Assessment and taxation of  
14 migratory livestock. (1) All livestock must be assessed in  
15 the county in which they are located on January 1. The  
16 county in which livestock are assessed is their home county.

17 (2) The assessed value of livestock being fed in  
18 feedlots on January 1 is computed by adding the value of  
19 livestock more than 9 months of age being fed on the last  
20 day of each month since the last assessment date and  
21 dividing the sum by 12.

22 (3) A livestock owner must pay the total property tax  
23 levied on his livestock for the year of assessment to the  
24 county treasurer of the home county.

25 NEW SECTION. Section 5. Apportionment of migratory

1 livestock tax among counties. (1) When livestock are moved  
2 from the home county to another county, the owner must  
3 within 15 days notify the assessors of the home county and  
4 of the county to which the cattle have been moved. He must  
5 provide the information required in 15-24-903 to the  
6 assessor of the county to which the livestock are moved.

7 (2) The property tax on migratory livestock is  
8 prorated among the counties in which the livestock have been  
9 located in any year in proportion to the time the livestock  
10 spent in each county during the year, except that the home  
11 county shall retain the tax for that portion of time  
12 livestock have spent in a feedlot or other confined area  
13 outside the home county while being fed for slaughter.

14 (3) The home county assessor shall indicate on the  
15 assessment rolls any livestock that have been located in  
16 more than one county during the year. When the treasurer  
17 collects the tax on migratory livestock, he shall:

18 (a) remit to the state that portion of the tax raised  
19 by statewide levies; and

20 (b) place the remainder in a migratory livestock fund.

21 NEW SECTION. Section 6. Distribution of migratory  
22 livestock fund. (1) In January of each year, the treasurer  
23 shall cause a warrant to be issued from the migratory  
24 livestock fund to each county for the amount of prorated  
25 livestock tax due to that county under the provision of

1 subsection (2) of [section 5].

2 (2) Of the amount remaining in the fund after the  
3 warrants have been issued, 50% shall be placed in the county  
4 general fund for use in paying general county operating  
5 expenses and 50% shall be credited to the school district in  
6 which the livestock were assessed for use in paying general  
7 school operating expenses.

8 Section 7. Repealer. Sections 15-24-907 through  
9 15-24-910, MCA, are repealed.

10 Section 8. Codification. Sections 4 through 6 are  
11 intended to be codified as an integral part of Title 15,  
12 chapter 24, part 9, and the provisions contained in Title  
13 15, chapter 24, part 9, apply to sections 4 through 6.

-End-

HB 639

STATE OF MONTANA

REQUEST NO. 304-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 79, there is hereby submitted a Fiscal Note for House Bill 639 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

This proposed bill revises the current method of assessing livestock; requiring that all livestock be assessed and taxed in their home county; providing for proration of property tax on migratory cattle among counties; increasing the penalty for failure to provide assessment information.

FISCAL IMPACT

No Fiscal Impact.

EFFECT ON LOCAL GOVERNMENT

The proposed legislation may change the distribution of revenues among the various counties involved. It may also slightly increase revenues due to the change in the penalty for failure to provide assessment information.

(Prepared by the Department of Revenue)

*Richard L. Drayton*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/12/79

Approved by Committee  
on Taxation

HOUSE BILL NO. 639

INTRODUCED BY LIEN, MANLEY, CONROY, DAY, BURNETT,

BOYLAN, NATHE, ELLERD, STAIGMILLER, JOHNSTON,

KEYSER, YARDLEY, THIESSEN, ERNST

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE CURRENT METHOD OF ASSESSING LIVESTOCK; REQUIRING THAT ALL LIVESTOCK BE ASSESSED AND TAXED IN THEIR HOME COUNTY; PROVIDING FOR PRORATION OF PROPERTY TAX ON MIGRATORY CATTLE AMONG COUNTIES; INCREASING THE PENALTY FOR FAILURE TO PROVIDE ASSESSMENT INFORMATION; AMENDING SECTIONS ~~15-6-201~~, 15-8-201, ~~15-24-102~~, 15-24-903, ~~AND~~ ~~15-24-904~~ THROUGH ~~15-24-905~~, MCA; AND REPEALING SECTIONS 15-24-907 THROUGH 15-24-910, MCA."

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

Section 1. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department of revenue or its agent must, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county. The department or its agent must assess property to the person by whom it was owned or claimed or in whose possession or control it was at midnight of January 1 next preceding. It must also ascertain and

assess all mobile homes arriving in the county after midnight of January 1 next preceding. No mistake in the name of the owner or supposed owner of real property, however, renders the assessment invalid.

(2) The procedure provided by this section may not apply to:

(a) motor vehicles that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;

~~(b) livestock which are required by 15-24-906 to be assessed on an average inventory basis in each county~~

~~(B) LIVESTOCK THAT ARE REQUIRED BY [SECTION 4] AND [SECTION 10] TO BE ASSESSED AS OF MARCH 1;~~

~~(c) property defined in 61-1-104(2) as "special mobile equipment" that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;~~

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

~~(e) snowmobiles that are required by 15-8-203 to be assessed as of July 1.~~

(3) Credits must be assessed as provided in 15-1-101(1)(b)."

Section 2. Section 15-24-903, MCA, is amended to read:

"15-24-903. Duty of owner to assist in assessment. The

1 owner of livestock, as defined in 15-24-901, or his agent,  
 2 at the time of assessment NOT LATER THAN APRIL 1 OF EACH  
 3 YEAR shall make and deliver to the department of revenue or  
 4 its agent in the county or counties where his livestock were  
 5 IS located since the last assessment date, a written  
 6 statement, under oath, showing the different kinds of his  
 7 livestock within the county or counties belonging to him or  
 8 under his charge, with their marks and brands, and showing  
 9 the times during that period that his livestock were within  
 10 the county or counties."

11 Section 3. Section 15-24-904, MCA, is amended to read:  
 12 "15-24-904. Penalty for violation of law. Any IF ANY  
 13 person, persons, company, or corporation who is the owner or  
 14 has in charge any livestock within this state who refuses  
 15 FAILS to make the statement or statements as provided in  
 16 15-24-903, shall be guilty of a misdemeanor and upon  
 17 conviction thereof shall be fined a sum not exceeding \$100  
 18 ~~10% of the assessed value of the livestock owned by him or~~  
 19 ~~in his charge.~~ THE COUNTY ASSESSOR MAY, AFTER 10 DAYS,  
 20 NOTICE TO THE PERSON WHO FAILED TO FILE THE REPORT, INCREASE  
 21 THE ASSESSMENT BY 10% AS A PENALTY.

22 NEW SECTION. Section 4. Assessment and taxation of  
 23 migratory livestock. (1) All livestock must be assessed in  
 24 the county in which they are located on January 1. The  
 25 county in which livestock are assessed is their home county.

1 (2) ~~The assessed value of livestock being fed in~~  
 2 ~~feedlots on January 1 is computed by adding the value of~~  
 3 ~~livestock more than 9 months of age being fed on the last~~  
 4 ~~day of each month since the last assessment date and~~  
 5 ~~dividing the sum by 12.~~ LIVESTOCK HELD IN A FEEDLOT OR A  
 6 CONFINED FEEDING AREA ON MARCH 1 SHALL BE ASSESSED TO:

7 (A) THE OWNER IN ITS HOME COUNTY FOR A 12-MONTH PERIOD  
 8 IF THE INTENDED FUTURE USE OF THE LIVESTOCK IS BREEDING OR  
 9 GRAZING; OR

10 (B) THE OWNER IN THE COUNTY WHERE BEING FED IF THE  
 11 LIVESTOCK IS BEING HELD FOR SLAUGHTER OR SHIPMENT OUT OF  
 12 STATE. ASSESSMENT OF LIVESTOCK BEING HELD FOR SLAUGHTER OR  
 13 SHIPMENT OUT OF STATE SHALL BE FOR THE PORTION OF THE YEAR  
 14 PRIOR TO THE ESTIMATED TIME OF SLAUGHTER OR SHIPMENT OUT OF  
 15 STATE.

16 (3) A MIGRATORY ADJUSTMENT MAY BE PRORATED BETWEEN  
 17 COUNTIES UNDER [SECTION 5] ON LIVESTOCK MOVED IN OR OUT OF A  
 18 FEEDLOT OR CONFINED FEEDING AREA.

19 (4) A livestock owner must pay the total property  
 20 tax levied on his livestock for the year of assessment to  
 21 the county treasurer of the home county.

22 NEW SECTION. Section 5. Apportionment of migratory  
 23 livestock tax among counties. (1) When livestock are moved  
 24 from the home county to another county, the owner must  
 25 within 15 days notify the assessors of the home county and

1 of the county to which the cattle have been moved. He must  
2 provide the information required in 15-24-903 to the  
3 assessor of the county to which the livestock are moved.

4 (2) The property tax on migratory livestock is  
5 prorated among the counties in which the livestock have been  
6 located in any year in proportion to the time the livestock  
7 spent in each county during the year ~~except that the home~~  
8 ~~county shall retain the tax for that portion of time~~  
9 ~~livestock have spent in a feedlot or other confined area~~  
10 ~~outside the home county while being fed for slaughter.~~

11 (3) The home county assessor shall indicate on the  
12 assessment rolls any livestock that have been located in  
13 more than one county during the year. When the treasurer  
14 collects the tax on migratory livestock, he shall:

15 (a) remit to the state that portion of the tax raised  
16 by statewide levies; and

17 (b) place the remainder in a migratory livestock fund.

18 NEW SECTION. Section 6. Distribution of migratory  
19 livestock fund. (1) ~~in January~~ ON OR BEFORE JULY 1 of each  
20 year, the treasurer shall cause a warrant to be issued from  
21 the migratory livestock fund to each county for the amount  
22 of prorated livestock tax due to that county under the  
23 provisions of subsection (2) of [section 5].

24 (2) ~~Of the IHE amount remaining in the fund after the~~  
25 ~~warrants have been issued, 50% shall be placed in the county~~

1 ~~generat--fund--for--use--in--paying--generat--county--operating~~  
2 ~~expenses--and--50%--shall--be--credited--to--the--school--district--in~~  
3 ~~which--the--livestock--were--assessed--for--use--in--paying--generat~~  
4 ~~school--operating--expenses. MUST BE DISTRIBUTED TO THE PROPER~~  
5 ~~FUND ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE~~  
6 ~~ASSESSMENT WAS LEVIED.~~

7 (1) MONEY RECEIVED FROM OTHER COUNTIES UNDER  
8 SUBSECTION (1) MUST BE DISTRIBUTED TO THE PROPER FUND  
9 ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE  
10 ASSESSMENT WAS LEVIED.

11 SECTION 7. SECTION 15-24-905, MCA, IS AMENDED TO READ:

12 "15-24-905. Livestock brought into state -- notice to  
13 department of revenue or its agent -- time for payment. (1)  
14 The owner or the agent, manager, or foreman of any person,  
15 corporation, or association bringing livestock into this  
16 state after January 1 shall immediately after said livestock  
17 crosses the state line forward to the department of revenue  
18 or its agent in the county into which the livestock is moved  
19 a registered or certified letter, which letter shall contain  
20 the name of the owner of such livestock, the number thereof,  
21 the brand thereon, and the ages of the same, together with  
22 the time and place at which said livestock was brought  
23 across the state line, provided that the department of  
24 livestock at least once each month furnish from its own  
25 records to the department of revenue or its agent in the

1 county into which such livestock is moved a list of the  
 2 number and kind of livestock so moved, together with the  
 3 name of the owner thereof.

4 ~~(2) The tax due on livestock brought into this state~~  
 5 ~~must be paid within 30 days after receiving the tax notice.~~

6 ~~(3) Livestock on which tax is owed under this section~~  
 7 ~~may not be removed from the county until the taxes have been~~  
 8 ~~paid."~~

9 SECTION 8. SECTION 15-6-207, MCA, IS AMENDED TO READ:

10 "15-6-207. Agricultural exemptions. The following  
 11 agricultural products are exempt from taxation:

12 (1) all unprocessed, perishable fruits and vegetables  
 13 in farm storage and owned by the producer;

14 (2) all nonperishable unprocessed agricultural  
 15 products, except livestock, held in possession of the  
 16 original producer for less than 7 months following harvest;  
 17 and

18 (3) livestock, defined as cattle, sheep, horses, or  
 19 mules, which have not attained the age of 9  $\frac{1}{2}$  months as of  
 20 ~~the last day of any month March 1~~ and swine which have not  
 21 attained the age of 3 months as of January 1."

22 SECTION 9. SECTION 15-24-302, MCA, IS AMENDED TO READ:

23 "15-24-302. Collection procedure. All property  
 24 mentioned in [the preceding section] shall be assessed at  
 25 the same value as property of like kind and character, and

1 the assessment, levy, and collection of the tax shall be  
 2 governed by the provisions of 15-8-408; 15-16-111 through  
 3 15-16-115; 15-16-404; chapter 17, part 9; and 15-24-202(1);  
 4 as amended, except livestock taxation which is governed by  
 5 ~~part 9 of this chapter~~, 81-7-104, and Title 81, chapter 7,  
 6 part 2."

7 SECTION 10. THERE IS A NEW MCA SECTION THAT READS:

8 Livestock assessment. The department of revenue or its  
 9 agent must assess all livestock in each county as of March 1  
 10 of each year. Livestock shall be assessed to the person by  
 11 whom owned or claimed or in whose possession or control it  
 12 was at midnight of March 1 in each year, except that  
 13 livestock in a feedlot or confined feeding area must be  
 14 assessed as provided in [section 4].

15 Section 11. Repealer. Sections 15-24-907 through  
 16 15-24-910, MCA, are repealed.

17 Section 12. Codification. Sections 4 through 6 are  
 18 intended to be codified as an integral part of Title 15,  
 19 chapter 24, part 9, and the provisions contained in Title  
 20 15, chapter 24, part 9, apply to sections 4 through 6.

-End-

## HOUSE BILL NO. 639

INTRODUCED BY LIEN, MANLEY, CONROY, DAY, BURNETT,

BOYLAN, NATHE, ELLERD, STAIGMILLER, JOHNSTON,

KEYSER, YARDLEY, THIESSEN, ERNST

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE CURRENT METHOD OF ASSESSING LIVESTOCK; REQUIRING THAT ALL LIVESTOCK BE ASSESSED AND TAXED IN THEIR HOME COUNTY; PROVIDING FOR PRORATION OF PROPERTY TAX ON MIGRATORY CATTLE AMONG COUNTIES; INCREASING THE PENALTY FOR FAILURE TO PROVIDE ASSESSMENT INFORMATION; AMENDING SECTIONS ~~15-6-207~~, 15-8-201, ~~15-24-302~~, 15-24-903, ~~AND~~ ~~15-24-904~~ THROUGH ~~15-24-905~~, MCA; AND REPEALING SECTIONS 15-24-907 THROUGH 15-24-910, MCA."

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

Section 1. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department of revenue or its agent must, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county. The department or its agent must assess property to the person by whom it was owned or claimed or in whose possession or control it was at midnight of January 1 next preceding. It must also ascertain and

assess all mobile homes arriving in the county after midnight of January 1 next preceding. No mistake in the name of the owner or supposed owner of real property, however, renders the assessment invalid.

(2) The procedure provided by this section may not apply to:

(a) motor vehicles that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;

~~(b) livestock which are required by 15-24-906 to be assessed on an average inventory basis in each county;~~

~~(B) LIVESTOCK THAT ARE REQUIRED BY (SECTION 4) AND (SECTION 10) TO BE ASSESSED AS OF MARCH 1;~~

~~(c) (B) property defined in 61-1-104(2) as "special mobile equipment" that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;~~

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

~~(e) (E) snowmobiles that are required by 15-8-203 to be assessed as of July 1.~~

(3) Credits must be assessed as provided in 15-1-101(1)(b)."

Section 2. Section 15-24-903, MCA, is amended to read:

"15-24-903. Duty of owner to assist in assessment. The

1 owner of livestock, as defined in 15-24-901, or his agent,  
 2 at the time of assessment ~~NO LATER THAN APRIL 1 OF EACH~~  
 3 ~~YEAR~~ shall make and deliver to the department of revenue or  
 4 its agent in the county or counties where his livestock were  
 5 ~~IS~~ located since the last assessment date, a written  
 6 statement, under oath, showing the different kinds of his  
 7 livestock within the county or counties belonging to him or  
 8 under his charge, with their marks and brands, and showing  
 9 ~~the times during that period that his livestock were within~~  
 10 ~~the county or counties."~~

11 Section 3. Section 15-24-904, MCA, is amended to read:  
 12 "15-24-904. Penalty for violation of law. Any ~~IE ANY~~  
 13 person, persons, company, or corporation who is the owner or  
 14 has in charge any livestock within this state who refuses  
 15 ~~FAILS~~ to make the statement or statements as provided in  
 16 15-24-903, shall be guilty of a misdemeanor and upon  
 17 conviction thereof shall be fined a sum not exceeding ~~\$100~~  
 18 ~~10% of the assessed value of the livestock owned by him or~~  
 19 ~~in his charge.~~ THE COUNTY ASSESSOR MAY, AFTER 10 DAYS,  
 20 NOTICE TO THE PERSON WHO FAILED TO FILE THE REPORT, INCREASE  
 21 THE ASSESSMENT BY 10% AS A PENALTY.

22 NEW SECTION. Section 4. Assessment and taxation of  
 23 migratory livestock. (1) All livestock must be assessed in  
 24 the county in which they are located on January MARCH 1. The  
 25 county in which livestock are assessed is their home county.

1 (2) ~~The assessed value of livestock being fed in~~  
 2 ~~feedlots on January is computed by adding the value of~~  
 3 ~~livestock more than 9 months of age being fed on the last~~  
 4 ~~day of each month since the last assessment date and~~  
 5 ~~dividing the sum by 12.~~ LIVESTOCK HELD IN A FEEDLOT OR A  
 6 CONFINED FEEDING AREA ON MARCH 1 SHALL BE ASSESSED TO:

7 (A) THE OWNER IN HIS HOME COUNTY FOR A 12-MONTH PERIOD  
 8 IF THE INTENDED FUTURE USE OF THE LIVESTOCK IS BREEDING OR  
 9 GRAZING; OR

10 (B) THE OWNER IN THE COUNTY WHERE BEING FED IF THE  
 11 LIVESTOCK IS BEING HELD FOR SLAUGHTER OR SHIPMENT OUT OF  
 12 STATE. ASSESSMENT OF LIVESTOCK BEING HELD FOR SLAUGHTER OR  
 13 SHIPMENT OUT OF STATE SHALL BE FOR THE PORTION OF THE YEAR  
 14 PRIOR TO THE ESTIMATED TIME OF SLAUGHTER OR SHIPMENT OUT OF  
 15 STATE.

16 (3) A MIGRATORY ADJUSTMENT MAY BE PRORATED BETWEEN  
 17 COUNTIES UNDER [SECTION 5] ON LIVESTOCK MOVED IN OR OUT OF A  
 18 FEEDLOT OR CONFINED FEEDING AREA.

19 ~~(4)~~ (4) A livestock owner must pay the total property  
 20 tax levied on his livestock for the year of assessment to  
 21 the county treasurer of the home county.

22 NEW SECTION. Section 5. Apportionment of migratory  
 23 livestock tax among counties. (1) When livestock are moved  
 24 from the home county to another county, the owner must  
 25 within 15 days notify the assessors of the home county and

1 of the county to which the cattle have been moved. He must  
 2 provide the information required in 15-24-903 to the  
 3 assessor of the county to which the livestock are moved.

4 (2) The property tax on migratory livestock is  
 5 prorated among the counties in which the livestock have been  
 6 located in any year in proportion to the time the livestock  
 7 spent in each county during the year--except-that-the-home  
 8 county-shall-retain-the-tax-for-that-portion-of-time  
 9 livestock-have-spent-in-a-feedlot-or-other-confined-area  
 10 outside-the-home-county-while-being-fed-for-slaughter.

11 (3) The home county assessor shall indicate on the  
 12 assessment rolls any livestock that have been located in  
 13 more than one county during the year. When the treasurer  
 14 collects the tax on migratory livestock, he shall:

15 (a) remit to the state that portion of the tax raised  
 16 by statewide levies; and

17 (b) place the remainder in a migratory livestock fund.

18 NEW SECTION. Section 6. Distribution of migratory  
 19 livestock fund. (1) ~~in January~~ ON OR BEFORE JULY 1 of each  
 20 year, the treasurer shall cause a warrant to be issued from  
 21 the migratory livestock fund to each county for the amount  
 22 of prorated livestock tax due to that county under the  
 23 provisions of subsection (2) of [section 5].

24 (2) ~~If--the~~ THE amount remaining in the fund after the  
 25 warrants have been issued--~~50% shall be placed in the county~~

1 ~~general-fund-for-use--in--paying--general--county--operating~~  
 2 ~~expenses-and-50% shall be credited to the school district in~~  
 3 ~~which--the--livestock--were--assessed--for--use--in--paying--general~~  
 4 ~~school--operating--expenses.~~ MUST BE DISTRIBUTED TO THE PROPER  
 5 FUND ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE  
 6 ASSESSMENT WAS LEVIED.

7 (3) MONEY RECEIVED FROM OTHER COUNTIES UNDER  
 8 SUBSECTION (1) MUST BE DISTRIBUTED TO THE PROPER FUND  
 9 ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE  
 10 ASSESSMENT WAS LEVIED.

11 SECTION 7, SECTION 15-24-905, MCA, IS AMENDED TO READ:

12 \*15-24-905. Livestock brought into state -- notice to  
 13 department of revenue or its agent -- time for payment. (1)  
 14 The owner or the agent, manager, or foreman of any person,  
 15 corporation, or association bringing livestock into this  
 16 state after January MARCH 1 shall immediately after said  
 17 livestock crosses the state line forward to the department  
 18 of revenue or its agent in the county into which the  
 19 livestock is moved a registered or certified letter, which  
 20 letter shall contain the name of the owner of such  
 21 livestock, the number thereof, the brand thereon, and the  
 22 ages of the same, together with the time and place at which  
 23 said livestock was brought across the state line, provided  
 24 that the department of livestock at least once each month  
 25 furnish from its own records to the department of revenue or

1 its agent in the county into which such livestock is moved a  
 2 list of the number and kind of livestock so moved, together  
 3 with the name of the owner thereof.

4 ~~(2) The tax due on livestock brought into this state~~  
 5 ~~must be paid within 30 days after receiving the tax notice.~~

6 ~~(3) Livestock on which tax is owed under this section~~  
 7 ~~may not be removed from the county until the taxes have been~~  
 8 ~~paid."~~

9 SECTION 8. SECTION 15-6-207, MCA, IS AMENDED TO READ:

10 "15-6-207. Agricultural exemptions. The following  
 11 agricultural products are exempt from taxation:

12 (1) all unprocessed, perishable fruits and vegetables  
 13 in farm storage and owned by the producer;

14 (2) all nonperishable unprocessed agricultural  
 15 products, except livestock, held in possession of the  
 16 original producer for less than 7 months following harvest;  
 17 and

18 (3) livestock, defined as cattle, sheep, horses, or  
 19 mules, which have not attained the age of 9 6 months as of  
 20 ~~the last day of any month~~ March 1 and swine which have not  
 21 attained the age of 3 months as of January 1."

22 SECTION 9. SECTION 15-24-302, MCA, IS AMENDED TO READ:

23 "15-24-302. Collection procedure. All property  
 24 mentioned in [the preceding section] shall be assessed at  
 25 the same value as property of like kind and character, and

1 the assessment, levy, and collection of the tax shall be  
 2 governed by the provisions of 15-8-408; 15-16-111 through  
 3 15-16-115; 15-16-404; chapter 17, part 9; and 15-24-202(1);  
 4 as amended, except livestock taxation which ~~is~~ governed by  
 5 ~~part 9 of this chapter~~, 81-7-104, and Title 81, chapter 7,  
 6 part 2."

7 SECTION 10. THERE IS A NEW MCA SECTION THAT READS:

8 Livestock assessment. The department of revenue or its  
 9 agent must assess all livestock in each county as of March 1  
 10 of each year. Livestock shall be assessed to the person by  
 11 whom owned or claimed or in whose possession or control it  
 12 was at midnight of March 1 in each year, except that  
 13 livestock in a feedlot or confined feeding area must be  
 14 assessed as provided in [section 4].

15 Section 11. Repealer. Sections 15-24-907 through  
 16 15-24-910, MCA, are repealed.

17 Section 12. Codification. Sections 4 through 6 are  
 18 intended to be codified as an integral part of Title 15,  
 19 chapter 24, part 9, and the provisions contained in Title  
 20 15, chapter 24, part 9, apply to sections 4 through 6.

-End-

## HOUSE BILL NO. 639

INTRODUCED BY LIEN, MANLEY, CONROY, DAY, BURNETT,

BOYLAN, NATHE, ELLERD, STAIGMILLER, JOHNSTON,

KEYSER, YARDLEY, THIESSEN, ERNST

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE CURRENT METHOD OF ASSESSING LIVESTOCK BY ALLOWING OWNERS TO CHOOSE THE METHOD OF ASSESSMENT; REQUIRING THAT ALL LIVESTOCK BE ASSESSED AND TAXED IN THEIR HOME COUNTY; PROVIDING FOR PRORATION OF PROPERTY TAX ON MIGRATORY CATTLE AMONG COUNTIES; INCREASING THE PENALTY FOR FAILURE TO PROVIDE ASSESSMENT INFORMATION; PROVIDING A RESERVE FUND FOR REFUNDING OVERPAYMENT OF PROPERTY TAX ON LIVESTOCK; AMENDING SECTIONS 15-6-207, 15-8-201, 15-24-302, 15-24-903, AND 15-24-904 THROUGH, 15-24-904, 15-24-905, AND 15-24-908 THROUGH 15-24-910, MCA; AND REPEALING SECTIONS SECTION 15-24-907 THROUGH 15-24-910, MCA."

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

Section 1. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department of revenue or its agent must, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county. The department or its agent must

assess property to the person by whom it was owned or claimed or in whose possession or control it was at midnight of January 1 next preceding. It must also ascertain and assess all mobile homes arriving in the county after midnight of January 1 next preceding. No mistake in the name of the owner or supposed owner of real property, however, renders the assessment invalid.

(2) The procedure provided by this section may not apply to:

(a) motor vehicles that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;

~~(b) livestock which are required by 15-24-908 to be assessed on an average inventory basis in each county;~~

~~(B) LIVESTOCK THAT ARE REQUIRED BY [SECTION 4] AND [SECTION 10] TO BE ASSESSED AS OF MARCH;~~

~~(c)(1)(C)~~ property defined in 61-1-104(2) as "special mobile equipment" that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;

~~(d)(1)(D)~~ mobile homes held by a distributor or dealer of mobile homes as a part of his stock-in-trade; and

~~(e)(1)(E)~~ snowmobiles that are required by 15-8-203 to be assessed as of July 1.

(3) Credits must be assessed as provided in

1 15-1-101(1)(b)."

2 Section 2. Section 15-24-903, MCA, is amended to read:

3 ~~"15-24-903. Duty of owner to assist in assessments.~~

4 ~~The owner of livestock, as defined in 15-24-901, or his~~

5 ~~agent at the time of assessment NOT LATER THAN APRIL 1 OF~~

6 ~~EACH YEAR shall make and deliver to the department of~~

7 ~~revenue or its agent in the county or counties where his~~

8 ~~livestock were is located since the last assessment date a~~

9 ~~written statement under oath showing the different kinds~~

10 ~~of his livestock within the county or counties belonging to~~

11 ~~him or under his charge, with their marks and brands, and~~

12 ~~showing the times during that period that his livestock were~~

13 ~~within the county or counties."~~

14 Section 2. Section 15-24-904, MCA, is amended to read:

15 "15-24-904. Penalty for violation of law. Any IF ANY

16 person, persons, company, or corporation who is the owner or

17 has in charge any livestock within this state who refuses

18 FAILS to make the statement or statements as provided in

19 15-24-903, shall be guilty of a misdemeanor and upon

20 conviction thereof shall be fined a sum not exceeding \$100

21 ~~10% of the assessed value of the livestock owned by him or~~

22 ~~in his charge. THE COUNTY ASSESSOR MAY, AFTER 10 DAYS,~~

23 ~~NOTICE TO THE PERSON WHO FAILED TO FILE THE REPORT, INCREASE~~

24 ~~THE ASSESSMENT BY 10% AS A PENALTY."~~

25 NEW SECTION. Section 3. Assessment and taxation of

1 migratory livestock. (1) All livestock must be assessed in

2 the county in which they are located on January MARCH 1. The

3 county in which livestock are assessed is their home county.

4 (2) ~~The assessed value of livestock being fed in~~

5 ~~feedlots on January 1 is computed by adding the value of~~

6 ~~livestock more than 9 months of age being fed on the last~~

7 ~~day of each month since the last assessment date and~~

8 ~~dividing the sum by 12. LIVESTOCK HELD IN A FEEDLOT OR A~~

9 ~~CONFINED FEEDING AREA ON MARCH 1 SHALL BE ASSESSED FOR~~

10 ~~(A) THE OWNER IN ITS HOME COUNTY FOR A 12-MONTH PERIOD~~

11 ~~IF THE INTENDED FUTURE USE OF THE LIVESTOCK IS BREEDING OR~~

12 ~~GRAZING, OR~~

13 ~~(B) THE OWNER IN THE COUNTY WHERE BEING FED IF THE~~

14 ~~LIVESTOCK IS BEING HELD FOR SLAUGHTER OR SHIPMENT OUT OF~~

15 ~~STATE. ASSESSMENT OF LIVESTOCK BEING HELD FOR SLAUGHTER OR~~

16 ~~SHIPMENT OUT OF STATE SHALL BE FOR THE PORTION OF THE YEAR~~

17 ~~PRIOR TO THE ESTIMATED TIME OF SLAUGHTER OR SHIPMENT OUT OF~~

18 ~~STATE.~~

19 ~~(3) A MIGRATORY ADJUSTMENT MAY BE PRORATED BETWEEN~~

20 ~~COUNTIES UNDER [SECTION 5] ON LIVESTOCK MOVED IN OR OUT OF A~~

21 ~~FEEDLOT OR CONFINED FEEDING AREA. THE TAX ON ALL LIVESTOCK~~

22 ~~FEED IN A FEEDLOT OR CONFINED FEEDING AREA IN ANY COUNTY~~

23 ~~OTHER THAN THEIR HOME COUNTY MAY NOT BE APPORTIONED AS~~

24 ~~PROVIDED IN [SECTION 4], BUT SHALL BE PAID TO THE TREASURER~~

25 ~~OF THE HOME COUNTY OF THE LIVESTOCK.~~

1 ~~†3†4†~~(3) A livestock owner must pay the total  
2 property tax levied on his livestock for the year of  
3 assessment to the county treasurer of the home county.

4 NEW SECTION. Section 4. Apportionment of migratory  
5 livestock tax among counties. (1) When livestock are moved  
6 from the home county to another county, the owner must  
7 within 15 days notify the assessors of the home county and  
8 of the county to which the cattle have been moved. He must  
9 provide the information required in 15-24-903 to the  
10 assessor of the county to which the livestock are moved.

11 (2) The property tax on migratory livestock is  
12 prorated among the counties in which the livestock have been  
13 located in any year in proportion to the time the livestock  
14 spent in each county during the year ~~except that the home~~  
15 ~~county shall retain the tax for that portion of time~~  
16 ~~livestock have spent in a feedlot or other confined area~~  
17 ~~outside the home county while being fed for slaughter.~~

18 (3) The home county assessor shall indicate on the  
19 assessment rolls any livestock that have been located in  
20 more than one county during the year. When the treasurer  
21 collects the tax on migratory livestock, he shall:

22 (a) remit to the state that portion of the tax raised  
23 by statewide levies; and

24 (b) place the remainder in a migratory livestock fund.

25 NEW SECTION. Section 5. Distribution of migratory

1 livestock fund. (1) ~~in January~~ ON OR BEFORE JULY 1 of each  
2 year, the treasurer shall cause a warrant to be issued from  
3 the migratory livestock fund to each county for the amount  
4 of prorated livestock tax due to that county under the  
5 provisions of subsection (2) of [section 5].

6 (2) ~~Of the IDE amount remaining in the fund after the~~  
7 ~~warrants have been issued, 50% shall be placed in the county~~  
8 ~~general fund for use in paying general county operating~~  
9 ~~expenses and 50% shall be credited to the school district in~~  
10 ~~which the livestock were assessed for use in paying general~~  
11 ~~school operating expenses.~~ MUST BE DISTRIBUTED TO THE PROPER  
12 FUND ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE  
13 ASSESSMENT WAS LEVIED.

14 (3) MONEY RECEIVED FROM OTHER COUNTIES UNDER  
15 SUBSECTION (1) MUST BE DISTRIBUTED TO THE PROPER FUND  
16 ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE  
17 ASSESSMENT WAS LEVIED.

18 SECTION 6. SECTION 15-24-905, MCA, IS AMENDED TO READ:

19 \*15-24-905. Livestock brought into state -- notice to  
20 department of revenue or its agent -- time for payment. (1)  
21 The owner or the agent, manager, or foreman of any person,  
22 corporation, or association bringing livestock into this  
23 state after January MARCH 1 shall immediately after said  
24 livestock crosses the state line forward to the department  
25 of revenue or its agent in the county into which the

1 livestock is moved a registered or certified letter, which  
 2 letter shall contain the name of the owner of such  
 3 livestock, the number thereof, the brand thereon, and the  
 4 ages of the same, together with the time and place at which  
 5 said livestock was brought across the state line, provided  
 6 that the department of livestock at least once each month  
 7 furnish from its own records to the department of revenue or  
 8 its agent in the county into which such livestock is moved a  
 9 list of the number and kind of livestock so moved, together  
 10 with the name of the owner thereof.

11 (2) The tax due on livestock brought into this state  
 12 must be paid within 30 days after receiving the tax notice.

13 (3) Livestock on which tax is owed under this section  
 14 may not be removed from the county until the taxes have been  
 15 paid."

16 SECTION 7. SECTION 15-6-207, MCA, IS AMENDED TO READ:

17 "15-6-207. Agricultural exemptions. The following  
 18 agricultural products are exempt from taxation:

19 (1) all unprocessed, perishable fruits and vegetables  
 20 in farm storage and owned by the producer;

21 (2) all nonperishable unprocessed agricultural  
 22 products, except livestock, held in possession of the  
 23 original producer for less than 7 months following harvest;  
 24 and

25 (3) livestock, defined as cattle, sheep, horses, or

1 mules, which have not attained the age of 9  $\frac{1}{2}$  months as of  
 2 ~~the first day of any month March 1~~ THE ASSESSMENT DATE and  
 3 swine which have not attained the age of 3 months as of  
 4 January 1."

5 SECTION 8. SECTION 15-24-302, MCA, IS AMENDED TO READ:

6 "15-24-302. Collection procedure. All property  
 7 mentioned in [the preceding section] shall be assessed at  
 8 the same value as property of like kind and character, and  
 9 the assessment, levy, and collection of the tax shall be  
 10 governed by the provisions of 15-8-408; 15-16-111 through  
 11 15-16-115; 15-16-404; chapter 17, part 9; and 15-24-202(1);  
 12 as amended, except livestock taxation which is governed by  
 13 ~~part 9 of this chapter, 81-7-104, and Title 81, chapter 7,~~  
 14 ~~part 2."~~

15 SECTION 9. THERE IS A NEW MCA SECTION THAT READS:

16 Livestock assessment. ~~The~~ (1) EACH OWNER OF LIVESTOCK  
 17 SHALL DETERMINE WHETHER HIS LIVESTOCK WILL BE ASSESSED ON:

18 (A) MARCH 1 OF EACH YEAR; OR

19 (B) THE AVERAGE INVENTORY BASIS PROVIDED IN 15-24-907  
 20 THROUGH 15-24-910.

21 (2) BY FEBRUARY 1 OF EACH YEAR, THE OWNER OF LIVESTOCK  
 22 OR HIS AGENT MUST NOTIFY THE ASSESSOR IN THE COUNTY IN WHICH  
 23 HIS CATTLE ARE LOCATED THE METHOD OF ASSESSMENT HE HAS  
 24 CHOSEN.

25 (3) ANY PERSON FAILING TO NOTIFY THE ASSESSOR OF HIS

1 CHOICE BY FEBRUARY 1, OR ACQUIRING CATTLE AFTER FEBRUARY 1  
2 SHALL BE DEEMED TO HAVE CHOSEN THE MARCH 1 ASSESSMENT DATE.

3 (4) IF AN OWNER CHOOSES THE METHOD OF ASSESSMENT  
4 PROVIDED IN (1)(A), THE department of revenue or its agent  
5 must assess ~~at~~ THE OWNER'S livestock in each county as of  
6 March 1 of each year. ~~Livestock~~ THIS LIVESTOCK shall be  
7 assessed to the person by whom owned or claimed or in whose  
8 possession or control it was at midnight of March 1 in each  
9 year, ~~except that livestock in a feedlot or confined~~  
10 ~~feeding area must be assessed as provided in [section 4].~~

11 SECTION 10, SECTION 15-24-908, MCA, IS AMENDED TO  
12 READ:

13 "15-24-908. Computation of estimated value of  
14 livestock. (1) ~~The~~ If the owner selects an average inventory  
15 basis of assessment, the estimated value of livestock in a  
16 county on assessment day is computed by adding the assessed  
17 value of all livestock more than 9 months of age owned by  
18 the taxpayer in the county on the last day of each month  
19 since the last assessment day and dividing the sum by 12.

20 (2) On the last day of the year in which the estimate  
21 is made, the taxpayer must file a current statement setting  
22 forth the number of all livestock more than 9 months of age  
23 owned by him in each county on the last day of each month  
24 during the current tax year.

25 (3) The taxpayer is entitled to an adjustment of the

1 estimated assessed value of livestock and recomputation of  
2 any tax levied and a refund of taxes paid if the amount paid  
3 is higher than the estimate.

4 (4) All remedies available to the taxpayer who owned  
5 livestock are available to him notwithstanding the fact that  
6 an estimated assessed value of livestock is submitted on or  
7 after the tax assessment day, subject to the end-of-the-year  
8 adjustment."

9 SECTION 11, SECTION 15-24-909, MCA, IS AMENDED TO  
10 READ:

11 "15-24-909. Taxpayer not owning livestock on  
12 assessment day. (1) If a taxpayer who selects the average  
13 inventory basis of assessment does not own livestock on  
14 assessment day but owned livestock during the preceding tax  
15 year, he is not subject to taxes for the current tax year if  
16 he files a statement with the appropriate county assessor  
17 stating that he does not intend to own or acquire livestock  
18 during the tax year.

19 (2) If the taxpayer does acquire livestock during the  
20 year, he must file a current statement on the last day of  
21 the year and be subject to the provisions of 15-24-908."

22 SECTION 12, SECTION 15-24-910, MCA, IS AMENDED TO  
23 READ:

24 "15-24-910. Procedure for correcting assessed value  
25 and receiving refunds for overpayments. (1) If the taxpayer

1 owning livestock has filed an estimate pursuant to  
 2 15-24-908(1) and a current statement pursuant to  
 3 15-24-908(2) which shows that the number of livestock  
 4 actually owned differs from the estimated number of  
 5 livestock, the county assessor must within 30 days correct  
 6 the assessed value of the livestock or provide the taxpayer  
 7 with a written statement setting forth his reasons for not  
 8 making the correction.

9 (2) If the taxpayer has already paid the tax levied or  
 10 any portion, the county treasurer must within 30 days make a  
 11 refund from the livestock reserve fund to the taxpayer of  
 12 that portion of the tax improperly levied or provide the  
 13 taxpayer with a written statement setting forth his reasons  
 14 for not making the refund.

15 (3) Within 60 days of receipt of the written statement  
 16 from the county assessor, the taxpayer may commence a  
 17 lawsuit to correct the assessment or recover the tax paid in  
 18 a court of competent jurisdiction against the county  
 19 treasurer, the county or municipality on whose behalf the  
 20 tax was levied or collected, or the department of revenue,  
 21 which must be served with summons and a copy of the  
 22 complaint.

23 (4) When a tax is paid in installments, the first  
 24 installment or a portion may be the basis of the lawsuit,  
 25 and, if any subsequent installment becomes due before the

1 lawsuit is finally determined, the subsequent installment or  
 2 portion may be paid under protest and incorporated into the  
 3 pending lawsuit with all rights, duties, and obligations  
 4 determined by the result of the lawsuit.

5 (5) Payment and disposition of taxes paid under  
 6 protest are governed by the provisions of 15-1-402."

7 SECTION 13. THERE IS A NEW MCA SECTION THAT READS:

8 Livestock reserve fund. (1) The county treasurer shall  
 9 deposit 5% of the property tax collected each year on  
 10 livestock assessed on the average inventory basis in a  
 11 livestock reserve fund.

12 (2) Refunds for overpayment of property tax on  
 13 livestock made under the provisions of 15-24-910 shall be  
 14 issued from this fund.

15 (3) When the amount in a livestock reserve fund  
 16 exceeds 10% of the total property tax collected in a year on  
 17 livestock, the excess funds shall be transferred to the  
 18 county general fund and included in the next year's county  
 19 budget.

20 Section 14. Repealer. Sections SECTION 15-24-907  
 21 through ~~15-24-910~~, MCA, are IS repealed.

22 Section 15. Codification. Sections ~~4 through 6 3, 4,~~  
 23 5, AND 13 are intended to be codified as an integral part of  
 24 Title 15, chapter 24, part 9, and the provisions contained  
 25 in Title 15, chapter 24, part 9, apply to sections ~~4 through~~  
6 3, 4, 5, AND 13.

1 HOUSE BILL NO. 639  
 2 INTRODUCED BY LIEN, MANLEY, CONROY, DAY, BURNETT,  
 3 BOYLAN, NATHE, ELLERD, STAIGMILLER, JOHNSTON,  
 4 KEYSER, YARDLEY, THIESSEN, ERNST

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE CURRENT  
 7 METHOD OF ASSESSING LIVESTOCK ~~BY ALLOWING OWNERS TO CHOOSE~~  
 8 ~~THE METHOD OF ASSESSMENT~~; REQUIRING THAT ALL LIVESTOCK BE  
 9 ASSESSED AND TAXED IN THEIR HOME COUNTY; PROVIDING FOR  
 10 PRORATION OF PROPERTY TAX ON MIGRATORY CATTLE AMONG  
 11 COUNTIES; INCREASING THE PENALTY FOR FAILURE TO PROVIDE  
 12 ASSESSMENT INFORMATION; ~~PROVIDING A RESERVE FUND FOR~~  
 13 ~~REFUNDING OVERPAYMENT OF PROPERTY TAX ON LIVESTOCK~~; AMENDING  
 14 SECTIONS ~~15-6-207, 15-8-201, 15-24-302, 15-24-903, AND~~  
 15 ~~15-24-904 THROUGH, 15-24-904, 15-24-905, AND 15-24-908~~  
 16 ~~THROUGH 15-24-910, MCA; AND REPEALING SECTIONS SECTION~~  
 17 ~~15-24-907 THROUGH 15-24-910, MCA."~~

18  
 19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 20 Section 1. Section 15-8-201, MCA, is amended to read:  
 21 "15-8-201. General assessment day. (1) The department  
 22 of revenue or its agent must, between January 1 and the  
 23 second Monday of July in each year, ascertain the names of  
 24 all taxable inhabitants and assess all property subject to  
 25 taxation in each county. The department or its agent must

1 assess property to the person by whom it was owned or  
 2 claimed or in whose possession or control it was at midnight  
 3 of January 1 next preceding. It must also ascertain and  
 4 assess all mobile homes arriving in the county after  
 5 midnight of January 1 next preceding. No mistake in the name  
 6 of the owner or supposed owner of real property, however,  
 7 renders the assessment invalid.

8 (2) The procedure provided by this section may not  
 9 apply to:

10 (a) motor vehicles that are required by 15-8-202 to be  
 11 assessed on January 1 or upon their anniversary registration  
 12 date;

13 ~~(b) livestock which are required by 15-24-900 to be~~  
 14 ~~assessed on an average inventory basis in each county;~~

15 ~~(B) LIVESTOCK THAT ARE REQUIRED BY [SECTION 4] AND~~  
 16 ~~[SECTION 10] TO BE ASSESSED AS OF MARCH 1;~~

17 ~~(c)(b)(C)~~ property defined in 61-1-104(2) as "special  
 18 mobile equipment" that is subject to assessment for personal  
 19 property taxes on the date that application is made for a  
 20 special mobile equipment plate;

21 ~~(d)(c)(D)~~ mobile homes held by a distributor or dealer  
 22 of mobile homes as a part of his stock-in-trade; and

23 ~~(e)(d)(E)~~ snowmobiles that are required by 15-8-203 to  
 24 be assessed as of July 1.

25 (3) Credits must be assessed as provided in

1 15-1-101(1)(b)."

2 Section 2. Section 15-24-903, MCA, is amended to read:

3 "15-24-903. Duty of owner to assist in assessment.

4 The owner of livestock, as defined in 15-24-901, or his

5 agent, at the time of assessment ~~NOT LATER THAN APRIL 1 OF~~

6 ~~EACH YEAR~~ shall make and deliver to the department of

7 revenue or its agent in the county or counties where his

8 livestock were ~~is~~ located since the last assessment date, a

9 written statement, under oath, showing the different kinds

10 of his livestock within the county or counties belonging to

11 him or under his charge, with their marks and brands, and

12 showing the times during that period that his livestock were

13 within the county or counties."

14 SECTION 2. SECTION 15-24-903, MCA, IS AMENDED TO READ:

15 "15-24-903. Duty of owner to assist in assessment. (1)

16 The owner of livestock, as defined in 15-24-901, or his

17 agent, at the time of assessment shall make and deliver to

18 the department of revenue or its agent in the county or

19 counties where his livestock were located since the last

20 assessment date, a written statement, under oath, showing

21 the different kinds of his livestock within the county or

22 counties belonging to him or under his charge, with their

23 marks and brands, and showing the times during that period

24 that his livestock were within the county or counties.

25 (2) As used in this section, "agent" means any person,

1 ~~persons, company, or corporation, including a feedlot~~

2 ~~operator or owner of grazing land, who has charge of~~

3 ~~livestock on the assessment date."~~

4 Section 3. Section 15-24-904, MCA, is amended to read:

5 "15-24-904. Penalty for violation of law. Any IF ANY

6 person, persons, company, or corporation who is the owner or

7 has in charge any livestock within this state who refuses

8 FAILS to make the statement or statements as provided in

9 15-24-903, shall be guilty of a misdemeanor and upon

10 conviction thereof shall be fined a sum not exceeding \$100

11 ~~10% of the assessed value of the livestock owned by him or~~

12 ~~in his charge.~~ THE COUNTY ASSESSOR MAY, AFTER 10 DAYS'

13 NOTICE TO THE PERSON WHO FAILED TO FILE THE REPORT, INCREASE

14 THE ASSESSMENT BY 10% AS A PENALTY."

15 NEW SECTION. Section 4. Assessment and taxation of

16 migratory livestock. (1) All livestock THAT ARE ASSESSED ON

17 THE METHOD PROVIDED IN [SECTION 10(1)(A)] must be assessed

18 in the county in which they are located on January MARCH 1.

19 The county in which livestock are assessed is their home

20 county.

21 (2) ~~The assessed value of livestock being fed in~~

22 ~~feedlots on January 1 is computed by adding the value of~~

23 ~~livestock more than 9 months of age being fed on the last~~

24 ~~day of each month since the last assessment date and~~

25 ~~dividing the sum by 12.~~ LIVESTOCK HELD IN A FEEDLOT OR A

1 ~~CONFINED-FEEDING-AREA-ON-MARCH-1-SHALL-BE-ASSESSED-TO:~~  
2 ~~(A)-THE-OWNER-IN-ITS-HOME-COUNTY-FOR-A-12-MONTH-PERIOD~~  
3 ~~IF-THE-INTENDED-FUTURE-USE-OF-THE-LIVESTOCK-IS-BREEDING-OR~~  
4 ~~GRAZING-OR~~  
5 ~~(B)-THE-OWNER--IN--THE--COUNTY-WHERE-BEING-FED-IF-THE~~  
6 ~~LIVESTOCK-IS-BEING-HELD-FOR-SLAUGHTER-OR-SHIPMENT--OUT--OF~~  
7 ~~STATE--ASSESSMENT--OF-LIVESTOCK-BEING-HELD-FOR-SLAUGHTER-OR~~  
8 ~~SHIPMENT-OUT-OF-STATE-SHALL-BE-FOR-THE-PORTION-OF--THE--YEAR~~  
9 ~~PRIOR--TO-THE-ESTIMATED-TIME-OF-SLAUGHTER-OR-SHIPMENT-OUT-OF~~  
10 ~~STATE.~~  
11 ~~(3)--A-MIGRATORY-ADJUSTMENT--MAY--BE--PRORATED--BETWEEN~~  
12 ~~COUNTIES-UNDER-[SECTION-5]-ON-LIVESTOCK-MOVED-IN-OR-OUT-OF-A~~  
13 ~~FEEDLOT--OR--CONFINED-FEEDING-AREA. THE-TAX-ON-ALL-LIVESTOCK~~  
14 ~~FED-IN-A-FEEDLOT-OR-CONFINED-FEEDING-AREA--IN--ANY--COUNTY~~  
15 ~~OTHER--THAN--THEIR--HOME--COUNTY--MAY--NOT-BE-APPORTIONED-AS~~  
16 ~~PROVIDED-IN-[SECTION-4]-BUT-SHALL-BE-PAID-TO-THE--TREASURER~~  
17 ~~OF-THE-HOME-COUNTY-OF-THE-LIVESTOCK.~~  
18 ~~(3)(1)(2)~~ (2) A livestock owner must pay the total  
19 property tax levied on his livestock for the year of  
20 assessment to the county treasurer of the home county.  
21 NEW SECTION. Section 5. Apportionment of migratory  
22 livestock tax among counties. (1) When livestock THAT ARE  
23 ASSESSED ON THE METHOD PROVIDED IN [SECTION 10(1)(A)] are  
24 moved from the home county to another county, the owner must  
25 within 15 days notify the assessors of the home county and

1 of the county to which the cattle have been moved. He must  
2 provide the information required in 15-24-903 to the  
3 assessor of the county to which the livestock are moved.  
4 (2) The property tax on migratory livestock is  
5 prorated among the counties in which the livestock have been  
6 located in any year in proportion to the time the livestock  
7 spent in each county during the year, except that the home  
8 county shall retain the tax for that portion of time  
9 livestock have spent in a feedlot or other confined area  
10 outside the home county while being fed for slaughter.  
11 (3) The home county assessor shall indicate on the  
12 assessment rolls any livestock that have been located in  
13 more than one county during the year. When the treasurer  
14 collects the tax on migratory livestock, he shall:  
15 (a) remit to the state that portion of the tax raised  
16 by statewide levies; and  
17 (b) place the remainder in a migratory livestock fund.  
18 NEW SECTION. Section 6. Distribution of migratory  
19 livestock fund. (1) ~~in January~~ ON OR BEFORE JULY 1 of each  
20 year, the treasurer shall cause a warrant to be issued from  
21 the migratory livestock fund to each county for the amount  
22 of prorated livestock tax due to that county under the  
23 provisions of subsection (2) of [section 5].  
24 (2) ~~Of the~~ THE amount remaining in the fund after the  
25 warrants have been issued, ~~50% shall be placed in the county~~

1 ~~general fund for use in paying general county operating~~  
 2 ~~expenses and 508 shall be credited to the school district in~~  
 3 ~~which the livestock were assessed for use in paying general~~  
 4 ~~school operating expenses. MUST BE DISTRIBUTED TO THE PROPER~~  
 5 ~~FUND ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE~~  
 6 ~~ASSESSMENT WAS LEVIED.~~

7 (3) MONEY RECEIVED FROM OTHER COUNTIES UNDER  
 8 SUBSECTION (1) MUST BE DISTRIBUTED TO THE PROPER FUND  
 9 ACCORDING TO THE TAX LEVIES MADE DURING THE YEAR THE  
 10 ASSESSMENT WAS LEVIED.

11 SECTION 7. SECTION 15-24-905, MCA, IS AMENDED TO READ:

12 "15-24-905. Livestock brought into state -- notice to  
 13 department of revenue or its agent -- time for payment. (1)  
 14 The owner or the agent, manager, or foreman of any person,  
 15 corporation, or association bringing livestock into this  
 16 state after January ~~MARCH~~ JANUARY 1 shall immediately after  
 17 said livestock crosses the state line forward to the  
 18 department of revenue or its agent in the county into which  
 19 the livestock is moved a registered or certified letter,  
 20 which letter shall contain the name of the owner of such  
 21 livestock, the number thereof, the brand thereon, and the  
 22 ages of the same, together with the time and place at which  
 23 said livestock was brought across the state line, provided  
 24 that the department of livestock at least once each month  
 25 furnish from its own records to the department of revenue or

1 its agent in the county into which such livestock is moved a  
 2 list of the number and kind of livestock so moved, together  
 3 with the name of the owner thereof.

4 (2) The tax due on livestock brought into this state  
 5 must be paid within 30 days after receiving the tax notice.

6 (3) Livestock on which tax is owed under this section  
 7 may not be removed from the county until the taxes have been  
 8 paid."

9 SECTION 8. SECTION 15-6-207, MCA, IS AMENDED TO READ:

10 "15-6-207. Agricultural exemptions. The following  
 11 agricultural products are exempt from taxation:

12 (1) all unprocessed, perishable fruits and vegetables  
 13 in farm storage and owned by the producer;

14 (2) all nonperishable unprocessed agricultural  
 15 products, except livestock, held in possession of the  
 16 original producer for less than 7 months following harvest;  
 17 and

18 (3) livestock, defined as cattle, sheep, horses, or  
 19 mules, which have not attained the age of 9 & 2 months as of  
 20 ~~the last day of any month March~~ THE ASSESSMENT DATE THE  
 21 LAST DAY OF ANY MONTH IF ASSESSED ON THE AVERAGE INVENTORY  
 22 BASIS OR ON MARCH 1 IF ASSESSED AS PROVIDED IN SECTION  
 23 10(1)(A) and swine which have not attained the age of 3  
 24 months as of January 1."

25 SECTION 9. SECTION 15-24-302, MCA, IS AMENDED TO READ:

1 "15-24-302. Collection procedure. All property  
 2 mentioned in [the preceding section] shall be assessed at  
 3 the same value as property of like kind and character, and  
 4 the assessment, levy, and collection of the tax shall be  
 5 governed by the provisions of 15-8-408; 15-16-111 through  
 6 15-16-115; 15-16-404; chapter 17, part 9; and 15-24-202(1);  
 7 as amended, except livestock taxation which is governed by  
 8 part 9 of this chapter, 81-7-104, and Title 81, chapter 7,  
 9 part 2."

10 SECTION 10. THERE IS A NEW MCA SECTION THAT READS:

11 Livestock assessment. ~~The (1) EACH OWNER OF LIVESTOCK~~  
 12 ~~SHALL DETERMINE WHETHER HIS LIVESTOCK WILL BE ASSESSED ON:~~

13 ~~(A) MARCH 1 OF EACH YEAR; OR~~

14 ~~(B) THE AVERAGE INVENTORY BASIS PROVIDED IN 15-24-907~~  
 15 ~~THROUGH 15-24-910.~~

16 ~~(2) BY FEBRUARY 1 OF EACH YEAR, THE OWNER OF LIVESTOCK~~  
 17 ~~OR HIS AGENT MUST NOTIFY THE ASSESSOR IN THE COUNTY IN WHICH~~  
 18 ~~HIS CATTLE ARE LOCATED THE METHOD OF ASSESSMENT HE HAS~~  
 19 ~~CHOSEN.~~

20 ~~(3) ANY PERSON FAILING TO NOTIFY THE ASSESSOR OF HIS~~  
 21 ~~CHOICE BY FEBRUARY 1 OR ACQUIRING CATTLE AFTER FEBRUARY 1~~  
 22 ~~SHALL BE DEEMED TO HAVE CHOSEN THE MARCH 1 ASSESSMENT DATE.~~

23 ~~(4) IF AN OWNER CHOOSES THE METHOD OF ASSESSMENT~~  
 24 ~~PROVIDED IN (1)(A), THE (1) THE DEPARTMENT OF REVENUE OR ITS~~  
 25 ~~AGENT MUST ASSESS ALL LIVESTOCK ON THE AVERAGE INVENTORY~~

1 BASIS AS PROVIDED IN 15-24-908 THROUGH 15-24-910 UNLESS:

2 (A) THE OWNER ELECTS TO HAVE HIS LIVESTOCK ASSESSED ON  
 3 MARCH 1 OF EACH YEAR AS PROVIDED IN (4); AND

4 (B) THE ASSESSOR OF THE COUNTY IN WHICH THE CATTLE ARE  
 5 LOCATED ON ASSESSMENT DATE ACCEPTS THIS ELECTION.

6 (2) THE OWNER SHALL FILE HIS ELECTION WITH THE COUNTY  
 7 ASSESSOR ON THE STATEMENT REQUIRED IN 15-24-903.

8 (3) THE COUNTY ASSESSOR SHALL ACCEPT THE OWNER'S  
 9 ELECTION UNLESS HE DETERMINES THAT THE ELECTION IS MADE TO  
 10 EVADE PROPERTY TAXATION. THE LIVESTOCK OWNER MAY APPEAL THE  
 11 ASSESSOR'S DECISION TO THE COUNTY TAX APPEAL BOARD AND THE  
 12 STATE TAX APPEAL BOARD UNDER THE PROCEDURES ESTABLISHED IN  
 13 TITLE 15, CHAPTER 15, PART 1, AND CHAPTER 2, PART 3.

14 (4) IF AN OWNER CHOOSES THE METHOD OF ASSESSMENT  
 15 PROVIDED IN (1)(A), THE DEPARTMENT OF REVENUE OR ITS AGENT  
 16 MUST ASSESS EACH THE OWNER'S LIVESTOCK IN EACH COUNTY AS OF  
 17 MARCH 1 OF EACH YEAR. LIVESTOCK THIS LIVESTOCK SHALL BE  
 18 ASSESSED TO THE PERSON BY WHOM OWNED OR CLAIMED OR IN WHOSE  
 19 POSSESSION OR CONTROL IT WAS AT MIDNIGHT OF MARCH 1 IN EACH  
 20 YEAR, EXCEPT THAT LIVESTOCK IN A FEEDLOT OR CONFINED  
 21 FEEDING AREA MUST BE ASSESSED AS PROVIDED IN [SECTION 4].

22 SECTION 11. SECTION 15-24-908, MCA, IS AMENDED TO  
 23 READ:

24 "15-24-908. Computation of estimated value of  
 25 livestock. (1) ~~The If the owner selects an~~ OWNER'S LIVESTOCK

1 ~~ARE ASSESSED ON THE~~ average inventory basis of assessment,  
 2 the estimated value of livestock in a county on assessment  
 3 day is computed by adding the assessed value of all  
 4 livestock more than 9 months of age owned by the taxpayer in  
 5 the county on the last day of each month since the last  
 6 assessment day and dividing the sum by 12.

7 (2) ~~On the last day of the year in which the estimate~~  
 8 ~~is made, the~~ IHE taxpayer must file a current statement AS  
 9 OF THE LAST DAY OF THE YEAR setting forth the number of all  
 10 livestock more than 9 months of age owned by him in each  
 11 county on the last day of each month during the current tax  
 12 year.

13 (3) The taxpayer is entitled to an adjustment of the  
 14 estimated assessed value of livestock and recomputation of  
 15 any tax levied and a refund of taxes paid if the amount paid  
 16 is higher than the estimate.

17 (4) All remedies available to the taxpayer who owned  
 18 livestock are available to him notwithstanding the fact that  
 19 an estimated assessed value of livestock is submitted on or  
 20 after the tax assessment day, subject to the end-of-the-year  
 21 adjustment."

22 SECTION 12, SECTION 15-24-909, MCA, IS AMENDED TO  
 23 READ:

24 "15-24-909. Taxpayer not owning livestock on  
 25 assessment day. (1) If a taxpayer ~~who selects~~ WHOSE

1 LIVESTOCK ARE ASSESSED ON the average inventory basis of  
 2 assessment does not own livestock on assessment day but  
 3 owned livestock during the preceding tax year, he is not  
 4 subject to taxes for the current tax year if he files a  
 5 statement with the appropriate county assessor stating that  
 6 he does not intend to own or acquire livestock during the  
 7 tax year.

8 (2) If the taxpayer does acquire livestock during the  
 9 year, he must file a current statement on the last day of  
 10 the year and be subject to the provisions of 15-24-908."

11 SECTION 13, SECTION 15-24-910, MCA, IS AMENDED TO  
 12 READ:

13 "15-24-910. Procedure for correcting assessed value  
 14 and receiving refunds for overpayments. (1) If the taxpayer  
 15 owning livestock has filed an estimate pursuant to  
 16 15-24-908(1) and a current statement pursuant to  
 17 15-24-908(2) which shows that the number of livestock  
 18 actually owned differs from the estimated number of  
 19 livestock, the county assessor must within 30 days correct  
 20 the assessed value of the livestock or provide the taxpayer  
 21 with a written statement setting forth his reasons for not  
 22 making the correction.

23 (2) IF THERE IS AN INCREASE IN THE ASSESSED VALUE AS A  
 24 RESULT OF THE CORRECTION, THE ASSESSOR SHALL MAKE AN  
 25 ADDITIONAL ASSESSMENT ON THE INCREASE AND THE TAX SHALL BE

1 COLLECTED AS PROVIDED IN 15-16-113.

2 ~~(2)~~(3) If the taxpayer has already paid the tax levied  
3 or any portion, the county treasurer must within 30 days  
4 make a refund from the livestock reserve fund to the  
5 taxpayer of that portion of the tax improperly levied or  
6 provide the taxpayer with a written statement setting forth  
7 his reasons for not making the refund.

8 ~~(3)~~(4) Within 60 days of receipt of the written  
9 statement from the county assessor, the taxpayer may  
10 commence a lawsuit to correct the assessment or recover the  
11 tax paid in a court of competent jurisdiction against the  
12 county treasurer, the county or municipality on whose behalf  
13 the tax was levied or collected, or the department of  
14 revenue, which must be served with summons and a copy of the  
15 complaint.

16 ~~(4)~~(5) When a tax is paid in installments, the first  
17 installment or a portion may be the basis of the lawsuit,  
18 and, if any subsequent installment becomes due before the  
19 lawsuit is finally determined, the subsequent installment or  
20 portion may be paid under protest and incorporated into the  
21 pending lawsuit with all rights, duties, and obligations  
22 determined by the result of the lawsuit.

23 ~~(5)~~(6) Payment and disposition of taxes paid under  
24 protest are governed by the provisions of 15-1-402."

25 SECTION 14. THERE IS A NEW MCA SECTION THAT READS:

1 Livestock reserve fund. (1) The county treasurer shall  
2 ~~MAY, AT THE DISCRETION OF THE COUNTY GOVERNING BODY,~~ deposit  
3 ~~UP TO~~ 5% of the property tax collected each year on  
4 livestock assessed on the average inventory basis in a  
5 livestock reserve fund.

6 (2) Refunds for overpayment of property tax on  
7 livestock made under the provisions of 15-24-910 shall be  
8 issued from this fund.

9 (3) When the amount in a livestock reserve fund  
10 exceeds 10% of the total property tax collected in a year on  
11 livestock ~~ASSESSED ON THE AVERAGE INVENTORY BASIS,~~ the  
12 excess funds shall be transferred to the county general fund  
13 and included in the next year's county budget.

14 Section 15. Repealer. Sections ~~SECTION~~ 15-24-907  
15 through-15-24-910, MCA, are ~~IS~~ repealed.

16 Section 16. Codification. Sections 4-through-6 ~~3x--4x~~  
17 ~~5x--AND-13 4 THROUGH 6 AND 10~~ are intended to be codified as  
18 an integral part of Title 15, chapter 24, part 9, and the  
19 provisions contained in Title 15, chapter 24, part 9, apply  
20 to sections 4-through-6 ~~3x-4x-5x-AND-13 4 THROUGH 6 AND 10.~~

-End-

April 17, 1979

SENATE STANDING COMMITTEE REPORT  
(Taxation)

That House Bill No. 639, third reading bill, be amended as follows:

1. Title, line 7.

Following: "LIVESTOCK"

Insert: "BY ALLOWING OWNERS TO CHOOSE THE METHOD OF ASSESSMENT"

2. Title, line 11.

Following: "INFORMATION;"

Insert: "PROVIDING A RESERVE FUND FOR REFUNDING OVERPAYMENT OF  
PROPERTY TAX ON LIVESTOCK;"

3. Title, line 12.

Following: "~~15-24-904~~"

Strike: "THROUGH"

Insert: ", 15-24-904,"

4. Title, lines 13 and 14.

Following: "15-24-905,"

Insert: "AND 15-25-908 THROUGH 15-24-910,"

Following: "REPEALING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "15-24-907"

Strike: "THROUGH 15-24-910"

5. Page 2, line 12.

Following: "LIVESTOCK"

Strike: remainder of lines 12 and 13

Insert: ";"

6. Page 2, line 24.

Following: line 23

Strike: Section 2 in its entirety

Re-number: subsequent sections

7. Page 4, line 5.

Following: "~~12~~"

Strike: remainder of line 5 and lines 6-18 in their entirety

Insert: "The tax on all livestock fed in a feedlot or confined feeding  
area in any county other than their home county may not be apportioned  
as provided in [section 4], but shall be paid to the treasurer of  
the home county of the livestock."

8. Page 7, line 19.

Following: "9"

Strike: "6"

Insert: "9"

9. Page 7, line 20.

Following: "month"

Strike: "March 1"

Insert: "the assessment date"

10. Page 8, line 8.

Following: "assessment."

Strike: "The"

Insert: "(1) Each owner of livestock shall determine whether his livestock will be assessed on:

(a) March 1 of each year; or

(b) the average inventory basis provided in 15-24-907 through 15-24-910.

(2) By February 1 of each year, the owner of livestock or his agent must notify the assessor in the county in which his cattle are located the method of assessment he has chosen.

(3) Any person failing to notify the assessor of his choice by February 1, or acquiring cattle after February 1 shall be deemed to have chosen the March 1 assessment date.

(4) If an owner chooses the method of assessment provided in (1) (a), the"

11. Page 8, line 9.

Following: "assess"

Strike: "all"

Insert: "the owner's"

12. Page 8, line 10.

Following: "year."

Strike: "Livestock"

Insert: "This livestock"

13. Page 8, line 12.

Following: "year"

Strike: remainder of line 12 and lines 13 and 14 in their entirety

Insert: "."

14. Page 8, line 15.

Following: line 14

Insert: "Section 10. Section 15-24-908, MCA, is amended to read:

"15-24-908. Computation of estimated value of livestock. (1)

If the owner selects an average inventory basis of assessment, the  
~~The~~ estimated value of livestock in a county on assessment day is computed by adding the assessed value of all livestock more than 9 months of age owned by the taxpayer in the county on the last day of each month since the last assessment day and dividing the sum by 12.

(2) On the last day of the year in which the estimate is made, the taxpayer must file a current statement setting forth the number of all livestock more than 9 months of age owned by him in each county on the last day of each month during the current tax year.

(3) The taxpayer is entitled to an adjustment of the estimated assessed value of livestock and recomputation of any tax levied and a refund of taxes paid if the amount paid is higher than the estimate

(4) All remedies available to the taxpayer who owned livestock are available to him notwithstanding the fact that an estimated assessed value of livestock is submitted on or after the tax assessment day, subject to the end-of-the-year adjustment."

Section 11. Section 15-24-909, MCA, is amended to read:

"15-24-909. Taxpayer not owning livestock on assessment day.

(1) If a taxpayer who selects the average inventory basis of assessment does not own livestock on assessment day but owned livestock during the preceding tax year, he is not subject to taxes for the current tax year if he files a statement with the appropriate county assessor stating that he does not intend to own or acquire livestock during the tax year.

(2) If the taxpayer does acquire livestock during the year, he must file a current statement on the last day of the year and be subject to the provisions of 15-24-908."

Section 12. Section 15-24-910, MCA, is amended to read:

"15-24-910. Procedure for correcting assessed value and receiving refunds for overpayments. (1) If the taxpayer owning livestock has filed an estimate pursuant to 15-24-908(1) and a current statement pursuant to 15-24-908(2) which shows that the number of livestock actually owned differs from the estimated number of livestock, the county assessor must within 30 days correct the assessed value of the livestock or provide the taxpayer with a written statement setting forth his reasons for not making the correction.

(2) If the taxpayer has already paid the tax levied or any portion, the county treasurer must within 30 days make a refund from the livestock reserve fund to the taxpayer of that portion of the tax improperly levied or provide the taxpayer with a written statement setting forth his reasons for not making the refund.

(3) Within 60 days of receipt of the written statement from the county assessor, the taxpayer may commence a lawsuit to correct the assessment or recover the tax paid in a court of competent jurisdiction against the county treasurer, the county or municipality on whose behalf the tax was levied or collected, or the department of revenue, which must be served with summons and a copy of the complaint.

(4) When a tax is paid in installments, the first installment or a portion may be the basis of the lawsuit, and, if any subsequent installment becomes due before the lawsuit is finally determined, the subsequent installment or portion may be paid under protest and incorporated into the pending lawsuit with all rights, duties, and obligations determined by the result of the lawsuit.

(5) Payment and disposition of taxes paid under protest are governed by the provisions of 15-1-402."

Section 13. THERE IS A NEW MCA SECTION THAT READS:

Livestock reserve fund. (1) The county treasurer shall deposit 5% of the property tax collected each year on livestock assessed on the average inventory basis in a livestock reserve fund.

(2) Refunds for overpayment of property tax on livestock made under the provisions of 15-24-910 shall be issued from this fund.

(3) When the amount in a livestock reserve fund exceeds 10% of the total property tax collected in a year on livestock, the excess funds shall be transferred to the county general fund and included in the next year's county budget."

Renumber: subsequent sections

15. Page 8, lines 15 and 16.  
Following: "Repealer."  
Strike: "Sections"  
Insert: "Section"  
Following: "15-24-907"  
Strike: "through 15-24-910"

16. Page 8, line 17.  
Following: "Sections"  
Strike: "4 through 6"  
Insert: "3, 4, 5, and 13"

17. Page 8, line 20.  
Following: "sections"  
Strike: "4 through 6"  
Insert: "3, 4, 5, and 13"