

SENATE BILL 54

Introduced by Crippen

|      |  |
|------|--|
| 1/03 | Introduced                               |
| 1/03 | Referred to Judiciary                    |
| 1/03 | Fiscal Note Requested                    |
| 1/06 | Hearing                                  |
| 1/06 | Committee Report--Bill Passed as Amended |
| 1/09 | Fiscal Note Received                     |
| 1/10 | 2nd Reading Passed                       |
| 1/11 | Fiscal Note Printed                      |
| 1/12 | 3rd Reading Passed                       |

Transmitted to House

|      |                       |
|------|-----------------------|
| 2/21 | Referred to Judiciary |
| 3/16 | Hearing               |
|      | Died in Committee     |

1                    SENATE BILL NO. 54  
2    INTRODUCED BY CRIPPEN  
3                    BY REQUEST OF THE DEPARTMENT OF REVENUE  
4  
5    A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE  
6    DEPARTMENT OF REVENUE'S LEVY FOR EXECUTION OF A WARRANT FOR  
7    DISTRAINT HAS A CONTINUING FORCE AND EFFECT UNTIL THE AMOUNT  
8    OF THE LIABILITY IS SATISFIED OR THE LEVY IS WITHDRAWN BY  
9    THE DEPARTMENT; AMENDING SECTION 15-1-706, MCA; AND  
10   PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY  
11   CLAUSE."  
12  
13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14        **Section 1.** Section 15-1-706, MCA, is amended to read:  
15        "15-1-706. Execution upon warrant. (1) Upon receipt of  
16   a copy of the filed warrant and notice from the department  
17   that the applicable hearing provisions have been complied  
18   with, the sheriff or agent authorized to collect the tax  
19   shall proceed to execute upon the warrant in the same manner  
20   as prescribed for execution upon a judgment.  
21        (2) A notice of levy may be made by means of a  
22   certified letter by an agent authorized to collect the tax.  
23   The department shall issue or have issued only one levy for  
24   execution of each warrant filed pursuant to 15-1-702. The  
25   levy for execution is in force and has a continuing effect

1   until the full amount required by the levy is satisfied or  
2   the levy is withdrawn by the department. An agent is not  
3   entitled to any fee or compensation in excess of actual  
4   expenses incurred in enforcing the warrant.  
5        (3) A sheriff or agent or the person to whom the levy  
6   is directed shall return a warrant levy, along with any  
7   funds collected, and a status report upon a form supplied by  
8   the department within 90 days of the date of the warrant  
9   levy. All additional funds collected pursuant to the levy  
10   must be remitted to the department, along with a status  
11   report once every 30 days.

12        (4) If the warrant is returned not satisfied in full,  
13   the department has the same remedies to collect the  
14   deficiency as are available for any civil judgment."

15        **Section 2.** Extension of authority. Any existing  
16   authority to make rules on the subject of the provisions of  
17   [this act] is extended to the provisions of [this act].

18        **Section 3.** Applicability. [This act] applies to all  
19   outstanding liabilities due the state on [the effective date  
20   of the act], regardless of whether the liabilities were  
21   incurred prior to [the effective date of this act].

22        **Section 4.** Effective date. [This act] is effective on  
23   passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB054, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide that the Department of Revenue's levy for execution of a warrant for distraint has a continuing force and effect until the amount of the liability is satisfied or the levy is withdrawn by the department; providing an immediate effective date and an applicability clause.

FISCAL IMPACT:

Currently, the department serves about 3,000 first time levies annually. Each time a payment is received on a levy the department must re-serve a levy. This results in up to 6,000 re-served levies annually. This bill would eliminate the need for re-serving levies by making the initial levy continuing in force. This would allow existing staff to focus attention on other duties, thereby increasing administrative efficiency.

The bill would also put the state in conformity with federal law. Federal law allows for a continued force levy. Because no two levies can be in force simultaneously, the federal levy often takes precedence over the state in cases where partial payment has been made on state liabilities.

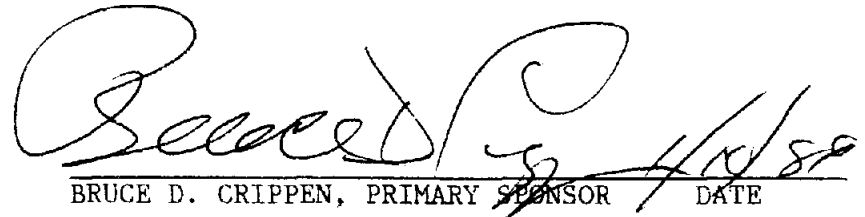
Revenue impacts from this bill are anticipated to be minimal.



RAY SHACKLEFORD, BUDGET DIRECTOR  
Office of Budget and Program Planning

1/7/89

DATE



BRUCE D. CRIPPEN, PRIMARY SPONSOR

DATE

Fiscal Note for SB054, as introduced

**SB 54**

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 54

INTRODUCED BY CRIPPEN

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE DEPARTMENT OF REVENUE'S LEVY FOR EXECUTION OF A WARRANT FOR DISTRAINT HAS A CONTINUING FORCE AND EFFECT UNTIL THE AMOUNT OF THE LIABILITY IS SATISFIED OR THE LEVY IS WITHDRAWN BY THE DEPARTMENT; AMENDING SECTION 15-1-706, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY CLAUSE."

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

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(2) A notice of levy may be made by means of a certified letter by an agent authorized to collect the tax. The department shall issue or have issued only one levy AT A TIME for execution of each warrant filed pursuant to 15-1-702. The levy for execution is in force and has a

continuing effect until the full amount required by the levy is satisfied or the levy is withdrawn by the department.

An agent is not entitled to any fee or compensation in excess of actual expenses incurred in enforcing the warrant.

(3) A sheriff or agent or the person to whom the levy is directed shall return a warrant levy, along with any funds collected, and a status report upon a form supplied by the department within 90 days of the date of the warrant levy. All additional funds collected pursuant to the levy must be remitted to the department, along with a status report once every 30 days.

(4) If the warrant is returned not satisfied in full, the department has the same remedies to collect the deficiency as are available for any civil judgment."

**NEW SECTION. Section 2. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

**NEW SECTION. Section 3. Applicability.** [This act] applies to all outstanding liabilities due the state on [the effective date of the act], regardless of whether the liabilities were incurred prior to [the effective date of this act].

**NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

-End-  
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SB 54

SECOND READING



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SB 54