

House Bill 591

In The House

January 31, 1981	Introduced and referred to Committee on Taxation.
February 3, 1981	Fiscal note requested.
February 5, 1981	Fiscal note returned.
February 19, 1981	Committee recommend bill do not pass.

1 HOUSE BILL NO. 591  
2 INTRODUCED BY Raymond Meyer Hunsicker  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE  
5 MULTIPLE-UNIT HOUSING PROJECTS MEETING CERTAIN CRITERIA IN  
6 CLASS FOUR FOR PROPERTY TAX PURPOSES; AMENDING SECTIONS  
7 15-6-134 AND 15-6-151, MCA; AND PROVIDING AN EFFECTIVE  
8 DATE."  
9

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

11 Section 1. Section 15-6-134, MCA, is amended to read:  
12 "15-6-134. Class four property -- description --  
13 taxable percentage. (1) Class four property includes:

14 (a) all land except that specifically included in  
15 another class;

16 (b) all improvements except those specifically  
17 included in another class;

18 (c) all trailers and mobile homes used as permanent  
19 dwellings except:

20 (i) those held by a distributor or dealer of trailers  
21 or mobile homes as his stock in trade; and

22 (ii) those specifically included in another class;

23 (d) the first \$35,000 or less of the market value of  
24 any improvement on real property or a trailer or mobile home  
25 used as a permanent dwelling and appurtenant land not

1 exceeding 5 acres owned or under contract for deed and  
2 actually occupied for at least 10 months a year as the  
3 primary residential dwelling of:

4 (i) a widow or widower 62 years of age or older who  
5 qualifies under the income limitations of (iii) of this  
6 subsection;

7 (ii) a widow or widower of any age with dependent  
8 children who qualifies under the income limitations of (iii)  
9 of this subsection; or

10 (iii) a recipient or recipients of retirement or  
11 disability benefits whose total income from all sources is  
12 not more than \$7,000 for a single person or \$8,000 for a  
13 married couple;

14 ~~(e) any multiple-unit housing project that meets the~~  
15 ~~following criteria:~~

16 ~~(i) the construction of the project was financed in~~  
17 ~~whole or in part by a low-interest loan from a governmental~~  
18 ~~agency;~~

19 ~~(ii) the project's rates of rental, management fees,~~  
20 ~~and equity return are controlled by a governmental agency;~~

21 ~~(iii) 5% or more of the project's tenants receive rent~~  
22 ~~subsidies from a governmental agency; and~~

23 ~~(iv) the heads of households renting 51% of the~~  
24 ~~project's units occupy the units for at least 10 months of~~  
25 ~~the year as their primary residential dwelling and qualify~~

INTRODUCED BILL  
HB 591

1 under subsection (1)(d)(ii), (1)(d)(iii), or (1)(d)(iii):

2 ~~(e)(f)~~ all golf courses, including land and  
3 improvements actually and necessarily used for that purpose,  
4 that:

5 (i) consist of at least 9 holes and not less than  
6 3,000 lineal yards; and

7 (ii) were used as a golf course on January 1, 1979, and  
8 were owned by a nonprofit Montana corporation.

9 (2) Class four property is taxed as follows:

10 (a) Property described in subsections (1)(a) through  
11 (1)(c) is taxed at 8.55% of its market value.

12 (b) Property described in ~~subsection subsections~~  
13 ~~(1)(d) and (1)(e) through (1)(f)~~ is taxed at one-half the  
14 taxable percentage established in subsection (2)(a), or  
15 4.275%.\*

16 Section 2. Section 15-6-151, MCA, is amended to read:

17 \*15-6-151. Application for class five and certain  
18 class four classifications. (1) A person applying for  
19 classification of property described in ~~subsection (1)(e) of~~  
20 ~~15-6-135(1)(c) or subsection (1)(d) of~~ 15-6-134(1)(d) or  
21 (1)(e) shall make an affidavit to the department of revenue,  
22 on a form provided by the department without cost, stating:

23 (a) his income;

24 (b) his retirement benefits;

25 (c) his marital status;

1 (d) the fact that he maintains the land and  
2 improvements as his primary residential dwelling, where  
3 applicable; and

4 (e) such other information as is relevant to the  
5 applicant's eligibility.

6 ~~(2) A person applying for classification of a~~  
7 ~~multiple-unit housing project under 15-6-134 must sign a~~  
8 ~~statement containing information the department considers~~  
9 ~~necessary to determine whether the project meets the~~  
10 ~~criteria imposed in 15-6-134(1)(e).~~

11 ~~(3) This application must be made before March 1 of~~  
12 ~~the tax year after the applicant becomes eligible for which~~  
13 ~~this classification is sought.~~

14 ~~(4) The affidavit is sufficient if the applicant~~  
15 ~~signs a statement affirming the correctness of the~~  
16 ~~information supplied, whether or not the statement is signed~~  
17 ~~before a person authorized to administer oaths, and mails~~  
18 ~~the application and statement to the department of revenue.~~  
19 ~~This signed statement shall be treated as a statement under~~  
20 ~~oath or equivalent affirmation for the purposes of 45-7-202,~~  
21 ~~relating to the criminal offense of false swearing.\*~~

22 Section 3. Effective date. This act is effective on  
23 passage and approval and applies to tax years beginning  
24 after December 31, 1980.

STATE OF MONTANA

REQUEST NO. 294-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 4, 1981, there is hereby submitted a Fiscal Note for HOUSE BILL 591 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

An act to include multiple-unit housing projects meeting certain criteria in class four for property tax purposes; and providing an effective date.

FISCAL IMPACT

Data are not available to estimate the fiscal impact of this proposal.

PREPARED BY THE DEPARTMENT OF REVENUE

*David M. Lewis*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-5-81