

1 SENATE BILL NO. 90

2 INTRODUCED BY C. GLIMM, M. NOLAND, A. REGIER, D. FERN, M. REGIER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROPERTY TAX ASSISTANCE FOR PRIMARY  
5 RESIDENCES; PROVIDING THAT THE ASSISTANCE IS FUNDED WITH LODGING TAX REVENUE AND  
6 RENTAL CAR TAX REVENUE; PROVIDING THAT THE PROPERTY TAX ASSISTANCE IS DISTRIBUTED  
7 TO COUNTIES TO BE DISTRIBUTED AS A CREDIT TO CERTAIN PRIMARY RESIDENCES; REQUIRING  
8 THE DEPARTMENT OF REVENUE TO CERTIFY PRIMARY RESIDENCES; PROVIDING A PENALTY FOR  
9 FALSE OR FRAUDULENT PRIMARY RESIDENCE APPLICATIONS; PROVIDING AN APPEALS PROCESS  
10 FOR CERTIFICATION OF A PRIMARY RESIDENCE; PROVIDING A DEFINITION; PROVIDING  
11 RULEMAKING AUTHORITY; ELIMINATING REPORTING REQUIREMENTS; AMENDING SECTIONS 15-7-  
12 102, 15-10-420, 15-15-101, 15-15-102, 15-15-103, 15-16-101, 15-17-125, ~~15-65-424~~, 15-68-820, 22-3-1303,  
13 22-3-1304, AND 22-3-1307, ~~AND 44-4-1506~~, MCA; ~~REPEALING SECTION 90-1-122~~, MCA; AND PROVIDING  
14 AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17  
18 NEW SECTION. **Section 1. Property tax assistance for primary residences.** (1) A county shall  
19 provide property tax assistance to owners of primary residences certified by the department of revenue  
20 pursuant to [section 3]. The assistance is provided with funding from the state property tax assistance account  
21 distributed to the county as provided in [section 2].

22 (2) (a) Except as provided in subsection (2)(b), the county treasurer shall provide the property tax  
23 assistance distributed pursuant to [section 2] to each primary residence by listing the property tax assistance  
24 amount as a credit on the property tax bill as provided in 15-16-101(2)(a)(v).

25 (b) If the property tax assistance calculated pursuant to [section 2(2)] exceeds the property tax  
26 billed for an individual property, the county may retain the revenue that exceeds the property tax billed.

27 (3) The owner of a primary residence that receives property tax assistance under this section is not  
28 prohibited from receiving property tax assistance under another property tax assistance program.

1 (4) State property tax assistance provided to counties pursuant to this section may not affect the  
2 maximum mill calculation in 15-10-420.

3  
4 **NEW SECTION. Section 2. State property tax assistance account.** (1) There is a state property  
5 tax assistance account in the state special revenue fund established in 17-2-102. The revenue allocated to the  
6 account as provided in ~~15-65-121~~ and 15-68-820 must be deposited in the account and distributed as provided  
7 in this section.

8 (2) (a) At the end of each fiscal year, the department shall determine the amount of property tax  
9 assistance per primary residence by subtracting the amounts listed in subsection (2)(c) and dividing the  
10 remainder by the total number of primary residences certified pursuant to [section 3].

11 (b) By August 31 of each year, the department shall distribute to each county the property tax  
12 assistance per primary residence multiplied by the number of primary residences within the county. The county  
13 shall deposit the money in the account in which property tax revenue is held and use the distribution to provide  
14 property tax assistance pursuant to [section 1].

15 (c) The department may retain 2% of the revenue allocated to the account for administering the  
16 certification of primary residences under [section 3] and shall retain \$100,000 for appeals granted under  
17 [section 5].

18 (3) The department shall provide each county with a list of property in the county that the  
19 department certifies pursuant to [section 3] qualifies as a primary residence to enable the county treasurer to  
20 administer the property tax assistance.

21 (4) A payment required pursuant to this section may be withheld if, for more than 90 days, a local  
22 government fails to:

23 (a) file a financial report required by 15-1-504;

24 (b) remit any amounts collected on behalf of the state as required by 15-1-504; or

25 (c) remit any other amounts owed to the state or another taxing jurisdiction.

26  
27 **NEW SECTION. Section 3. Certification of primary residence for state property tax assistance -**  
28 **- rulemaking -- definition.** (1) To receive state property tax assistance pursuant to [section 1], the owner of a

1 primary residence shall apply to the department for certification of the primary residence.

2 (2) (a) To receive state property tax assistance for the tax year in which the application is first  
3 made, the owner shall apply electronically or by mail on a form prescribed by the department and postmarked  
4 by March 1. Approved applications received electronically or postmarked after March 1 apply to the following  
5 tax year.

6 (b) Once approved, the certification remains effective until:

7 (i) there is a change in ownership of the property;

8 (ii) the owner no longer uses the dwelling as a primary residence; or

9 (iii) the owner applies for state property tax assistance for a different primary residence.

10 (c) If certification is terminated pursuant to subsection (2)(b), the owner shall submit a new  
11 application to the department to reestablish the certification.

12 (d) An application for state property tax assistance must be submitted on a form prescribed by the  
13 department and must contain:

14 (i) a written declaration made under penalty of perjury that the applicant owns and maintains the  
15 land and improvements as the primary residence. The application must state the penalty provided for in [section  
16 4].

17 (ii) the geocode or other property identifier for the primary residence for which the applicant is  
18 requesting the state property tax assistance;

19 (iii) the social security number of the applicant; and

20 (iv) any other information required by the department that is relevant to the applicant's eligibility.

21 (3) (a) Except as provided in subsection (3)(b), class four residential property owned by an entity is  
22 not eligible to receive the state property tax assistance.

23 (b) The trustee of a grantor revocable trust may apply for state property tax assistance for a  
24 primary residence on behalf of the trust if the dwelling meets the definition of a primary residence for the  
25 grantor.

26 (4) The department may adopt rules, prepare forms, and maintain records that are necessary to  
27 implement this section.

28 (5) (a) For the purpose of this section and [sections 4 and 5], "primary residence" means a class

1 four residential property:

2 (i) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home,  
3 or mobile home;

4 (ii) in which an owner can demonstrate the owner owned and lived for at least 7 months of the  
5 year;

6 (iii) that is the owner's only primary residence;

7 (iv) THAT IS NOT SUBJECT TO THE TAX RATE PROVIDED FOR IN 15-6-134(3)(B) FOR A SINGLE-FAMILY  
8 RESIDENTIAL DWELLING IN EXCESS OF \$1.5 MILLION; and

9 (v) for which the owner made payment of the assessed Montana property taxes.

10 (b) An owner who cannot meet the requirements of subsection (5)(a)(ii) because the owner's  
11 primary residence changed during the tax year to another primary residence may still qualify if the owner paid  
12 the Montana property taxes while residing in each primary residence for a total of at least 7 consecutive months  
13 of the tax year. The department shall establish rules for determining the property tax assistance when the  
14 primary residences are in different counties.

15

16 NEW SECTION. Section 4. State property tax assistance -- penalty for false or fraudulent  
17 **application.** A person who files a false or fraudulent certification of primary residence for state property tax  
18 assistance under [section 3] is subject to criminal prosecution under the provisions of 45-7-202 and may be  
19 prohibited from claiming state property tax assistance for up to 10 years. If false or fraudulent property tax  
20 assistance has been issued by the county, the amount of assistance granted may be recovered as any other  
21 tax owed the county. If property tax assistance becomes due and owing, the department may issue a warrant  
22 for distraint as provided in Title 15, chapter 1, part 7.

23

24 NEW SECTION. Section 5. Appeal of denial of certification of primary residence. (1) (a) If the  
25 department denies an application for certification of a primary residence, the owner may request an informal  
26 review of the denial by submitting an objection on written or electronic forms provided by the department for  
27 that purpose in a manner prescribed by the department. The objection must be made no later than 30 days  
28 after the date of the denial notification.

1 (b) The property owner may request that the department consider extenuating circumstances to  
2 grant an application for certification of a primary residence. Extenuating circumstances include but are not  
3 limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different  
4 from the typical or customary, and that are not expected to recur.

5 (c) After the informal review, the department shall determine the correct status of the application  
6 and notify the taxpayer of its determination by mail or electronically. In the notification, the department shall  
7 state its reasons for accepting or denying the application.

8 (2) If a property owner is aggrieved by the determination made by the department after the review  
9 provided for in subsection (1), the property owner has the right to first appeal to the county tax appeal board  
10 and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts.  
11 An appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on  
12 the notice of the department's determination. If the county tax appeal board or the Montana tax appeal board  
13 determines that the residence should qualify as a primary residence, the department shall provide to the  
14 property owner the amount of property tax assistance due from the amount retained pursuant to [section 2].  
15

16 **Section 6.** Section 15-7-102, MCA, is amended to read:

17 **"15-7-102. Notice of classification, market value, and taxable value to owners -- appeals.** (1) (a)  
18 Except as provided in 15-7-138, the department shall mail or provide electronically to each owner or purchaser  
19 under contract for deed a notice that includes the land classification, market value, and taxable value of the  
20 land and improvements owned or being purchased. A notice must be mailed or, with property owner consent,  
21 provided electronically to the owner only if one or more of the following changes pertaining to the land or  
22 improvements have been made since the last notice:

- 23 (i) change in ownership;  
24 (ii) change in classification;  
25 (iii) change in valuation; or  
26 (iv) addition or subtraction of personal property affixed to the land.

27 (b) The notice must include the following for the taxpayer's informational and informal classification  
28 and appraisal review purposes:

1 (i) a notice of the availability of all the property tax assistance programs available to property  
2 taxpayers, including the state property tax assistance provided for in [section 1], the intangible land value  
3 assistance program provided for in 15-6-240, the property tax assistance programs provided for in Title 15,  
4 chapter 6, part 3, and the residential property tax credit for the elderly provided for in 15-30-2337 through 15-  
5 30-2341;

6 (ii) the total amount of mills levied against the property in the prior year;

7 (iii) the market value for the prior reappraisal cycle;

8 (iv) if the market value has increased by more than 10%, an explanation for the increase in  
9 valuation;

10 (v) a statement that the notice is not a tax bill; and

11 (vi) a taxpayer option to request an informal classification and appraisal review by checking a box  
12 on the notice and returning it to the department.

13 (c) When the department uses an appraisal method that values land and improvements as a unit,  
14 including the sales comparison approach for residential condominiums or the income approach for commercial  
15 property, the notice must contain a combined appraised value of land and improvements.

16 (d) Any misinformation provided in the information required by subsection (1)(b) does not affect the  
17 validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

18 (2) (a) Except as provided in subsection (2)(c), the department shall assign each classification and  
19 appraisal to the correct owner or purchaser under contract for deed and mail or provide electronically the notice  
20 in written or electronic form, adopted by the department, containing sufficient information in a comprehensible  
21 manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of  
22 changes over the prior tax year.

23 (b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an  
24 appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in  
25 15-1-402.

26 (c) The department is not required to mail or provide electronically the notice to a new owner or  
27 purchaser under contract for deed unless the department has received the realty transfer certificate from the  
28 clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by

1 subsection (2)(a) are mailed or provided electronically. The department shall notify the county tax appeal board  
2 of the date of the mailing or the date when the taxpayer is informed the information is available electronically.

3 (3) (a) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the  
4 market value of the property as determined by the department or with the classification of the land or  
5 improvements, the owner may request an informal classification and appraisal review by submitting an  
6 objection on written or electronic forms provided by the department for that purpose or by checking a box on the  
7 notice and returning it to the department in a manner prescribed by the department.

8 (i) For property other than class three property described in 15-6-133, class four property  
9 described in 15-6-134, class ten property described in 15-6-143, and centrally assessed property described in  
10 15-23-101, the objection must be submitted within 30 days from the date on the notice.

11 (ii) For class three property described in 15-6-133, class four property described in 15-6-134, and  
12 class ten property described in 15-6-143, the objection may be made only once each valuation cycle. An  
13 objection must be made in writing or by checking a box on the notice within 30 days from the date on the  
14 classification and appraisal notice for a reduction in the appraised value to be considered for both years of the  
15 2-year valuation cycle. An objection made more than 30 days from the date of the classification and appraisal  
16 notice will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the  
17 second year of the valuation cycle, the taxpayer shall make the objection in writing or by checking a box on the  
18 notice no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is  
19 received in the second year of the valuation cycle, within 30 days from the date on the notice.

20 (iii) For centrally assessed property described in 15-23-101(2)(a), the objection must be submitted  
21 within 20 days from the date on the notice. A taxpayer may submit an objection up to 10 days after this deadline  
22 on request to the department.

23 (iv) (A) For centrally assessed property described in 15-23-101(2)(b) and (2)(c), an objection to the  
24 valuation or classification may be made only once each valuation cycle. An objection must be made in writing  
25 within the time period specified in subsection (3)(a)(iii) for a reduction in the appraised value to be considered  
26 for both years of the 2-year valuation cycle. An objection made after the deadline specified in subsection  
27 (3)(a)(iii) will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to  
28 the second year of the valuation cycle, the taxpayer shall make the objection in writing no later than June 1 of

1 the second year of the valuation cycle or, if a classification and appraisal notice is received in the second year  
2 of the valuation cycle, within the time period specified in subsection (3)(a)(iii).

3 (B) If a property owner has exhausted the right to object to a valuation, as provided for in  
4 subsection (3)(a)(iv)(A), the property owner may ask the department to consider extenuating circumstances to  
5 adjust the value of property described in 15-23-101(2)(b) or (2)(c). Occurrences that may result in an  
6 adjustment to the value include but are not limited to extraordinary, unusual, or infrequent events that are  
7 material in nature and of a character different from the typical or customary business operations, that are not  
8 expected to recur frequently, and that are not normally considered in the evaluation of the operating results of a  
9 business, including bankruptcies, acquisitions, sales of assets, or mergers.

10 (b) If the objection relates to residential or commercial property and the objector agrees to the  
11 confidentiality requirements, the department shall provide to the objector, by posted mail or electronically, within  
12 8 weeks of submission of the objection, the following information:

13 (i) the methodology and sources of data used by the department in the valuation of the property;  
14 and

15 (ii) if the department uses a blend of evaluations developed from various sources, the reasons that  
16 the methodology was used.

17 (c) At the request of the objector or a representative of the objector, and only if the objector or  
18 representative signs a written or electronic confidentiality agreement, the department shall provide in written or  
19 electronic form:

20 (i) comparable sales data used by the department to value the property;

21 (ii) sales data used by the department to value residential property in the property taxpayer's  
22 market model area; and

23 (iii) if the cost approach was used by the department to value residential property, the  
24 documentation required in 15-8-111(3) regarding why the comparable sales approach was not reliable.

25 (d) For properties valued using the income approach as one approximation of market value, notice  
26 must be provided that the taxpayer will be given a form to acknowledge confidentiality requirements for the  
27 receipt of all aggregate model output that the department used in the valuation model for the property.

28 (e) The review must be conducted informally and is not subject to the contested case procedures



1 of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual  
2 selling price of the property and other relevant information presented by the taxpayer in support of the  
3 taxpayer's opinion as to the market value of the property. The department shall consider an independent  
4 appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate  
5 appraisers and the appraisal was completed within 6 months of the valuation date pursuant to 15-8-201. If the  
6 department does not use the appraisal provided by the taxpayer in conducting the appeal, the department shall  
7 provide to the taxpayer the reason for not using the appraisal. The department shall give reasonable notice to  
8 the taxpayer of the time and place of the review.

9 (f) After the review, the department shall determine the correct appraisal and classification of the  
10 land or improvements and notify the taxpayer of its determination by mail or electronically. The department may  
11 not determine an appraised value that is higher than the value that was the subject of the objection unless the  
12 reason for an increase was the result of a physical change in the property or caused by an error in the  
13 description of the property or data available for the property that is kept by the department and used for  
14 calculating the appraised value. In the notification, the department shall state its reasons for revising the  
15 classification or appraisal. When the proper appraisal and classification have been determined, the land must  
16 be classified and the improvements appraised in the manner ordered by the department.

17 (4) Whether a review as provided in subsection (3) is held or not, the department may not adjust  
18 an appraisal or classification upon the taxpayer's objection unless:

19 (a) the taxpayer has submitted an objection on written or electronic forms provided by the  
20 department or by checking a box on the notice; and

21 (b) the department has provided to the objector by mail or electronically its stated reason in writing  
22 for making the adjustment.

23 (5) A taxpayer's written objection or objection made by checking a box on the notice and  
24 supplemental information provided by a taxpayer that elects to check a box on the notice to a classification or  
25 appraisal and the department's notification to the taxpayer of its determination and the reason for that  
26 determination are public records. The department shall make the records available for inspection during regular  
27 office hours.

28 (6) Except as provided in 15-2-302 and 15-23-102, if a property owner feels aggrieved by the

1 classification or appraisal made by the department after the review provided for in subsection (3), the property  
2 owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board,  
3 whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board,  
4 pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's  
5 determination. A county tax appeal board or the Montana tax appeal board may consider the actual selling price  
6 of the property, independent appraisals of the property, negative property features that differentiate the subject  
7 property from the department's comparable sales, and other relevant information presented by the taxpayer as  
8 evidence of the market value of the property. If the county tax appeal board or the Montana tax appeal board  
9 determines that an adjustment should be made, the department shall adjust the base value of the property in  
10 accordance with the board's order."  
11

12 **Section 7.** Section 15-10-420, MCA, is amended to read:

13 **"15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a  
14 governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount  
15 of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3  
16 years. The maximum number of mills that a governmental entity may impose is established by calculating the  
17 number of mills required to generate the amount of property tax actually assessed in the governmental unit in  
18 the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half  
19 of the average rate of inflation for the prior 3 years.

20 (b) A governmental entity that does not impose the maximum number of mills authorized under  
21 subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between  
22 the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill  
23 authority carried forward may be imposed in a subsequent tax year.

24 (c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average  
25 rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers,  
26 using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of  
27 labor.

28 (2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any

1 additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit,  
2 including newly taxable property.

3 (3) (a) For purposes of this section, newly taxable property includes:

4 (i) annexation of real property and improvements into a taxing unit;

5 (ii) construction, expansion, or remodeling of improvements;

6 (iii) transfer of property into a taxing unit;

7 (iv) subdivision of real property; and

8 (v) transfer of property from tax-exempt to taxable status.

9 (b) Newly taxable property does not include an increase in value that arises because of an  
10 increase in the incremental value within a tax increment financing district.

11 (4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the  
12 release of taxable value from the incremental taxable value of a tax increment financing district because of:

13 (i) a change in the boundary of a tax increment financing district;

14 (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

15 (iii) the termination of a tax increment financing district.

16 (b) If a tax increment financing district terminates prior to the certification of taxable values as  
17 required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax  
18 increment financing district terminates. If a tax increment financing district terminates after the certification of  
19 taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the  
20 following tax year.

21 (c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was  
22 constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current  
23 year market value of that property less the previous year market value of that property.

24 (d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale  
25 of real property that results in the property being taxable as class four property under 15-6-134 or as  
26 nonqualified agricultural land as described in 15-6-133(1)(c).

27 (5) Subject to subsection (8), subsection (1)(a) does not apply to:

28 (a) school district levies established in Title 20; or

1 (b) a mill levy imposed for a newly created regional resource authority.

2 (6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes  
3 received under 15-6-131 and 15-6-132.

4 (7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

5 (a) may increase the number of mills to account for a decrease in reimbursements; and

6 (b) may not increase the number of mills to account for a loss of tax base because of legislative  
7 action that is reimbursed under the provisions of 15-1-121(7); and

8 (c) may not include revenue distributed to a county to provide state property tax assistance  
9 pursuant to [section 1].

10 (8) The department shall calculate, on a statewide basis, the number of mills to be imposed for  
11 purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated  
12 by the department may not exceed the mill levy limits established in those sections. The mill calculation must  
13 be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the  
14 calculation must be rounded up to the nearest tenth of a mill.

15 (9) (a) The provisions of subsection (1) do not prevent or restrict:

16 (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

17 (ii) a levy to repay taxes paid under protest as provided in 15-1-402;

18 (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

19 (iv) a levy for the support of a study commission under 7-3-184;

20 (v) a levy for the support of a newly established regional resource authority;

21 (vi) the portion that is the amount in excess of the base contribution of a governmental entity's  
22 property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

23 (vii) a levy for reimbursing a county for costs incurred in transferring property records to an  
24 adjoining county under 7-2-2807 upon relocation of a county boundary;

25 (viii) a levy used to fund the sheriffs' retirement system under 19-7-404(3)(b); or

26 (ix) a governmental entity from levying mills for the support of an airport authority in existence prior  
27 to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past.

28 The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.

1 (b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes  
2 actually assessed in a subsequent year.

3 (10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-  
4 11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport  
5 authority in either of the previous 2 years and the airport or airport authority has not been appropriated  
6 operating funds by a county or municipality during that time.

7 (11) The department may adopt rules to implement this section. The rules may include a method for  
8 calculating the percentage of change in valuation for purposes of determining the elimination of property, new  
9 improvements, or newly taxable value in a governmental unit."  
10

11 **Section 8.** Section 15-15-101, MCA, is amended to read:

12 **"15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county  
13 commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and  
14 with the members to serve staggered terms of 3 years each. The members of each county tax appeal board  
15 must be residents of the county in which they serve. A person may not be a member of a county tax appeal  
16 board if the person was an employee of the department less than 36 months before the date of appointment.

17 (2) (a) The members receive compensation as provided in subsection (2)(b) and travel expenses,  
18 as provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers'  
19 appeals from property tax assessments or when they are attending meetings called by the Montana tax appeal  
20 board. Travel expenses and compensation must be paid from the appropriation to the Montana tax appeal  
21 board.

22 (b) (i) The daily compensation for a member is as follows:

23 (A) \$45 for 4 hours of work or less; and

24 (B) \$90 for more than 4 hours of work.

25 (ii) For the purpose of calculating work hours in this subsection (2)(b), work includes hearing tax  
26 appeals, deliberating with other board members, and attending meetings called by the Montana tax appeal  
27 board.

28 (3) Office space and equipment for the county tax appeal boards must be furnished by the county.

1 All other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

2 (4) The county tax appeal board shall hold an organizational meeting each year on the date of its  
3 first scheduled hearing, immediately before conducting the business for which the hearing was otherwise  
4 scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the  
5 board. The county tax appeal board shall continue in session from July 1 of the current tax year until December  
6 31 of the current tax year to hear protests concerning assessments made by the department until the business  
7 of hearing protests is disposed of and may meet after December 31 to hear an appeal at the discretion of the  
8 county tax appeal board.

9 (5) In counties that have appointed more than three members to the county tax appeal board, only  
10 three members shall hear each appeal. The presiding officer shall select the three members hearing each  
11 appeal.

12 (6) In connection with an appeal, the county tax appeal board may change any assessment or fix  
13 the assessment at some other level or determine eligibility as a primary residence pursuant to [section 3]. Upon  
14 notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers,  
15 giving the time the county tax appeal board will be in session to hear scheduled protests concerning  
16 assessments and the latest date the county tax appeal board may take applications for the hearings. The notice  
17 must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county  
18 tax appeal board directs. The notice must be published by May 15 of the current tax year.

19 (7) Challenges to a department rule governing the assessment of property or to an assessment  
20 procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers  
21 unless an action is brought in the district court as provided in 15-1-406."

22

23 **Section 9.** Section 15-15-102, MCA, is amended to read:

24 **"15-15-102. Application for reduction in valuation -- certification as primary residence.** (1) The  
25 county tax appeal board may not reduce the valuation of property may not be reduced by the county tax appeal  
26 board or review eligibility as a primary residence under [section 3] unless either the taxpayer or the taxpayer's  
27 agent makes and files a written application ~~for reduction~~ with the county tax appeal board.

28 (2) The application ~~for reduction~~ may be obtained at the local appraisal office or from the county

1 tax appeal board. The completed application must be submitted to the county clerk and recorder. The date of  
2 receipt is the date stamped on the appeal form by the county clerk and recorder upon receipt of the form. The  
3 county tax appeal board is responsible for obtaining the applications from the county clerk and recorder.

4 (3) One application ~~for reduction~~ may be submitted during each valuation cycle. The application  
5 must be submitted within the time periods provided for in 15-7-102(3)(a) or [section 5].

6 (4) A taxpayer who receives an informal review by the department of revenue as provided in 15-7-  
7 102(3)(a)(i) and (3)(a)(ii) or [section 5] may appeal the decision of the department of revenue to the county tax  
8 appeal board as provided in [section 5(2)] and 15-7-102(6). The taxpayer may not file a subsequent application  
9 ~~for reduction~~ for the same property with the county tax appeal board during the same valuation cycle.

10 (5) If the department's determination after review is not made in time to allow the county tax appeal  
11 board to review the matter during the current tax year, the appeal must be reviewed during the next tax year,  
12 but the decision by the county tax appeal board is effective for the year in which the request for review was filed  
13 with the department. The application must state the post-office address of the applicant, specifically describe  
14 the property involved, and state the facts upon which it is claimed the reduction should be made or the property  
15 should be certified as a primary residence."

16

17 **Section 10.** Section 15-15-103, MCA, is amended to read:

18 **"15-15-103. Examination of applicant -- failure to hear application.** (1) Before the county tax  
19 appeal board grants any application or makes any reduction applied for, it shall examine on oath the person or  
20 agent making the application with regard to the value of the property of the person or eligibility as a primary  
21 residence pursuant to [section 3]. A reduction may not be made or a property certified as a primary residence  
22 unless the applicant makes an application, as provided in 15-15-102, and attends the county board hearing. An  
23 appeal of the county board's decision may not be made to the Montana tax appeal board unless the person or  
24 the person's agent has exhausted the remedies available through the county board. In order to exhaust the  
25 remedies, the person or the person's agent shall attend the county board hearing. On written request by the  
26 person or the person's agent and on the written concurrence of the department, the county board may waive  
27 the requirement that the person or the person's agent attend the hearing. The testimony of all witnesses at the  
28 hearing and the deliberation of the county tax appeal board in rendering a decision must be electronically

1 recorded and preserved for 1 year. If the decision of the county board is appealed, the record of the  
2 proceedings, including the electronic recording of all testimony and the deliberation of the county tax appeal  
3 board, must be forwarded, together with all exhibits, to the Montana board. The date of the hearing, the  
4 proceedings before the county board, and the decision must be entered upon the minutes of the county board,  
5 and the county board shall notify the applicant of its decision by mail within 3 days. A copy of the minutes of the  
6 county board must be transmitted to the Montana board no later than 3 days after the county board holds its  
7 final hearing of the year.

8 (2) (a) Except as provided in 15-15-201, if a county board refuses or fails to hear a taxpayer's  
9 timely application for a reduction in valuation of property or eligibility as a primary residence, the taxpayer's  
10 application is considered to be granted on the day following the county board's final meeting for that year. The  
11 department shall enter the appraisal, ~~or classification,~~ or eligibility as a primary residence sought in the  
12 application in the property tax record. An application is not automatically granted for the following appeals:

13 (i) those listed in 15-2-302(1); and

14 (ii) if a taxpayer's appeal from the department's determination of classification or appraisal made  
15 pursuant to 15-7-102 was not received in time, as provided for in 15-15-102, to be considered by the county  
16 board during its current session.

17 (b) The county board shall provide written notification of each application that was automatically  
18 granted pursuant to subsection (2)(a) to the department, the Montana board, and any affected municipal  
19 corporation. The notice must include the name of the taxpayer and a description of the subject property.

20 (3) The county tax appeal board shall consider an independent appraisal provided by the taxpayer  
21 if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was  
22 conducted within 6 months of the valuation date. If the county tax appeal board does not use the appraisal  
23 provided by the taxpayer in conducting the appeal, the county board shall provide to the taxpayer the reason for  
24 not using the appraisal."

25

26 **Section 11.** Section 15-16-101, MCA, is amended to read:

27 **"15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the  
28 receipt of the property tax record, the county treasurer shall publish a notice specifying:



1 (a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next  
2 November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount  
3 then due will be delinquent and will draw interest at the rate of 5/6 of 1% a month from the time of delinquency  
4 until paid and 2% will be added to the delinquent taxes as a penalty;

5 (b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on  
6 the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the  
7 rate of 5/6 of 1% a month from the time of delinquency until paid and 2% will be added to the delinquent taxes  
8 as a penalty; and

9 (c) the time and place at which payment of taxes may be made.

10 (2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice,  
11 postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due  
12 and delinquent for other years. The written notice must include:

13 (i) the taxable value of the property;

14 (ii) the total mill levy applied to that taxable value;

15 (iii) itemized city services and special improvement district assessments collected by the county;

16 (iv) the number of the school district in which the property is located;

17 (v) the amount of the total tax due itemized by mill levy that is levied as city tax, county tax, state  
18 tax, school district tax, and other tax and, for a primary residence, the total amount of state property tax  
19 assistance received under [section 1];

20 (vi) an indication of which mill levies are voted levies, including voted levies to impose a new mill  
21 levy, to increase a mill levy that is required to be submitted to the electors, or to exceed the mill levy limit  
22 provided for in 15-10-420;

23 (vii) except as provided in subsection (2)(c), an itemization of the taxes due for each mill levy and a  
24 comparison to the amount due for each mill levy in the prior year; and

25 (viii) a notice of the availability of all the property tax assistance programs available to property  
26 taxpayers, including the state property tax assistance provided for in [section 1], the intangible land value  
27 assistance program provided for in 15-6-240, the property tax assistance programs under Title 15, chapter 6,  
28 part 3, and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341.

1 (b) If a tax lien is attached to the property, the notice must also include, in a manner calculated to  
2 draw attention, a statement that a tax lien is attached to the property, that failure to respond will result in loss of  
3 property, and that the taxpayer may contact the county treasurer for complete information.

4 (c) The information required in subsection (2)(a)(vii) may be posted on the county treasurer's  
5 website instead of being included on the written notice.

6 (3) The municipality shall, upon request of the county treasurer, provide the information to be  
7 included under subsection (2)(a)(iii) ready for mailing.

8 (4) The notice in every case must be given as provided in 7-1-2121. Failure to publish or post  
9 notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the  
10 current year or of delinquent tax will not affect the legality of the tax.

11 (5) If the department revises an assessment that results in an additional tax of \$5 or less, an  
12 additional tax is not owed and a new tax bill does not need to be prepared."

13

14 **Section 12.** Section 15-17-125, MCA, is amended to read:

15 **"15-17-125. Attachment of tax lien and preparation of tax lien certificate.** (1) (a) The county  
16 treasurer shall attach a tax lien no later than the first working day in August to properties on which the taxes are  
17 delinquent and for which proper notification was given as provided in 15-17-122 and subsection (4) of this  
18 section. Upon attachment of a tax lien, the county is the possessor of the tax lien unless the tax lien is assigned  
19 pursuant to 15-17-323.

20 (b) The county treasurer may not attach a tax lien to a property on which taxes are delinquent but  
21 for which proper notice was not given.

22 (2) After attaching a tax lien, the county treasurer shall prepare a tax lien certificate that must  
23 contain:

24 (a) the date on which the property taxes became delinquent;

25 (b) the date on which a property tax lien was attached to the property;

26 (c) the name and address of record of the person to whom the taxes were assessed;

27 (d) a description of the property on which the taxes were assessed;

28 (e) a separate listing of the amount of the delinquent taxes, penalties, interest, and costs;

1 (f) a statement that the tax lien certificate represents a lien on the property that may lead to the  
2 issuance of a tax deed for the property;

3 (g) a statement specifying the date on which the county or an assignee will be entitled to a tax  
4 deed; and

5 (h) an identification number corresponding to the tax lien certificate.

6 (3) The tax lien certificate must be signed by the county treasurer. A copy of the tax lien certificate  
7 must be filed by the treasurer in the office of the county clerk. A copy of the tax lien certificate must also be  
8 mailed to the person to whom the taxes were assessed, at the address of record, together with a notice that the  
9 person may contact the county treasurer for further information on property tax liens.

10 (4) Prior to attaching a tax lien to the property, the county treasurer shall send notice of the  
11 pending attachment of a tax lien to the person to whom the property was assessed. The notice must include the  
12 information listed in subsection (2), state that the tax lien may be assigned to a third party, and provide notice of  
13 the availability of all the property tax assistance programs available to property taxpayers, including the state  
14 property tax assistance provided for in [section 1], the property tax assistance programs under Title 15, chapter  
15 6, part 3, and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341. The  
16 notice must have been mailed at least 2 weeks prior to the date on which the county treasurer attaches the tax  
17 lien.

18 (5) The county treasurer shall file the tax lien certificate with the county clerk and recorder."  
19

20 **Section 13. Section 15-65-121, MCA, is amended to read:**

21 ~~"15-65-121. (Temporary) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-~~  
22 ~~111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special~~  
23 ~~revenue fund to the credit of the department. The department may spend from that account in accordance with~~  
24 ~~an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing~~  
25 ~~the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of~~  
26 ~~17-2-124 and as provided in subsections (2)(a) through (2)(j) (2)(h) of this section, the department shall~~  
27 ~~determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of~~  
28 ~~that amount from the tax proceeds received each reporting period. The department shall distribute the portion~~

1 of the 4% that was paid with federal funds to the department of administration for return to the federal  
2 government and deposit 30% of the amount deducted less the portion paid with federal funds in the state  
3 general fund.

4 (2) — The balance of the tax proceeds received each reporting period and not deducted pursuant to  
5 the expenditure appropriation, deposited in the state general fund, or distributed to agencies that paid the tax  
6 with federal funds, or deposited in the heritage preservation and development account must be transferred to  
7 an account in the state special revenue fund to the credit of the department of commerce for the purposes  
8 designated under 90-1-122, the state property tax assistance account, to the emergency lodging for victims of  
9 domestic violence or human trafficking account, to the Montana historical interpretation state special revenue  
10 account, to the Montana historical society, to the university system, to the state tribal economic development  
11 commission, and to the department of fish, wildlife, and parks, as follows:

12 (a) — ~~65.4% to the state property tax assistance account provided for in [section 2];~~

13 (a)(b) — 1% to the Montana historical society to be used for the installation or maintenance of roadside  
14 historical signs and historic sites;

15 (b) — 2.5% to the university system for the establishment and maintenance of a Montana travel  
16 research program;

17 (c) — 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks  
18 that have both resident and nonresident use;

19 (d) — 1.4% to the invasive species state special revenue account established in 80-7-1004;

20 (e) — 60.2% to be used directly by the department of commerce as provided in 90-1-122[, and in part  
21 to renovate the Miles City train depot];

22 (f)(e) — 0.1% to the emergency lodging for victims of domestic violence or human trafficking account  
23 established in 44-4-1506;

24 (g)(f) — (i) except as provided in subsection (2)(g)(ii) (2)(f)(ii), 22.5% to be distributed by the department  
25 to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the  
26 total proceeds collected statewide; and

27 (ii) — if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,  
28 resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional

1 nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area  
2 district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-  
3 county, resort area, or resort area district;

4 (h)(g) — 0.5% to the state special revenue account provided for in 90-1-135 for use by the state tribal  
5 economic development commission established in 90-1-131 for activities in the Indian tourism region; and

6 (i)(h) — 2.6% to the Montana historical interpretation state special revenue account established in 22-3-  
7 115; and

8 (j) — 2.7% or \$1 million, whichever is less, to the Montana heritage preservation and development  
9 account provided for in 22-3-1004. The Montana heritage preservation and development commission shall  
10 report on the use of funds received pursuant to this subsection (2)(j) to the legislative finance committee on a  
11 semiannual basis, in accordance with 5-11-210.

12 (3) — If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-  
13 820(5)(b)(iii)(4)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors  
14 bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds  
15 must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-  
16 county, resort area, or resort area district is located.

17 (4) — If a regional nonprofit tourism corporation fails to submit and gain approval for an annual  
18 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism  
19 corporation may be used by the department of commerce for tourism promotion and promotion of the state as a  
20 location for the production of motion pictures and television commercials.

21 (5) — The tax proceeds received that are transferred to a state special revenue account pursuant to  
22 subsections (2)(a) through (2)(b), (2)(c), (2)(e), and (2)(g) (2)(f) are statutorily appropriated to the entities as  
23 provided in 17-7-502. The tax proceeds received that are transferred to the emergency lodging for victims of  
24 domestic violence or human trafficking account pursuant to subsection (2)(f) (2)(e) are subject to the  
25 appropriation provisions in 44-4-1506.

26 (6) — The tax proceeds received that are transferred to the invasive species state special revenue  
27 account pursuant to subsection (2)(d), and to the Montana historical interpretation state special revenue  
28 account pursuant to subsection (2)(i) (2)(h), and to the Montana heritage preservation and development

1 account pursuant to subsection (2)(j) are subject to appropriation by the legislature. (Terminates June 30, 2027-  
2 -sec. 12, Ch. 563, L. 2021; sec. 10, Ch. 758, L. 2023; bracketed language in subsection (1)(e) terminates June  
3 30, 2025--sec. 34, Ch. 763, L. 2023.)

4 ~~15-65-121. (Effective July 1, 2027) Distribution of tax proceeds. (1) The proceeds of the tax~~  
5 ~~imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account~~  
6 ~~in the state special revenue fund to the credit of the department. The department may spend from that~~  
7 ~~account in accordance with an expenditure appropriation by the legislature based on an estimate of the~~  
8 ~~costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax~~  
9 ~~proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through~~  
10 ~~(2)(h) (2)(g) of this section, the department shall determine the expenditures by state agencies for in-~~  
11 ~~state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received~~  
12 ~~each reporting period. The department shall distribute the portion of the 4% that was paid with federal~~  
13 ~~funds to the department of administration for return to the federal government and deposit 30% of the~~  
14 ~~amount deducted less the portion paid with federal funds in the state general fund. The amount of~~  
15 ~~\$400,000 each year must be deposited in the Montana heritage preservation and development account~~  
16 ~~provided for in 22-3-1004.~~

17 (2) ~~—The balance of the tax proceeds received each reporting period and not deducted pursuant to~~  
18 ~~the expenditure appropriation, deposited in the state general fund, or distributed to agencies that paid the tax~~  
19 ~~with federal funds, or deposited in the heritage preservation and development account must be transferred to~~  
20 ~~an account in the state special revenue fund to the credit of the department of commerce for the purposes~~  
21 ~~designated under 90-1-122, the state property tax assistance account, to the Montana historical interpretation~~  
22 ~~state special revenue account, to the Montana historical society, to the university system, to the state tribal~~  
23 ~~economic development commission, and to the department of fish, wildlife, and parks, as follows:~~

24 (a) ~~—65.5% to the state property tax assistance account provided for in [section 2];~~

25 (a)(b) ~~—1% to the Montana historical society to be used for the installation or maintenance of roadside~~  
26 ~~historical signs and historic sites;~~

27 (b) ~~—2.5% to the university system for the establishment and maintenance of a Montana travel~~  
28 ~~research program;~~

1 (c) — 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks  
2 that have both resident and nonresident use;

3 (d) — 1.4% to the ~~invasive species state special revenue account established in 80-7-1004;~~

4 (e) — 63% to be used directly by the department of commerce as provided in 90-1-122 ;

5 (f)(e) — (i) except as provided in subsection (2)(f)(ii) (2)(e)(ii), 22.5% to be distributed by the department  
6 to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the  
7 total proceeds collected statewide; and

8 (ii) — if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,  
9 resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional  
10 nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area  
11 district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-  
12 county, resort area, or resort area district;

13 (g)(f) — 0.5% to the state special revenue account provided for in 90-1-135 for use by the state tribal  
14 economic development commission established in 90-1-131 for activities in the Indian tourism region; and

15 (h)(g) — 2.6% to the Montana historical interpretation state special revenue account established in 22-3-  
16 115.

17 (3) — If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-  
18 820(5)(b)(iii)(4)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors  
19 bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds  
20 must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-  
21 county, resort area, or resort area district is located.

22 (4) — If a regional nonprofit tourism corporation fails to submit and gain approval for an annual  
23 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism  
24 corporation may be used by the department of commerce for tourism promotion and promotion of the state as a  
25 location for the production of motion pictures and television commercials.

26 (5) — The tax proceeds received that are transferred to a state special revenue account pursuant to  
27 subsections (2)(a) through (2)(b), (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided  
28 in 17-7-502.

1           (6) — The tax proceeds received that are transferred to the invasive species state special revenue  
2 account pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account  
3 pursuant to subsection (2)(h) (2)(g) are subject to appropriation by the legislature."  
4

5           **Section 13.** Section 15-68-820, MCA, is amended to read:

6           **"15-68-820. Sales tax and use tax proceeds.** (1) ~~Except as provided in subsections (2) through (6),~~  
7 all All money collected under this chapter must, in accordance with the provisions of 17-2-124, be deposited by  
8 the department into the general fund as provided in subsections (2) through (4).

9           (2) ~~Twenty-five percent of the~~ The revenue collected on the base rental charge for rental vehicles  
10 under 15-68-102(1)(b) and ~~15-68-102(3)(a)(ii)~~ must be deposited as follows:

11           (a) 75% in the state property tax assistance account provided for in [section 2]; and

12           (b) 25% in the state special revenue fund to the credit of the senior citizen and persons with  
13 disabilities transportation services account provided for in 7-14-112.

14           (3) ~~Until December 31, 2024, a portion of the~~ The revenue collected on the sale or use of  
15 accommodations and campgrounds under 15-68-102(1)(a) and (3)(a)(i) must be deposited as follows:

16           (a) ~~20%~~ in the account established in 22-3-1303 for construction of the Montana heritage center;  
17 ~~and~~

18           (b) ~~5%~~ in the account established in 22-3-1307 for historic preservation grants.

19           (4) ~~Starting January 1, 2025, a portion of the revenue collected on the sale or use of~~  
20 ~~accommodations and campgrounds under 15-68-102 (1)(a) and (3)(a)(i) must be deposited or distributed as~~  
21 ~~follows:~~

22           (a) ~~82%~~ 75% in the state property tax assistance account provided for in [section 2];

23           ~~(a)(b)~~ 6% in the account established in 22-3-1304 for operation and maintenance of the Montana  
24 heritage center;

25           ~~(b)(c)~~ 6% distributed as provided in subsection ~~(5)~~ (4); ~~and~~

26           ~~(e)(d)~~ 6% in the account established in 22-3-1307 for historic preservation grants; ~~and~~ AND

27           ~~(E)~~ 7% IN THE ACCOUNT ESTABLISHED IN 17-7-209

28           ~~(d)~~ 7% in the account established in 17-7-209.



1           ~~(5)~~(4) (a) Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-  
2 124 and as provided in subsection ~~(5)(b)~~ (4)(b) of this section, the department shall determine the expenditures  
3 by state agencies for in-state lodging for each reporting period and deduct 1% of that amount from the tax  
4 proceeds received each reporting period. The department shall distribute the portion of the 1% that was paid  
5 with federal funds to the department of administration for return to the federal government and deposit 30% of  
6 the amount deducted less the portion paid with federal funds in the state general fund.

7           (b) The balance of the tax proceeds received each reporting period and not distributed to agencies  
8 that paid the tax with federal funds must be transferred to an account in the state special revenue fund to the  
9 credit of the department of commerce for tourism promotion and promotion of the state as a location for the  
10 production of motion pictures and television commercials, to the department of fish, wildlife, and parks, and to  
11 the state-tribal economic development commission as follows:

12           (i) 7% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks  
13 that have both resident and nonresident use;

14           (ii) 68.5% to be used directly by the department of commerce;

15           (iii) (A) except as provided in subsection ~~(5)(b)(iii)(B)~~ (4)(b)(iii)(B), 24% to be distributed by the  
16 department of commerce to regional nonprofit tourism corporations in the ratio of the proceeds collected in  
17 each tourism region to the total proceeds collected statewide; and

18           (B) if 24% of the proceeds collected annually within the limits of a city, consolidated city-county,  
19 resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional  
20 nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area  
21 district is located to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-  
22 county, resort area, or resort area district; and

23           (iv) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal  
24 economic development commission established in 90-1-131 for activities in the Indian tourism region.

25           ~~(6)~~(5) The tax proceeds received that are transferred to a state special revenue account pursuant to  
26 subsection ~~(5)(b)~~ (4)(b) are allocated to the entities."

27

28           **Section 14.** Section 22-3-1303, MCA, is amended to read:

1           **"22-3-1303. Account -- Montana heritage center construction.** There is an account in the capital  
2 projects fund established in 17-2-102 known as the Montana heritage center construction account. The tax  
3 collections allocated in the former 15-68-820(3)(a) before the amendments of [this act] must be deposited in the  
4 account until December 31, 2024. The money in the account is authorized to the department of administration  
5 and may be used only for capital construction of the Montana heritage center."  
6

7           **Section 15.** Section 22-3-1304, MCA, is amended to read:

8           **"22-3-1304. Account -- Montana heritage center operations.** There is an account in the state  
9 special revenue fund established in 17-2-102 known as the Montana heritage center operations account. The  
10 tax collections allocated in 15-68-820(4)(a) must be deposited in the account. The money in the account may  
11 be used only for expenses incurred in the operation and maintenance of the Montana heritage center, which  
12 may include the veterans' and pioneer memorial building."  
13

14           **Section 16.** Section 22-3-1307, MCA, is amended to read:

15           **"22-3-1307. Historic preservation grant program account.** (1) There is an account in the state  
16 special revenue fund established in 17-2-102 known as the historic preservation grant program account. The  
17 tax collections allocated in 15-68-820(3)(b) and (4)(c) must be deposited in the account.

18           (2) Money deposited in the account is subject to appropriation by the legislature and may be used  
19 only for historic preservation grants to be administered by the department of commerce.

20           (3) The department shall allocate and disburse historic preservation account funds as appropriated  
21 by the legislature."  
22

23           **Section 18.** Section ~~44-4-1506~~, MCA, is amended to read:

24           ~~"44-4-1506. (Temporary) Emergency lodging for victims of domestic violence or human trafficking~~  
25 ~~account. (1) There is an emergency lodging for victims of domestic violence or human trafficking account in the~~  
26 ~~state special revenue fund. The account is administered by the department of justice.~~

27           ~~(2) The revenue allocated to the account as provided in 15-65-121(2)(f) must be deposited in the~~  
28 ~~account and distributed as provided in 44-4-1505.~~

1 (3) — Money in the account is statutorily appropriated, as provided in 17-7-502, to the department of  
2 justice to provide grants to licensed establishments that provide short-term lodging in the state to individuals  
3 and families that are victims of domestic violence or human trafficking pursuant to 44-4-1505. (Terminates June  
4 30, 2027—sec. 10, Ch. 758, L. 2023.)"

5  
6 NEW SECTION. Section 19. — ~~Repealer. The following sections of the Montana Code Annotated~~  
7 ~~are repealed:~~

8 ——— 90-1-122.Lodging facility use tax allocation — allowable uses — unspent fund redistribution —  
9 rulemaking — fees.

10  
11 NEW SECTION. Section 17. **Transition.** The first distribution to counties pursuant to [section 2] must  
12 be made by August 31, 2026, for taxes collected in fiscal year 2026.

13  
14 NEW SECTION. Section 18. **Codification instruction.** (1) [Section 1] is intended to be codified as  
15 an integral part of Title 7, chapter 6, part 25, and the provisions of Title 7, chapter 6, part 25, apply to [section  
16 1].

17 (2) [Sections 2 through 5] are intended to be codified as an integral part of Title 15, chapter 6, and  
18 the provisions of Title 15, chapter 6, apply to [sections 2 through 5].

19  
20 NEW SECTION. Section 19. **Effective date.** [This act] is effective July 1, 2025.

21  
22 NEW SECTION. Section 20. **Applicability.** [This act] applies to sales of accommodations or  
23 campgrounds and sales of rental cars that occur on or after [the effective date of this act].

24 - END -