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INTRODUCED BY House BILL NO. 588  
Ohl Barnett Swanson

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PROPERTY TAX REFUND PROVISIONS RELATED TO ERRORS IN THE DESCRIPTION OR LOCATION OF REAL PROPERTY OR IMPROVEMENTS; AMENDING SECTION 15-16-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 15-16-603, MCA, is amended to read:

**"15-16-603. Refund of taxes -- limitations on refunds.** (1) Subject to the provisions in subsections (2) and (3), a board of county commissioners shall order a refund:

(a) on a tax, penalty, interest, or cost paid more than once or erroneously or illegally collected if an appeal pursuant to 15-1-402 was not available;

(b) on a tax paid for which a refund is allowed under 15-16-612 or 15-16-613;

(c) on a tax, penalty, or interest collected as a result of an error in the description or location of real property or improvements or for duplicate taxes paid as determined by the department of revenue;

(d) on net or gross proceeds tax, centrally assessed property tax, or local government severance tax, penalty, or interest when the department of revenue notifies the board of county commissioners of an assessment revision completed pursuant to 15-8-601; or

(e) upon entry of a decision either by the district court or by the state tax appeal board under 15-2-306 that has not been appealed to a higher court.

(2) The taxpayer shall prove that a refund is due under subsection (1)(a) or (1)(b).

(3) (a) A refund may not be granted under subsection (1)(a) or (1)(b) unless the taxpayer or a representative of the taxpayer files a written claim with the board of county commissioners within 10 years after the date when the second half of the taxes would have become delinquent if the taxes had not been paid.

(b) The refund required under subsection (1)(c) must be made for 4 tax years or for the duration of the error, whichever period is shorter.

1           (c) A refund may not be made under subsection (1)(c) unless the taxpayer allowed the department  
2 of revenue access to the taxpayer's property for the purposes of appraising the property."

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4           NEW SECTION. Section 2. Effective date -- retroactive applicability. [This act] is effective on  
5 passage and approval and applies retroactively, within the meaning of 1-2-109, to errors in the description  
6 or location of real property or improvements that existed after December 31, 1992.

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-END-

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STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0588, as introduced

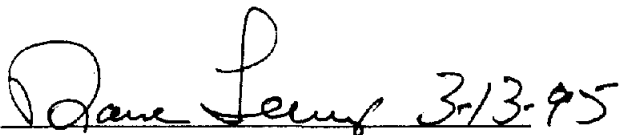
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DESCRIPTION OF PROPOSED LEGISLATION:


An act clarifying the property tax refund provisions related to errors in the description or location of real property or improvements; and providing an immediate effective date and a retroactive applicability date.

FISCAL IMPACT:

The impact of this proposal is dependent on the number of taxpayers that would choose to seek a refund as provided under the proposal. If the number is small, the proposal would have a negligible impact on the revenues and expenditures of state and local governments. If the number is large the impact may not be negligible.

 3-13-95

DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning



KARL OHS, PRIMARY SPONSOR DATE  
Fiscal Note for HB0588, as introduced

HB 588

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2 INTRODUCED BY OHS, BARNETT, SWANSON

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