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House BILL NO. 598  
*Harold Ream*

INTRODUCED BY

BY REQUEST OF THE HOUSE TAXATION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN THE GRANTOR IDENTIFIED ON A REALTY TRANSFER CERTIFICATE IS NOT THE PERSON TO WHOM THE PROPERTY IS ASSESSED, THE DEPARTMENT OF REVENUE MAY NOT SUBSTITUTE THE GRANTEE'S NAME FOR THAT OF THE PERSON TO WHOM THE PROPERTY IS ASSESSED BUT SHALL INCLUDE THE GRANTEE'S NAME WITH THAT OF THE PERSON TO WHOM THE PROPERTY IS ASSESSED; PROVIDING THAT ALL TRANSFERS OF REAL PROPERTY MUST BE REPORTED BUT EXEMPTING CERTAIN TRANSFERS FROM THE REQUIREMENT THAT THE SALES PRICE BE REPORTED; AMENDING SECTIONS 15-7-304 AND 15-7-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 15-7-304, MCA, is amended to read:

**"15-7-304. Report of transfers -- change of ownership records.** (1) All transfers of real property that are not evidenced by a recorded document, except those transfers otherwise provided for in this part, must be reported to the department on the form prescribed.

(2) The department is not required to change any ownership records used for the assessment or taxation of real property unless the department has received a transfer certificate from the clerk and recorder ~~or a~~ and the transfer has been reported to the department as provided by rule. If the grantor on the transfer certificate is not the person to whom the property is assessed on the property tax record, the department may not substitute the grantee's name on the certificate for the name of the current person listed on the property tax record, but the department shall add the grantee's name to the property tax record with the name of the person to whom the property is assessed. The department shall substitute the grantee's name on the property tax record when reliable evidence demonstrates that the grantee is the owner of the property for tax purposes."

**Section 2.** Section 15-7-307, MCA, is amended to read:



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STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0598, as introduced

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DESCRIPTION OF PROPOSED LEGISLATION:

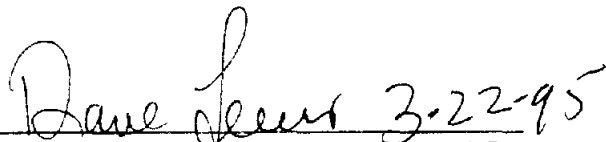
An act providing that when the grantor identified on a realty transfer certificate is not the person to whom the property is assessed, the Department of Revenue may not substitute the grantee's name for that of the person to whom the property is assessed but shall include the grantee's name with that of the person to whom the property is assessed; providing that all transfers of real property must be reported but exempting certain transfers from the requirement that the sales price be reported; and providing an immediate effective date and an applicability date.

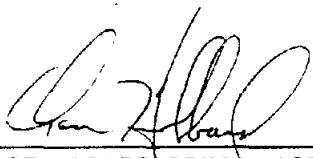
FISCAL IMPACT:

The proposal does not impact Department of Revenue expenditures or revenues.

TECHNICAL NOTES:

- 1) Failure to enact the provisions of this bill would allow and actually provide for the transfer of property on tax records to occur with the filing of any legal transfer document (deed) and realty transfer certificate. If this bill is not enacted, it is possible the department could unknowingly assess property to someone who is not the legal owner of the property.

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

  
CHASE HIBBARD, PRIMARY SPONSOR DATE  
Fiscal Note for HB0598, as introduced

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House 2 BILL NO. 598  
*Robert Ream*

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Section 2. Section 15-7-307, MCA, is amended to read:



HB 598

SECOND READING



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HB 598

THIRD READING



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 6, 1995

MR. PRESIDENT:

We, your committee on Taxation having had under consideration HB 598 (third reading copy -- blue), respectfully report that HB 598 be amended as follows and as so amended be concurred in.

Signed: Sen Devlin  
Senator Gerry Devlin, Chair

That such amendments read:

1. Page 1, line 26.

Following: "assessed."

Insert: "The department shall mail notification of the change to the person to whom the property is assessed and to the grantee."

-END-

SA Amd. Coord.  
Sec. of Senate

SEN. VAN VALKENBURG  
Senator Carrying Bill

HB 598  
SENATE  
791450SC.SRF



HOUSE BILL NO. 598

INTRODUCED BY HIBBARD, REAM

BY REQUEST OF THE HOUSE TAXATION COMMITTEE

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