HOUSE BILL NO. 88

INTRODUCED BY MCCAFFREE

IN THE HOUSE

DECEMBER 23, 1992 ° INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.

JANUARY 4, 1993 FIRST READING.

JANUARY 13, 1993 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 14, 1993 PRINTING REPORT.

JANUARY 16, 1993 SECOND READING, DO PASS.

JANUARY 18, 1993 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 98; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 20, 1993

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FEBRUARY 1, 1993

FEBRUARY 2, 1993

FEBRUARY 3, 1993

INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 88 INTRODUCED BY MCCAFFREE 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE MINIMUM 4 BID REQUIREMENT AT A SHERIFF'S SALE OF PERSONAL PROPERTY; 5 AND AMENDING SECTION 15-17-911, MCA." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 15-17-911, MCA, is amended to read: 10 *15-17-911. Sale of personal property for delinquent taxes -- fee -- disposition of proceeds -- unsold property. 11 (1) The tax on personal property may be collected and 12 13 payment enforced by the seizure and sale of any personal property in the possession of the person assessed. Seizure 14 15 and sale are authorized at any time after the date the taxes 16 become delinquent or by the institution of a civil action 17 for its collection in any court of competent jurisdiction. A 18 resort to one method does not bar the right to resort to any 19 other method. Any of the methods provided may be used until 20 the full amount of the tax is collected.

(2) The provisions of 15-16-113 and this section applyto a seizure and sale under subsection (1).

(3) A sale under subsection (1) must be at public
 auction. The--minimum-bid-for-any-property-offered-for-sale
 must-be-of-a-sufficient-amount-to-pay-the-delinquent--taxes;

Montana Legislative Council

1 including-penalties; -interest; -and-costs;

(4) For seizing and selling personal property, the
treasurer shall charge \$25, plus the mileage allowance
provided by law to the sheriff, plus reasonable expenses for
seizing, handling, keeping, or caring for any property so
seized. The charge and other costs may be charged only when
property is actually seized and offered for sale or sold.

8 (5) On payment of the price bid for any property sold 9 as provided in this section, delivery of the property, with 10 a bill of sale, vests the title of the property in the 11 purchaser.

12 (6) (a) All money collected from the sale of property
13 in liquidation of the delinquency, including delinquent
14 taxes, penalties, and interest but not costs, must be
15 credited by the treasurer to the appropriate funds.

16 (b) Any money collected in excess of the delinguent 17 tax, penalties, interest, costs, and charges must be 18 returned to the person owning the property prior to the 19 sale, if known. If the person does not claim the excess immediately following the sale, the treasurer shall deposit 20 the money in the county treasury for a period of 1 year from 21 the date of sale. If the person has not claimed the excess 22 23 within 1 year from the date of sale, the county treasurer 24 shall deposit the amount in the county general fund and the person has no claim to it thereafter. 25

> -2- HESS INTRODUCED BILL

1 (7) Any property seized for the purpose of liquidating 2 a delinquency by a tax sale that remains unsold following a 3 sale may be left at the place of sale at the risk of the 4 owner.

5 (8) The provisions of this section do not apply to 6 property for which delinquent property taxes have been 7 suspended or canceled under the provisions of Title 15, 8 chapter 24, part 17."

-End-

APPROVED BY COMM. ON LOCAL GOVERNMENT

HOUSE BILL NO. 88 1 INTRODUCED BY MCCAFFREE 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE MINIMUM 4 BID REQUIREMENT AT A SHERIFF'S SALE OF PERSONAL PROPERTY; 5 PROVIDING FOR THE DISTRIBUTION OF MONEY COLLECTED FROM THE 6 SALE: ALLOWING COUNTY COMMISSION TO CANCEL ANY PERSONAL 7 PROPERTY TAXES, INCLUDING INTEREST, PENALTY, COSTS, AND 8 CHARGES THAT REMAIN UNSATISFIED AFTER SALE OF THE PERSONAL 9 10 PROPERTY; AND AMENDING SECTION 15-17-911, MCA." 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 15-17-911, MCA, is amended to read: 13 "15-17-911. Sale of personal property for delinquent 14 taxes -- fee -- disposition of proceeds -- unsold property. 15 (1) The tax on personal property may be collected and 16 17 payment enforced by the seizure and sale of any personal property in the possession of the person assessed. Seizure 18 19 and sale are authorized at any time after the date the taxes become delinguent or by the institution of a civil action 20 21 for its collection in any court of competent jurisdiction. A 22 resort to one method does not bar the right to resort to any other method. Any of the methods provided may be used until 23 24 the full amount of the tax is collected.

25

(2) The provisions of 15-16-113 and this section apply



1 to a seizure and sale under subsection (1).

2 (3) A sale under subsection (1) must be at public 3 auction. The--minimum-bid-for-any-property-offered-for-sale 4 must-be-of-a-sufficient-amount-to-pay-the-delinguent--taxes; including-penaltiesy-interesty-and-costs+ 5

(4) For seizing and selling personal property, the 6 treasurer shall charge \$25, plus the mileage allowance 7 provided by law to the sheriff, plus reasonable expenses for 8 seizing, handling, keeping, or caring for any property so 9 10 seized. The charge and other costs may be charged only when property is actually seized and offered for sale or sold. 11

12 (5) On payment of the price bid for any property sold 13 as provided in this section, delivery of the property, with 14 a bill of sale, vests the title of the property in the 15 purchaser.

16 (6) (a) All-money-collected-from-the-sale--of--property 17 in--liquidation--of--the--delinquency7--including-delinquent 18 taxes7-penalties7--and--interest--but--not--costs7--must--be 19 credited--by--the--treasurer-to-the-appropriate-funds. AFTER SALE OF THE PROPERTY, THE PROCEEDS OF THE SALE MUST BE USED 20 21 FIRST TO REIMBURSE THE COUNTY FOR ALL COSTS AND CHARGES INCURRED IN SEIZING THE PROPERTY AND CONDUCTING THE SALE. 22 ANY EXCESS, UP TO THE TOTAL AMOUNT OF THE TAXES OWED, MUST 23 24 BE DISTRIBUTED PROPORTIONALLY TO THE FUNDS THAT WOULD HAVE RECEIVED THE TAXES IF THEY HAD BEEN PAID BEFORE BECOMING 25

> -2-HB 88 SECOND READING

1 DELINQUENT, ANY REMAINING EXCESS, UP TO THE AMOUNT OF THE 2 PENALTY AND INTEREST OWED, MUST THEN BE DISTRIBUTED 3 PROPORTIONALLY TO THE FUND THAT WOULD HAVE RECEIVED THE 4 PENALTY AND INTEREST IF THEY HAD BEEN PAID IN FULL.

(b) Any money collected in excess of the delinquent 5 tax, penalties, interest, costs, and charges must be 6 returned to the person owning the property prior to the 7 sale, if known. If the person does not claim the excess 8 9 immediately following the sale, the treasurer shall deposit 10 the money in the county treasury for a period of 1 year from the date of sale. If the person has not claimed the excess 11 12 within 1 year from the date of sale, the county treasurer 13 shall deposit the amount in the county general fund and the 14 person has no claim to it thereafter.

15 (7) Any property seized for the purpose of liquidating
a delinguency by a tax sale that remains unsold following a
sale may be left at the place of sale at the risk of the
owner.

(8) The provisions of this section do not apply to
property for which delinquent property taxes have been
suspended or canceled under the provisions of Title 15,
chapter 24, part 17.

23 (9) THE COUNTY COMMISSION, IN ITS DISCRETION, MAY
 24 CANCEL ANY PERSONAL PROPERTY TAXES, INCLUDING PENALTY,
 25 INTEREST, COSTS, AND CHARGES THAT REMAIN UNSATISFIED AFTER

- 1 THE PROPERTY UPON WHICH THE TAXES WERE ASSESSED HAD BEEN
- 2 SEIZED AND SOLD. IF THE TAXES ARE CANCELED, ONE COPY OF THE
- 3 ORDER OF CANCELLATION MUST BE FILED WITH THE COUNTY CLERK
- 4 AND ONE COPY WITH THE COUNTY TREASURER."

-End-

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HB 88

HOUSE BILL NO. 88 1 2 INTRODUCED BY MCCAFFREE 3 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE MINIMUM 4 5 BID REQUIREMENT AT A SHERIFF'S SALE OF PERSONAL PROPERTY: 6 PROVIDING FOR THE DISTRIBUTION OF MONEY COLLECTED FROM THE 7 SALE; ALLOWING COUNTY COMMISSION TO CANCEL ANY PERSONAL 8 PROPERTY TAXES, INCLUDING INTEREST, PENALTY, COSTS, AND 9 CHARGES THAT REMAIN UNSATISFIED AFTER SALE OF THE PERSONAL 10 PROPERTY; AND AMENDING SECTION 15-17-911, MCA." 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 Section 1. Section 15-17-911, MCA, is amended to read: 14 "15-17-911. Sale of personal property for delinguent 15 taxes -- fee -- disposition of proceeds -- unsold property. 16 (1) The tax on personal property may be collected and 17 payment enforced by the seizure and sale of any personal 18 property in the possession of the person assessed. Seizure 19 and sale are authorized at any time after the date the taxes 20 become delinquent or by the institution of a civil action 21 for its collection in any court of competent jurisdiction. A 22 resort to one method does not bar the right to resort to any 23 other method. Any of the methods provided may be used until 24 the full amount of the tax is collected.

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6 (4) For seizing and selling personal property, the 7 treasurer shall charge \$25, plus the mileage allowance 8 provided by law to the sheriff, plus reasonable expenses for 9 seizing, handling, keeping, or caring for any property so 10 seized. The charge and other costs may be charged only when 11 property is actually seized and offered for sale or sold.

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HB 88

THIRD READING

1 DELINQUENT. ANY REMAINING EXCESS, UP TO THE AMOUNT OF THE 2 PENALTY AND INTEREST OWED, MUST THEN BE DISTRIBUTED 3 PROPORTIONALLY TO THE FUND THAT WOULD HAVE RECEIVED THE 4 PENALTY AND INTEREST IF THEY HAD BEEN PAID IN FULL.

(b) Any money collected in excess of the delinquent 5 tax, penalties, interest, costs, and charges must be 6 returned to the person owning the property prior to the 7 8 sale, if known. If the person does not claim the excess 9 immediately following the sale, the treasurer shall deposit 10 the money in the county treasury for a period of 1 year from the date of sale. If the person has not claimed the excess 11 within 1 year from the date of sale, the county treasurer 12 shall deposit the amount in the county general fund and the 13 14 person has no claim to it thereafter.

15 (7) Any property seized for the purpose of liquidating 16 a delinguency by a tax sale that remains unsold following a 17 sale may be left at the place of sale at the risk of the 18 owner.

19 (8) The provisions of this section do not apply to
20. property for which delinguent property taxes have been
21 suspended or canceled under the provisions of Title 15,
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REFERENCE BILL

HB 88

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