

HOUSE BILL NO. 172

1/14 Introduced  
1/14 Referred to Taxation  
1/21 Hearing  
1/21 Committee Report-Bill Do Pass  
1/24 2nd Reading Pass  
1/26 3rd Reading Pass

Transmitted to Senate

1/28 Referred to Taxation  
2/08 Hearing  
2/15 Tabled in Committee

1 HOUSE BILL NO. 172  
2 INTRODUCED BY Jude

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT FOR  
5 TAXATION "LEASEHOLD IMPROVEMENTS" INCLUDES IMPROVEMENTS  
6 OTHER THAN MOBILE HOMES; AMENDING SECTION 15-1-101, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 15-1-101, MCA, is amended to read:  
10 "15-1-101. Definitions. (1) When terms mentioned in  
11 this section are used in connection with taxation, they are  
12 defined in the following manner:

13 (a) The term "agricultural" refers to the raising of  
14 livestock, swine, poultry, field crops, fruit, and other  
15 animal and vegetable matter for food or fiber.

16 (b) The term "assessed value" means the value of  
17 property as defined in 15-8-111.

18 (c) The term "average wholesale value" means the value  
19 to a dealer prior to reconditioning and profit margin shown  
20 in national appraisal guides and manuals or the valuation  
21 schedules of the department of revenue.

22 (d) The term "credit" means solvent debts, secured or  
23 unsecured, owing to a person.

24 (e) The term "improvements" includes all buildings,  
25 structures, fixtures, fences, and improvements situated

1 upon, erected upon, or affixed to land. When the department  
2 of revenue or its agent determines that the permanency of  
3 location of a mobile home or housetrailer has been  
4 established, the mobile home or housetrailer is presumed to  
5 be an improvement to real property. A mobile home or  
6 housetrailer may be determined to be permanently located  
7 only when it is attached to a foundation which cannot  
8 feasibly be relocated and only when the wheels are removed.

9 (f) The term "leasehold improvements" means  
10 improvements ~~to mobile homes~~ and mobile homes located on  
11 land owned by another person. This property is assessed  
12 under the appropriate classification and the taxes are due  
13 and payable in two payments as provided in 15-24-202.  
14 Delinquent taxes on such leasehold improvements are a lien  
15 only on such the leasehold improvements.

16 (g) The term "mobile home" means forms of housing  
17 known as "trailers", "housetrailers", or "trailer coaches"  
18 exceeding 8 feet in width or 45 feet in length, designed to  
19 be moved from one place to another by an independent power  
20 connected to them, or any "trailer", "housetrailer", or  
21 "trailer coach" up to 8 feet in width or 45 feet in length  
22 used as a principal residence.

23 (h) The term "personal property" includes everything  
24 that is the subject of ownership but that is not included  
25 within the meaning of the terms "real estate" and



1 "improvements".

2 (i) The term "poultry" includes all chickens, turkeys,  
3 geese, ducks, and other birds raised in domestication to  
4 produce food or feathers.

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

12 (k) The term "real estate" includes:

13 (i) the possession of, claim to, ownership of, or  
14 right to the possession of land;

15 (ii) all mines, minerals, and quarries in and under the  
16 land subject to the provisions of 15-23-501 and 15-23-801;  
17 all timber belonging to individuals or corporations growing  
18 or being on the lands of the United States; and all rights  
19 and privileges appertaining thereto.

20 (l) The term "taxable value" means the percentage of  
21 market or assessed value as provided for in 15-6-131 through  
22 15-6-140.

23 (2) The phrase "municipal corporation" or  
24 "municipality" or "taxing unit" shall be deemed to include a  
25 county, city, incorporated town, township, school district,

1 irrigation district, drainage district, or any person,  
2 persons, or organized body authorized by law to establish  
3 tax levies for the purpose of raising public revenue.

4 (3) The term "state board" or "board" when used  
5 without other qualification shall mean the state tax appeal  
6 board."

-End-

APPROVED BY COMMITTEE  
ON TAXATION

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