

HOUSE BILL 186

Introduced by McCaffree, et al.

1/14	Introduced
1/14	Referred to Taxation
1/14	First Reading
1/14	Fiscal Note Requested
1/19	Hearing
1/20	Fiscal Note Received
1/20	Fiscal Note Printed
1/28	Committee Report--Bill Passed
1/30	2nd Reading Passed
2/01	Revised Fiscal Note Printed
2/09	Taken from Engrossing and Rereferred to Appropriations
2/15	Committee Report--Bill Passed
2/16	2nd Reading Passed
2/18	3rd Reading Passed
	Transmitted to Senate
2/20	First Reading
2/20	Referred to Local Government
3/04	Hearing
3/10	Committee Report--Bill Not Passed
3/10	Adverse Committee Report Adopted

1 House BILL NO. 186
2 INTRODUCED BY Malcolm B. Forrester
3 Forrester B.
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COUNTY
5 TREASURER TO DEPOSIT THE 2 PERCENT PENALTY ON DELINQUENT
6 PROPERTY TAXES IN THE COUNTY GENERAL FUND; AND AMENDING
7 SECTIONS 15-16-102 AND 20-9-212, MCA."

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

10 **Section 1.** Section 15-16-102, MCA, is amended to read:

11 "15-16-102. Time for payment -- penalty for
12 delinquency. Except as provided in 15-16-802 and 15-16-803
13 and unless suspended or canceled under the provisions of
14 Title 15, chapter 24, part 17, all taxes levied and assessed
15 in the state of Montana, except assessments made for special
16 improvements in cities and towns payable under 15-16-103 and
17 assessments made on interim production and new production as
18 provided in Title 15, chapter 23, part 6, and payable under
19 15-16-121, shall be payable as follows:

20 (1) One-half of the taxes are payable on or before 5
21 p.m. on November 30 of each year or within 30 days after the
22 tax notice is postmarked, whichever is later, and one-half
23 on or before 5 p.m. on May 31 of each year.

24 (2) Unless one-half of the taxes are paid on or before
25 5 p.m. on November 30 of each year or within 30 days after

1 the tax notice is postmarked, whichever is later, then the
2 amount so payable ~~shall-become~~ becomes delinquent and ~~shall~~
3 draw draws interest at the rate of 5/6 of 1% per month from
4 ~~and-after~~ the delinquency until paid and 2% ~~shall~~ must be
5 added to the delinquent taxes as a penalty.

6 (3) All taxes due and not paid on or before 5 p.m. on
7 May 31 of each year ~~shall-be~~ are delinquent and ~~shall~~ draw
8 interest at the rate of 5/6 of 1% per month from ~~and-after~~
9 the delinquency until paid, and 2% ~~shall~~ must be added to
10 the delinquent taxes as a penalty.

11 (4) If the date on which taxes are due falls on a
12 holiday or Saturday, taxes may be paid without penalty or
13 interest on or before 5 p.m. of the next business day in
14 accordance with 1-1-307.

15 (5) A taxpayer may pay his current year taxes without
16 paying delinquent taxes. The county treasurer must accept a
17 partial payment equal to the delinquent taxes, including
18 penalty and interest, for one or more full taxable years,
19 provided both halves of the current tax year have been paid.
20 Payment of delinquent taxes must be applied to the taxes
21 that have been delinquent the longest. The payment of the
22 current tax year is not a redemption of the property tax
23 lien for any delinquent tax year.

24 (6) The penalty and interest on delinquent assessment
25 payments for specific parcels of land may be waived by

1 resolution of the city council. A copy of the resolution
2 must be certified to the county treasurer.

3 {7} The county treasurer shall deposit the money
4 received from the 2% penalty in the county general fund."

5 **Section 2.** Section 20-9-212, MCA, is amended to read:

6 "20-9-212. Duties of county treasurer. The county
7 treasurer of each county shall:

8 (1) receive and hold all school money subject to
9 apportionment and keep a separate accounting of its
10 apportionment to the several districts which are entitled to
11 a portion of the money according to the apportionments
12 ordered by the county superintendent. A separate accounting
13 must be maintained for each county fund supported by a
14 countywide levy for a specific, authorized purpose,
15 including:

16 (a) the basic county tax in support of the elementary
17 foundation programs;

18 (b) the basic special tax for high schools in support
19 of the high school foundation programs;

20 (c) the county tax in support of the transportation
21 schedules;

22 (d) the county tax in support of the elementary and
23 high school district retirement obligations; and

24 (e) any other county tax for schools, including the
25 community colleges, which may be authorized by law and

1 levied by the county commissioners.

2 (2) whenever requested, notify the county
3 superintendent and the superintendent of public instruction
4 of the amount of county school money on deposit in each of
5 the funds enumerated in subsection (1) ~~of this section~~ and
6 the amount of any other school money subject to
7 apportionment and apportion the county and other school
8 money to the districts in accordance with the apportionment
9 ordered by the county superintendent;

10 (3) keep a separate accounting of the expenditures for
11 each budgeted fund included in the final budget of each
12 district;

13 (4) keep a separate accounting of the receipts,
14 expenditures, and cash balances for each budgeted fund
15 included in the final budget of each district and for each
16 nonbudgeted fund established by each district;

17 (5) except as otherwise limited by law, pay all
18 warrants properly drawn on the county or district school
19 money and properly endorsed by their holders;

20 (6) receive all revenue collected by and for each
21 district and deposit these receipts in the fund designated
22 by law or by the district if no a fund is not designated by
23 law. Interest ~~and penalties~~ on delinquent school taxes ~~shall~~
24 must be credited to the same fund and district for which the
25 original taxes were levied.

1 (7) send all revenue received for a joint district,
2 part of which is situated in his that county, to the county
3 treasurer designated as the custodian of the revenue, no
4 later than December 15 of each year and every 3 months
5 thereafter after that date until the end of the school
6 fiscal year;

7 (8) at the direction of the trustees of a district,
8 assist the district in the issuance and sale of tax and
9 revenue anticipation notes as provided in Title 7, chapter
10 6, part 11;

11 (9) register district warrants drawn on a budgeted fund
12 in accordance with 7-6-2604 when there is insufficient money
13 available in all funds of the district to make payment of
14 the warrant. Redemption of registered warrants must be made
15 in accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

16 (10) invest the money of any district as directed by the
17 trustees of the district within 3 working days of the
18 direction;

19 (11) each month give to the trustees of each district an
20 itemized report for each fund maintained by the district,
21 showing the paid warrants, outstanding warrants, registered
22 warrants, amounts and types of revenue received, and the
23 cash balance;

24 (12) remit promptly to the state treasurer receipts for
25 the county tax for a vocational-technical center when levied

1 by the board of county commissioners under the provisions of
2 20-16-202;

3 (13) invest the money received from the basic county tax
4 in support of the elementary foundation programs and the
5 basic special tax in support of the high school foundation
6 programs within 3 working days of receipt. The money must be
7 invested until the working day before it is required to be
8 distributed to school districts within the county or
9 remitted to the state. Permissible investments are specified
10 in 20-9-213(4). All investment income must be deposited, and
11 credited proportionately, in the funds established to
12 account for the taxes received for the purposes specified in
13 subsections (1)(a) and (1)(b).

14 (14) remit on a monthly basis to the state treasurer, in
15 accordance with the provisions of 15-1-504, all county
16 equalization revenue received under the provisions of
17 20-9-331 and 20-9-333 for elementary and high school
18 district foundation program support, including all interest
19 earned and excluding any amount required for high school
20 out-of-county tuition under the provisions of 20-9-334, in
21 repayment of the state advance for county equalization
22 prescribed in 20-9-347. Any funds in excess of a state
23 advance must be used as required in 20-9-331(1)(b) and
24 20-9-333(1)(b)."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0186, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the county treasurer to deposit the 2 percent penalty on delinquent property taxes in the county general fund.

ASSUMPTIONS:

1. Funds currently deposited with the state for delinquent penalties would be retained by the various counties.
2. Penalty collections currently accruing to the state are applicable to the university and vo-tech millage and the state school equalization millage.
3. The revenues projected in the executive budget for university and vo-tech millage is \$13.4 million in FY94 and \$13.5 million in FY95. The revenues projected in the executive budget for state school equalization is \$65.6 million in FY94 and \$66.6 million in FY95.
4. It is assumed that 5% of applicable property tax collections are for delinquencies.

FISCAL IMPACT:Revenues:

	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
University/VoTech Millage	13,434,346	13,420,912	(13,434)	13,503,618	13,490,114	(13,504)
State Equalization Millage	<u>65,608,000</u>	<u>65,542,392</u>	<u>(65,608)</u>	<u>66,640,129</u>	<u>66,559,985</u>	<u>(66,640)</u>
Total	79,042,346	78,963,304	(79,042)	80,143,747	80,050,099	(80,144)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties would receive an estimated \$80,000 per year in additional revenues. Insufficient data is available to determine the effect by county.

David Lewis 1-20-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Ed McCaffree 1-20-93
 ED MCCAFFREE, PRIMARY SPONSOR DATE

Fiscal Note for HB0186, as introduced

HB 186

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Revised Fiscal Note for HB0186, as introduced.

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1. Funds currently deposited with the state for delinquent penalties would be retained by the various counties.
2. Penalty collections currently accruing to the state are applicable to the university and vo-tech millage and the state school equalization millage.
3. The revenues projected in the executive budget for university and vo-tech millage is \$13.4 million in FY94 and \$13.5 million in FY95. The revenues projected in the executive budget for state school equalization is \$65.6 million in FY94 and \$66.6 million in FY95.
4. It is assumed that 5% of applicable property tax collections are for delinquencies.

FISCAL IMPACT:Revenues:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
University/VoTech Millage	13,434,346	13,420,912	(13,434)	13,503,618	13,490,114	(13,504)
State Equalization (95 mills)	<u>155,819,000</u>	<u>155,663,181</u>	<u>(155,819)</u>	<u>158,270,000</u>	<u>158,111,730</u>	<u>(158,270)</u>
Total	169,253,346	169,084,093	(169,253)	171,773,618	171,601,844	(171,774)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties would receive an estimated \$170,000 per year in additional revenues. Insufficient data is available to determine the effect by county.

David Lewis 1-29-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

ED MCCAFFREE, PRIMARY SPONSOR DATE

Revised Fiscal Note for HB0186, as introduced

Rev. HB 186

APPROVED BY COMMITTEE
ON TAXATION

1 House BILL NO. 186
2 INTRODUCED BY Forrester B.
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COUNTY
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7 SECTIONS 15-16-102 AND 20-9-212, MCA."

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

10 **Section 1.** Section 15-16-102, MCA, is amended to read:

11 "15-16-102. Time for payment -- penalty for
12 delinquency. Except as provided in 15-16-802 and 15-16-803
13 and unless suspended or canceled under the provisions of
14 Title 15, chapter 24, part 17, all taxes levied and assessed
15 in the state of Montana, except assessments made for special
16 improvements in cities and towns payable under 15-16-103 and
17 assessments made on interim production and new production as
18 provided in Title 15, chapter 23, part 6, and payable under
19 15-16-121, shall be payable as follows:

20 (1) One-half of the taxes are payable on or before 5
21 p.m. on November 30 of each year or within 30 days after the
22 tax notice is postmarked, whichever is later, and one-half
23 on or before 5 p.m. on May 31 of each year.

24 (2) Unless one-half of the taxes are paid on or before
25 5 p.m. on November 30 of each year or within 30 days after

1 the tax notice is postmarked, whichever is later, then the
2 amount so payable ~~shall-become~~ becomes delinquent and ~~shall~~
3 draw draws interest at the rate of 5/6 of 1% per month from
4 and-after the delinquency until paid and 2% ~~shall~~ must be
5 added to the delinquent taxes as a penalty.

6 (3) All taxes due and not paid on or before 5 p.m. on
7 May 31 of each year ~~shall-be~~ are delinquent and ~~shall~~ draw
8 interest at the rate of 5/6 of 1% per month from and-after
9 the delinquency until paid, and 2% ~~shall~~ must be added to
10 the delinquent taxes as a penalty.

11 (4) If the date on which taxes are due falls on a
12 holiday or Saturday, taxes may be paid without penalty or
13 interest on or before 5 p.m. of the next business day in
14 accordance with 1-1-307.

15 (5) A taxpayer may pay his current year taxes without
16 paying delinquent taxes. The county treasurer must accept a
17 partial payment equal to the delinquent taxes, including
18 penalty and interest, for one or more full taxable years,
19 provided both halves of the current tax year have been paid.
20 Payment of delinquent taxes must be applied to the taxes
21 that have been delinquent the longest. The payment of the
22 current tax year is not a redemption of the property tax
23 lien for any delinquent tax year.

24 (6) The penalty and interest on delinquent assessment
25 payments for specific parcels of land may be waived by

1 resolution of the city council. A copy of the resolution
2 must be certified to the county treasurer.

3 (7) The county treasurer shall deposit the money
4 received from the 2% penalty in the county general fund."

5 **Section 2.** Section 20-9-212, MCA, is amended to read:

6 "20-9-212. Duties of county treasurer. The county
7 treasurer of each county shall:

8 (1) receive and hold all school money subject to
9 apportionment and keep a separate accounting of its
10 apportionment to the several districts which are entitled to
11 a portion of the money according to the apportionments
12 ordered by the county superintendent. A separate accounting
13 must be maintained for each county fund supported by a
14 countywide levy for a specific, authorized purpose,
15 including:

16 (a) the basic county tax in support of the elementary
17 foundation programs;

18 (b) the basic special tax for high schools in support
19 of the high school foundation programs;

20 (c) the county tax in support of the transportation
21 schedules;

22 (d) the county tax in support of the elementary and
23 high school district retirement obligations; and

24 (e) any other county tax for schools, including the
25 community colleges, which may be authorized by law and

1 levied by the county commissioners.

2 (2) whenever requested, notify the county
3 superintendent and the superintendent of public instruction
4 of the amount of county school money on deposit in each of
5 the funds enumerated in subsection (1) of this section and
6 the amount of any other school money subject to
7 apportionment and apportion the county and other school
8 money to the districts in accordance with the apportionment
9 ordered by the county superintendent;

10 (3) keep a separate accounting of the expenditures for
11 each budgeted fund included in the final budget of each
12 district;

13 (4) keep a separate accounting of the receipts,
14 expenditures, and cash balances for each budgeted fund
15 included in the final budget of each district and for each
16 nonbudgeted fund established by each district;

17 (5) except as otherwise limited by law, pay all
18 warrants properly drawn on the county or district school
19 money and properly endorsed by their holders;

20 (6) receive all revenue collected by and for each
21 district and deposit these receipts in the fund designated
22 by law or by the district if no a fund is not designated by
23 law. Interest and ~~penalties~~ on delinquent school taxes ~~shall~~
24 must be credited to the same fund and district for which the
25 original taxes were levied.

1 (7) send all revenue received for a joint district,
 2 part of which is situated in ~~his~~ that county, to the county
 3 treasurer designated as the custodian of the revenue, no
 4 later than December 15 of each year and every 3 months
 5 thereafter after that date until the end of the school
 6 fiscal year;

7 (8) at the direction of the trustees of a district,
 8 assist the district in the issuance and sale of tax and
 9 revenue anticipation notes as provided in Title 7, chapter
 10 6, part 11;

11 (9) register district warrants drawn on a budgeted fund
 12 in accordance with 7-6-2604 when there is insufficient money
 13 available in all funds of the district to make payment of
 14 the warrant. Redemption of registered warrants must be made
 15 in accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

16 (10) invest the money of any district as directed by the
 17 trustees of the district within 3 working days of the
 18 direction;

19 (11) each month give to the trustees of each district an
 20 itemized report for each fund maintained by the district,
 21 showing the paid warrants, outstanding warrants, registered
 22 warrants, amounts and types of revenue received, and the
 23 cash balance;

24 (12) remit promptly to the state treasurer receipts for
 25 the county tax for a vocational-technical center when levied

1 by the board of county commissioners under the provisions of
 2 20-16-202;

3 (13) invest the money received from the basic county tax
 4 in support of the elementary foundation programs and the
 5 basic special tax in support of the high school foundation
 6 programs within 3 working days of receipt. The money must be
 7 invested until the working day before it is required to be
 8 distributed to school districts within the county or
 9 remitted to the state. Permissible investments are specified
 10 in 20-9-213(4). All investment income must be deposited, and
 11 credited proportionately, in the funds established to
 12 account for the taxes received for the purposes specified in
 13 subsections (1)(a) and (1)(b).

14 (14) remit on a monthly basis to the state treasurer, in
 15 accordance with the provisions of 15-1-504, all county
 16 equalization revenue received under the provisions of
 17 20-9-331 and 20-9-333 for elementary and high school
 18 district foundation program support, including all interest
 19 earned and excluding any amount required for high school
 20 out-of-county tuition under the provisions of 20-9-334, in
 21 repayment of the state advance for county equalization
 22 prescribed in 20-9-347. Any funds in excess of a state
 23 advance must be used as required in 20-9-331(1)(b) and
 24 20-9-333(1)(b)."

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS

LC 0630/01

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(2) whenever requested, notify the county superintendent and the superintendent of public instruction of the amount of county school money on deposit in each of the funds enumerated in subsection (1) of this section and the amount of any other school money subject to apportionment and apportion the county and other school money to the districts in accordance with the apportionment ordered by the county superintendent;

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19 15-16-121, shall be payable as follows:

20 (1) One-half of the taxes are payable on or before 5
21 p.m. on November 30 of each year or within 30 days after the
22 tax notice is postmarked, whichever is later, and one-half
23 on or before 5 p.m. on May 31 of each year.

24 (2) Unless one-half of the taxes are paid on or before
25 5 p.m. on November 30 of each year or within 30 days after

1 the tax notice is postmarked, whichever is later, then the
2 amount so payable shall-become becomes delinquent and shall
3 draw draws interest at the rate of 5/6 of 1% per month from
4 and-after the delinquency until paid and 2% shall must be
5 added to the delinquent taxes as a penalty.

6 (3) All taxes due and not paid on or before 5 p.m. on
7 May 31 of each year shall-be are delinquent and shall draw
8 interest at the rate of 5/6 of 1% per month from and-after
9 the delinquency until paid, and 2% shall must be added to
10 the delinquent taxes as a penalty.

11 (4) If the date on which taxes are due falls on a
12 holiday or Saturday, taxes may be paid without penalty or
13 interest on or before 5 p.m. of the next business day in
14 accordance with 1-1-307.

15 (5) A taxpayer may pay his current year taxes without
16 paying delinquent taxes. The county treasurer must accept a
17 partial payment equal to the delinquent taxes, including
18 penalty and interest, for one or more full taxable years,
19 provided both halves of the current tax year have been paid.
20 Payment of delinquent taxes must be applied to the taxes
21 that have been delinquent the longest. The payment of the
22 current tax year is not a redemption of the property tax
23 lien for any delinquent tax year.

24 (6) The penalty and interest on delinquent assessment
25 payments for specific parcels of land may be waived by

1 resolution of the city council. A copy of the resolution
2 must be certified to the county treasurer.

3 (7) The county treasurer shall deposit the money
4 received from the 2% penalty in the county general fund."

5 **Section 2.** Section 20-9-212, MCA, is amended to read:

6 "20-9-212. Duties of county treasurer. The county
7 treasurer of each county shall:

8 (1) receive and hold all school money subject to
9 apportionment and keep a separate accounting of its
10 apportionment to the several districts which are entitled to
11 a portion of the money according to the apportionments
12 ordered by the county superintendent. A separate accounting
13 must be maintained for each county fund supported by a
14 countywide levy for a specific, authorized purpose,
15 including:

16 (a) the basic county tax in support of the elementary
17 foundation programs;

18 (b) the basic special tax for high schools in support
19 of the high school foundation programs;

20 (c) the county tax in support of the transportation
21 schedules;

22 (d) the county tax in support of the elementary and
23 high school district retirement obligations; and

24 (e) any other county tax for schools, including the
25 community colleges, which may be authorized by law and

1 levied by the county commissioners.

2 (2) whenever requested, notify the county
3 superintendent and the superintendent of public instruction
4 of the amount of county school money on deposit in each of
5 the funds enumerated in subsection (1) of this section and
6 the amount of any other school money subject to
7 apportionment and apportion the county and other school
8 money to the districts in accordance with the apportionment
9 ordered by the county superintendent;

10 (3) keep a separate accounting of the expenditures for
11 each budgeted fund included in the final budget of each
12 district;

13 (4) keep a separate accounting of the receipts,
14 expenditures, and cash balances for each budgeted fund
15 included in the final budget of each district and for each
16 nonbudgeted fund established by each district;

17 (5) except as otherwise limited by law, pay all
18 warrants properly drawn on the county or district school
19 money and properly endorsed by their holders;

20 (6) receive all revenue collected by and for each
21 district and deposit these receipts in the fund designated
22 by law or by the district if no fund is not designated by
23 law. Interest and ~~penalties~~ on delinquent school taxes shall
24 must be credited to the same fund and district for which the
25 original taxes were levied.

(7) send all revenue received for a joint district, part of which is situated in his that county, to the county treasurer designated as the custodian of the revenue, no later than December 15 of each year and every 3 months thereafter after that date until the end of the school fiscal year;

(8) at the direction of the trustees of a district, assist the district in the issuance and sale of tax and revenue anticipation notes as provided in Title 7, chapter 6, part II;

(9) register district warrants drawn on a budgeted fund in accordance with 7-6-2604 when there is insufficient money available in all funds of the district to make payment of the warrant. Redemption of registered warrants must be made in accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

(10) invest the money of any district as directed by the trustees of the district within 3 working days of the direction;

(11) each month give to the trustees of each district an itemized report for each fund maintained by the district, showing the paid warrants, outstanding warrants, registered warrants, amounts and types of revenue received, and the cash balance;

(12) remit promptly to the state treasurer receipts for the county tax for a vocational-technical center when levied

by the board of county commissioners under the provisions of 20-16-202;

(13) invest the money received from the basic county tax in support of the elementary foundation programs and the basic special tax in support of the high school foundation programs within 3 working days of receipt. The money must be invested until the working day before it is required to be distributed to school districts within the county or remitted to the state. Permissible investments are specified in 20-9-213(4). All investment income must be deposited, and credited proportionately, in the funds established to account for the taxes received for the purposes specified in subsections (1)(a) and (1)(b).

(14) remit on a monthly basis to the state treasurer, in accordance with the provisions of 15-1-504, all county equalization revenue received under the provisions of 20-9-331 and 20-9-333 for elementary and high school district foundation program support, including all interest earned and excluding any amount required for high school out-of-county tuition under the provisions of 20-9-334, in repayment of the state advance for county equalization prescribed in 20-9-347. Any funds in excess of a state advance must be used as required in 20-9-331(1)(b) and 20-9-333(1)(b)."

-End-

1 House BILL NO. 186
2 INTRODUCED BY Malcolm B. Forrester
3 Forrester B.
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COUNTY
5 TREASURER TO DEPOSIT THE 2 PERCENT PENALTY ON DELINQUENT
6 PROPERTY TAXES IN THE COUNTY GENERAL FUND; AND AMENDING
7 SECTIONS 15-16-102 AND 20-9-212, MCA."
8

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

10 **Section 1.** Section 15-16-102, MCA, is amended to read:

11 "15-16-102. Time for payment -- penalty for
12 delinquency. Except as provided in 15-16-802 and 15-16-803
13 and unless suspended or canceled under the provisions of
14 Title 15, chapter 24, part 17, all taxes levied and assessed
15 in the state of Montana, except assessments made for special
16 improvements in cities and towns payable under 15-16-103 and
17 assessments made on interim production and new production as
18 provided in Title 15, chapter 23, part 6, and payable under
19 15-16-121, shall be payable as follows:

20 (1) One-half of the taxes are payable on or before 5
21 p.m. on November 30 of each year or within 30 days after the
22 tax notice is postmarked, whichever is later, and one-half
23 on or before 5 p.m. on May 31 of each year.

24 (2) Unless one-half of the taxes are paid on or before
25 5 p.m. on November 30 of each year or within 30 days after

1 the tax notice is postmarked, whichever is later, then the
2 amount so payable shall-become becomes delinquent and shall
3 draw draws interest at the rate of 5/6 of 1% per month from
4 and-after the delinquency until paid and 2% shall must be
5 added to the delinquent taxes as a penalty.

6 (3) All taxes due and not paid on or before 5 p.m. on
7 May 31 of each year shall-be are delinquent and shall draw
8 interest at the rate of 5/6 of 1% per month from and-after
9 the delinquency until paid, and 2% shall must be added to
10 the delinquent taxes as a penalty.

11 (4) If the date on which taxes are due falls on a
12 holiday or Saturday, taxes may be paid without penalty or
13 interest on or before 5 p.m. of the next business day in
14 accordance with 1-1-307.

15 (5) A taxpayer may pay his current year taxes without
16 paying delinquent taxes. The county treasurer must accept a
17 partial payment equal to the delinquent taxes, including
18 penalty and interest, for one or more full taxable years,
19 provided both halves of the current tax year have been paid.
20 Payment of delinquent taxes must be applied to the taxes
21 that have been delinquent the longest. The payment of the
22 current tax year is not a redemption of the property tax
23 lien for any delinquent tax year.

24 (6) The penalty and interest on delinquent assessment
25 payments for specific parcels of land may be waived by

1 resolution of the city council. A copy of the resolution
2 must be certified to the county treasurer.

3 (7) The county treasurer shall deposit the money
4 received from the 2% penalty in the county general fund."

5 **Section 2.** Section 20-9-212, MCA, is amended to read:

6 "20-9-212. Duties of county treasurer. The county
7 treasurer of each county shall:

8 (1) receive and hold all school money subject to
9 apportionment and keep a separate accounting of its
10 apportionment to the several districts which are entitled to
11 a portion of the money according to the apportionments
12 ordered by the county superintendent. A separate accounting
13 must be maintained for each county fund supported by a
14 countywide levy for a specific, authorized purpose,
15 including:

16 (a) the basic county tax in support of the elementary
17 foundation programs;

18 (b) the basic special tax for high schools in support
19 of the high school foundation programs;

20 (c) the county tax in support of the transportation
21 schedules;

22 (d) the county tax in support of the elementary and
23 high school district retirement obligations; and

24 (e) any other county tax for schools, including the
25 community colleges, which may be authorized by law and

1 levied by the county commissioners.

2 (2) whenever requested, notify the county
3 superintendent and the superintendent of public instruction
4 of the amount of county school money on deposit in each of
5 the funds enumerated in subsection (1) ~~of this section~~ and
6 the amount of any other school money subject to
7 apportionment and apportion the county and other school
8 money to the districts in accordance with the apportionment
9 ordered by the county superintendent;

10 (3) keep a separate accounting of the expenditures for
11 each budgeted fund included in the final budget of each
12 district;

13 (4) keep a separate accounting of the receipts,
14 expenditures, and cash balances for each budgeted fund
15 included in the final budget of each district and for each
16 nonbudgeted fund established by each district;

17 (5) except as otherwise limited by law, pay all
18 warrants properly drawn on the county or district school
19 money and properly endorsed by their holders;

20 (6) receive all revenue collected by and for each
21 district and deposit these receipts in the fund designated
22 by law or by the district if no a fund is not designated by
23 law. Interest and penalties on delinquent school taxes shall
24 must be credited to the same fund and district for which the
25 original taxes were levied.

(7) send all revenue received for a joint district, part of which is situated in his that county, to the county treasurer designated as the custodian of the revenue, no later than December 15 of each year and every 3 months thereafter after that date until the end of the school fiscal year;

(8) at the direction of the trustees of a district, assist the district in the issuance and sale of tax and revenue anticipation notes as provided in Title 7, chapter 6, part 11;

(9) register district warrants drawn on a budgeted fund in accordance with 7-6-2604 when there is insufficient money available in all funds of the district to make payment of the warrant. Redemption of registered warrants must be made in accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

(10) invest the money of any district as directed by the trustees of the district within 3 working days of the direction;

(11) each month give to the trustees of each district an itemized report for each fund maintained by the district, showing the paid warrants, outstanding warrants, registered warrants, amounts and types of revenue received, and the cash balance;

(12) remit promptly to the state treasurer receipts for the county tax for a vocational-technical center when levied

by the board of county commissioners under the provisions of 20-16-202;

(13) invest the money received from the basic county tax in support of the elementary foundation programs and the basic special tax in support of the high school foundation programs within 3 working days of receipt. The money must be invested until the working day before it is required to be distributed to school districts within the county or remitted to the state. Permissible investments are specified in 20-9-213(4). All investment income must be deposited, and credited proportionately, in the funds established to account for the taxes received for the purposes specified in subsections (1)(a) and (1)(b).

(14) remit on a monthly basis to the state treasurer, in accordance with the provisions of 15-1-504, all county equalization revenue received under the provisions of 20-9-331 and 20-9-333 for elementary and high school district foundation program support, including all interest earned and excluding any amount required for high school out-of-county tuition under the provisions of 20-9-334, in repayment of the state advance for county equalization prescribed in 20-9-347. Any funds in excess of a state advance must be used as required in 20-9-331(1)(b) and 20-9-333(1)(b)."

-End-