

HOUSE BILL NO. 231

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROPERTY TAX LAWS; PROVIDING FOR A PROPERTY TAX REBATE ON A PRINCIPAL RESIDENCE BASED ON A CERTAIN AMOUNT OF PROPERTY TAXES PAID FOR TAX YEAR 2024; TEMPORARILY REDUCING CLASS FOUR RESIDENTIAL PROPERTY TAX RATES; REVISING TAX RATES FOR CERTAIN CLASS FOUR RESIDENTIAL AND COMMERCIAL PROPERTY; PROVIDING A LOWER TAX RATE FOR CERTAIN OWNER-OCCUPIED RESIDENTIAL PROPERTY AND LONG-TERM RENTALS; PROVIDING A LOWER TAX RATE FOR A PORTION OF COMMERCIAL PROPERTY VALUE; PROVIDING ELIGIBILITY AND APPLICATION REQUIREMENTS; PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR THE ADJUSTMENT OF CERTAIN LOCAL GOVERNMENT FIXED MILL LEVIES; PROVIDING APPROPRIATIONS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-1-121, 15-6-134, 15-7-102, 15-15-101, 15-15-102, 15-15-103, 15-16-101, ~~AND 15-17-125~~, AND 15-30-2120, MCA; AND PROVIDING ~~AN IMMEDIATE-EFFECTIVE DATE DATES~~, APPLICABILITY DATES, AND A-TERMINATION DATE DATES."

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

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 7 6] and 15-6-134, the following definitions apply:

- (1) "Homestead reduced tax rate" means the tax rate provided for in 15-6-134(3)(b)(i).
- (2) "Long-term rental" means class four residential property:
  - (a) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and the parcel on which the long-term rental improvements are located but not including any contiguous or adjacent parcels;

1 (b) that an owner can demonstrate was:

2 (i) \_\_\_\_\_ rented for periods of 28 days or more for at least 9 7 months in each tax year for which the  
3 rental property reduced tax rate is claimed; OR

4 (ii) VACANT FOR NOT MORE THAN 5 MONTHS TO COMPLETE DOCUMENTED PROPERTY REPAIRS;

5 (c) that is occupied by tenants who use the dwelling as a residence during the year in which the  
6 reduced tax rate is claimed; and

7 (d) for which the owner is current on payment of the assessed Montana property taxes when  
8 claiming the reduced tax rate.

9 (3) "Owner" includes a purchaser under contract for deed as defined in 70-20-115, a grantor of a  
10 trust indenture as defined in 71-1-303, and the trustee of a grantor trust that is revocable as defined in 72-38-  
11 103.

12 (4) (a) "Principal residence" means class four residential property:

13 (i) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home,  
14 or mobile home and the parcel on which the principal residence improvements are located but not including any  
15 contiguous or adjacent parcels;

16 (ii) in which an owner can demonstrate the owner owned and lived for at least 7 months of the  
17 year for which the homestead reduced tax rate for a principal residence is claimed;

18 (iii) that is the only residence for which the owner claims the homestead reduced tax rate for that  
19 year; and

20 (iv) for which the owner made payment of the assessed Montana property taxes.

21 (b) An owner who cannot meet the requirements of subsection (4)(a)(ii) because the owner's  
22 principal residence changed during the tax year to another principal residence may still qualify for the  
23 homestead reduced tax rate if the owner paid the Montana property taxes while residing in each principal  
24 residence for a total of at least 7 consecutive months for each tax year.

25 (5) "Rental property reduced tax rate" means the tax rate provided for in 15-6-134(3)(b)(i) and (ii).

26 (6) ~~"Tax year 2025" means the period from January 1, 2025, through December 31, 2025.~~

27 (7)(6) ~~"Tax year 2026" means the period from January 1, 2026, through December 31, 2026.~~

28 (8) ~~"Tax year 2027" means the period from January 1, 2027, through December 31, 2027.~~

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**NEW SECTION. Section 2. — Homestead reduced tax rate transition period — automatic qualification — application for other property.** (1) For tax year 2025 and tax year 2026, a class four residential property that is a principal residence automatically qualifies for the homestead reduced tax rate provided for in 15-6-134(3)(b) if:

- (a) — the owner claimed and received a property tax rebate for tax year 2023 pursuant to Chapter 47, Laws of 2023;
- (b) — the property did not change ownership after July 31, 2023; and
- (c) — the property remains the principal residence of the owner.

(2) — The department shall maintain a website for property owners to verify if their property automatically qualifies for the homestead reduced tax rate for a principal residence described in subsection (1).

(3) — The automatic qualification for the homestead reduced tax rate for a principal residence expires after tax year 2026. Beginning in tax year 2027, the owner of a class four residential property that wishes to continue to receive the homestead reduced tax rate for a principal residence, regardless of whether the owner applied for and received a lower tax rate as provided in subsection (4), shall apply to the department as provided in [section 3].

(4) — The owner of a class four residential property that does not meet the requirements for automatic qualification in subsection (1) for the homestead reduced tax rate for a principal residence but that would otherwise qualify under [section 3] may apply for a temporary homestead reduced tax rate for a principal residence as provided in [section 3] that is applicable to tax years 2025 and 2026.

(5) — An application for qualifying property under subsection (4) must be made by March 1, 2025, to qualify for a reduced tax rate in tax years 2025 and 2026 and by March 1, 2026, to qualify for a reduced tax rate in tax year 2026. If a temporary homestead reduced tax rate is granted under subsection (4), it remains effective through the end of tax year 2026.

(6) — For tax year 2025 and tax year 2026, a class four residential property that qualified for the property tax assistance program provided for in 15-6-305 or the disabled veteran program provided for in 15-6-311 in tax year 2024 automatically qualifies for the homestead reduced tax rate if the property remains the principal residence of the owner.

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2           **NEW SECTION. Section 2. Homestead reduced tax rate -- application -- limitations.** (1) ~~Except~~  
3 ~~as provided in 15-6-134(3)(b)(iii), there~~ THERE is a homestead reduced tax rate provided for in 15-6-134(3)(b)(i)  
4 for a principal residence as provided in this section.

5           (2)     (a) Beginning in tax year ~~2027~~ 2026, the owner of a principal residence may apply to the  
6 department to receive the homestead reduced tax rate. THE OWNER OF A PRINCIPAL RESIDENCE WHO APPLIED FOR  
7 AND RECEIVED THE REBATE PROVIDED FOR IN [SECTIONS 9 THROUGH 11] FOR TAX YEAR 2024 AUTOMATICALLY  
8 QUALIFIES FOR THE HOMESTEAD REDUCED TAX RATE UNLESS SUBSECTIONS (2)(C)(I) THROUGH (2)(C)(III) APPLY TO THE  
9 PRINCIPAL RESIDENCE FOR WHICH THE REBATE WAS CLAIMED. THE OWNER OF A PRINCIPAL RESIDENCE WHO DID NOT  
10 RECEIVE A REBATE UNDER [SECTIONS 9 THROUGH 11], SHALL APPLY AS PROVIDED IN THIS SECTION TO RECEIVE THE  
11 HOMESTEAD REDUCED TAX RATE IN TAX YEAR 2026.

12           (b)     To receive the homestead reduced tax rate for the tax year in which the application is first  
13 made, the owner shall apply electronically THROUGH THE DEPARTMENT'S WEBSITE or by mail on a form prescribed  
14 by the department ~~and postmarked by~~ BETWEEN DECEMBER 1 OF THE IMMEDIATELY PRECEDING YEAR AND March 1.  
15 APPLICATIONS SUBMITTED BY MAIL MUST BE POSTMARKED BY MARCH 1. Approved applications received  
16 electronically or postmarked after March 1 apply to the following tax year.

17           (c)     Once approved, the homestead reduced tax rate remains effective until the end of the tax year  
18 in which any of the following events occur:

- 19           (i)     there is a change in ownership of the property;
- 20           (ii)    the owner no longer uses the dwelling as a principal residence; or
- 21           (iii)   the owner applies for a homestead reduced tax rate for a different principal residence.

22           (d)     If a homestead reduced tax rate is terminated pursuant to subsection (2)(c) or [section ~~5~~ 4], any  
23 remaining property taxes due for the year in which the homestead reduced tax rate is terminated must be  
24 based on the tax rate in effect on January 1 of the year in which the homestead reduced tax rate was  
25 terminated.

26           (e)     An application for a homestead reduced tax rate must be submitted on a form prescribed by the  
27 department and must contain:

- 28           (i)     a written declaration made under penalty of perjury that the applicant owns and maintains the

1 land and improvements as the principal residence as defined in [section 1]. The application must state the  
2 penalty provided for in [section 4].

3 (ii) the geocode or other property identifier of the principal residence for which the applicant is  
4 requesting the homestead reduced tax rate;

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

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

7 (3) (a) Except as provided in subsection (3)(b), class four residential property owned by an entity is  
8 not eligible to receive the homestead reduced tax rate.

9 (b) The trustee of a grantor revocable trust may apply for a homestead reduced tax rate for a  
10 principal residence on behalf of the trust if the dwelling meets the definition of a principal residence for the  
11 grantor.

12 (C) CLASS FOUR RESIDENTIAL PROPERTY LOCATED ON FEE LAND WITHIN THE EXTERIOR BOUNDARIES OF  
13 AN INDIAN RESERVATION WITHIN THIS STATE IS AUTOMATICALLY ELIGIBLE FOR THE HOMESTEAD REDUCED TAX RATE  
14 PROVIDED FOR IN THIS SECTION AND IS NOT REQUIRED TO SUBMIT AN APPLICATION PURSUANT TO SUBSECTION (2).

15 (4) The department shall notify the owner if the homestead reduced tax rate is applied to the  
16 property or if the application was denied.

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18 **NEW SECTION. Section 3. Rental property reduced tax rate -- application -- limitations.** (1)

19 There is a rental property reduced tax rate provided for in 15-6-134(3)(b) for a long-term rental as provided in  
20 this section.

21 (2) (a) ~~The~~ BEGINNING IN TAX YEAR 2026, THE owner of a long-term rental may apply to the  
22 department to receive the rental property reduced tax rate. The application must be made by an individual  
23 owner or, for an entity owner, by an authorized representative of the entity.

24 (B) THE DEPARTMENT SHALL MAIL A NOTICE TO POTENTIAL CLAIMANTS BY OCTOBER 30, 2025, FOR TAX  
25 YEAR 2026. RECEIPT OF A NOTICE DOES NOT ESTABLISH THAT A TAXPAYER OR PROPERTY OWNER IS ELIGIBLE TO  
26 RECEIVE THE RENTAL PROPERTY REDUCED TAX RATE, AND A TAXPAYER WHO DOES NOT RECEIVE A NOTICE MAY STILL BE  
27 ELIGIBLE TO CLAIM THE RENTAL PROPERTY REDUCED TAX RATE. ALL TAXPAYERS, REGARDLESS OF THE RECEIPT OF  
28 NOTICE, SHALL APPLY FOR A REDUCED RATE AS PROVIDED IN THIS SUBSECTION (2).

1           ~~(b)~~(C) To receive the rental property reduced tax rate for the tax year in which the application is first  
2 made, the owner or authorized representative shall apply electronically THROUGH THE DEPARTMENT'S WEBSITE or  
3 by mail on a form prescribed by the department and ~~postmarked by~~ BETWEEN DECEMBER 1 OF THE IMMEDIATELY  
4 PRECEDING YEAR AND March 1. ~~Approved applications~~ APPLICATIONS received electronically or postmarked after  
5 March 1 apply to the following tax year.

6           ~~(c)~~(D) Once approved, the rental property reduced tax rate remains effective until the end of the tax  
7 year in which any of the following events occur:

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

9           (ii) the property is no longer rented to tenants as a dwelling;

10           (iii) the terms of the lease change and the property no longer qualifies as a long-term rental as  
11 defined in [section 1]; ~~and~~ OR

12           (iv) the owner fails to submit a ~~complete~~ reapplication to the department as required in subsection  
13 (4).

14           ~~(d)~~(E) If a rental property reduced tax rate is terminated pursuant to subsection ~~(2)(e)~~ (2)(D) or  
15 [section ~~5~~ 4], any remaining property taxes due for the year in which the rental property reduced tax rate is  
16 terminated must be based on the tax rate in effect on January 1 of the year in which the rental property reduced  
17 tax rate was terminated.

18           (3) An application for a rental property reduced tax rate must be submitted on a form prescribed by  
19 the department and must contain:

20           (a) a written declaration made under penalty of perjury that the applicant owns and maintains the  
21 land and improvements as a long-term rental as defined in [section 1]. The application must state the penalty  
22 provided for in [section 4].

23           (b) the geocode or other property identifier for the long-term rental for which the applicant is  
24 requesting the rental property reduced tax rate;

25           (c) the social security number or taxpayer identification number of the applicant;

26           (d) the income and expense information for the long-term rental for the immediately preceding  
27 year, including the amount of rent charged each month; and

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

1 (4) To continue receiving the rental property reduced tax rate, the owner of a qualifying long-term  
2 rental shall reapply ~~annually as provided in subsection (3)~~ AS REQUIRED BY THE DEPARTMENT. BEGINNING IN 2028,  
3 THE DEPARTMENT SHALL REQUIRE REAPPLICATION OF 20% OF LONG-TERM RENTALS EACH YEAR.

4 (5) Periods of short-term vacancy not exceeding ~~3~~ 5 months in a 12-month period do not disqualify  
5 a long-term rental from receiving the rental property reduced tax rate.

6 (6) The department shall notify the owner if the rental property reduced tax rate is applied to the  
7 property or if the application was denied.

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9 NEW SECTION. Section 4. Homestead and rental property reduced tax rates -- improper  
10 approval -- penalty for false or fraudulent application. (1) Except as provided in subsection (2), if the  
11 department determines that an application for a homestead reduced tax rate or a rental property reduced tax  
12 rate was improperly approved OR THAT THE PROPERTY NO LONGER QUALIFIES FOR THE REDUCED RATE, the  
13 department shall revise the assessment for each year the homestead reduced tax rate or the rental property  
14 reduced tax rate was improperly granted subject to the assessment revision procedure established in 15-8-601.

15 (2) (a) A person who files a false or fraudulent application for a homestead reduced tax rate  
16 provided for in [section 2 ~~or 3~~] or for a rental property reduced tax rate provided for in [section 4 3] is subject to  
17 criminal prosecution under the provisions of 45-7-202.

18 (3) (a) If a person is determined to have filed a false or fraudulent application, the department shall  
19 revise the assessment of the property subject to the assessment revision procedure established in this section  
20 and 15-8-601 and assess a penalty as provided in this subsection (3). The penalty is equal to three times the  
21 base penalty amount calculated under subsection (3)(b) plus interest at the rate provided in 15-16-102  
22 calculated from the original due date of the taxes, until paid.

23 (b) The base penalty amount is equal to the property tax due for each year the homestead  
24 reduced tax rate or the rental property reduced tax rate was improperly received, determined using the tax rate  
25 provided for in 15-6-134(3)(a), the appraised value, and the mill levies in effect for the year, less the actual  
26 property taxes paid in the year.

27 (c) The revised assessment and penalty must be assessed against a person who filed a false or  
28 fraudulent application even if the person no longer owns the property.

1 (4) If the person who filed a false or fraudulent application no longer owns the property associated  
2 with the false or fraudulent application, the penalty plus interest provided for in subsection (3) may be recovered  
3 as any other tax owed the state. If the penalty plus interest becomes due and owing, the department may issue  
4 a warrant for distraint as provided in Title 15, chapter 1, part 7.

5 (5) Except as provided in subsection (4), if the department determines that a false or fraudulent  
6 application was made, the department shall send the revised assessment with the additional penalty amount as  
7 determined under subsection (3) to the county treasurer in the county where the property is located.

8 (6) The county treasurer shall distribute property taxes, penalty, and interest collected under this  
9 section proportionally to the affected taxing jurisdictions.

10 (7) A revised assessment made under this section must be made within 10 years after the end of  
11 the calendar year in which the original application was made.

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13 **NEW SECTION. Section 5. Appeal of denial of reduced tax rate.** (1) (a) If the department denies  
14 an application for a homestead reduced tax rate or a rental property reduced tax rate, the owner may request  
15 an informal review of the denial by submitting an objection on written or electronic forms provided by the  
16 department for that purpose in a manner prescribed by the department. The objection must be made no later  
17 than 30 days after the date of the denial notification sent pursuant to [section 23(4) or 4 3(6)].

18 (b) The property owner may request that the department consider extenuating circumstances to  
19 grant an application for the homestead reduced tax rate or the rental property reduced tax rate. Extenuating  
20 circumstances include but are not limited to extraordinary, unusual, or infrequent events that are material in  
21 nature and of a character different from the typical or customary, and that are not expected to recur.

22 (c) After the informal review, the department shall determine the correct status of the homestead  
23 reduced tax rate or the rental property reduced tax rate and notify the taxpayer of its determination by mail or  
24 electronically. In the notification, the department shall state its reasons for accepting or denying the application.

25 (2) If a property owner is aggrieved by the determination made by the department after the review  
26 provided for in subsection (1), the property owner has the right to first appeal to the county tax appeal board  
27 and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts.  
28 An appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on

1 the notice of the department's determination. If the county tax appeal board or the Montana tax appeal board  
2 determines that the homestead reduced tax rate or the rental property reduced tax rate should apply, the  
3 department shall adjust the taxable value of the property in accordance with the board's order.

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5 NEW SECTION. Section 6. Rulemaking authority. The department shall adopt rules that are  
6 necessary to implement and administer [sections 1 through 7 6].

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8 NEW SECTION. SECTION 7. LEGISLATIVE FINDINGS -- LOCAL GOVERNMENT CHARTERS AND FIXED MILL  
9 LEVY LIMITS SUPERSEDED -- DEFINITION. (1) (A) THE LEGISLATURE FINDS THAT MOST LOCAL GOVERNMENTS SET MILL  
10 LEVIES THAT ADJUST DOWNWARD WHEN TAXABLE VALUE INCREASES UNDER 15-10-420. THIS FLOATING MILL LEVY  
11 CONCEPT AUTOMATICALLY LOWERS THE NUMBER OF MILLS LEVIED AGAINST A TAXPAYER WHEN PROPERTY VALUES  
12 INCREASE, WHICH MITIGATES INCREASES IN PROPERTY VALUES. HOWEVER, WHEN MILL LEVIES ARE FIXED, THE OPPOSITE  
13 OCCURS WHEN PROPERTY VALUES INCREASE, AND PROPERTY TAXES ARE NOT AUTOMATICALLY MITIGATED FOR  
14 TAXPAYERS THAT ARE LEVIED BASED ON A FIXED MILL LEVY.

15 (B) THE LEGISLATURE FINDS FURTHER THAT IT IS PROHIBITED UNDER ARTICLE VIII, SECTION 2, OF THE  
16 MONTANA CONSTITUTION, FROM SUSPENDING OR CONTRACTING AWAY THE POWER TO TAX. THE LEGISLATURE ALSO  
17 RECOGNIZES AND RESPECTS THE POWER OF LOCAL GOVERNMENTS UNDER ARTICLE XI, SECTION 5, OF THE MONTANA  
18 CONSTITUTION TO ADOPT, AMEND, REVISE, OR ABANDON A CHARTER.

19 (2) AS A MATTER OF POLICY, THE LEGISLATURE INTENDS TO SUPERSEDE LOCAL GOVERNMENT CHARTERS  
20 THAT FIX MILL LEVY LIMITS FOR THE LIMITED PURPOSE OF EXERCISING THE POWER TO TAX WHILE ALSO MAINTAINING  
21 LOCAL GOVERNMENT REVENUE SOURCES WITHOUT RAISING TAXES ON RESIDENTIAL TAXPAYERS. HAVING CONSIDERED  
22 ALL OPTIONS ON A STATEWIDE BASIS, THE LEGISLATURE FINDS THE STATUTORY STRUCTURE OF THE PROPERTY TAX HAS  
23 EVOLVED SIGNIFICANTLY SINCE THE PASSAGE OF INITIATIVE MEASURE NO. 105 ON NOVEMBER 4, 1986, AND THE  
24 ENACTMENT OF 15-10-420 BY THE LEGISLATURE IN 1999. GIVEN THE SIGNIFICANT CHANGE IN THE STRUCTURE OF THE  
25 PROPERTY TAX AND THE RISING COST OF RESIDENTIAL PROPERTY IN THE LAST 5 YEARS, THERE IS A COMPELLING  
26 INTEREST TO ALL THE CITIZENS OF THE STATE TO LOWER RESIDENTIAL PROPERTY TAX RATES FOR PRIMARY RESIDENCES,  
27 WHICH CAN ONLY BE ACCOMPLISHED BY THIS SECTION AND 15-10-420.

28 (3) AFTER [THE EFFECTIVE DATE OF THIS SECTION], A LOCAL GOVERNMENT WITH A MILL LEVY LIMIT OF A

1 SPECIFIC NUMBER OF MILLS THAT MAY BE IMPOSED, EITHER BY CHARTER OR BY VOTER APPROVAL MAY:

2 (3) A LOCAL GOVERNMENT WITH A CHARTER FORM OF GOVERNMENT THAT INCLUDES A MILL LEVY LIMIT OF  
3 A SPECIFIC NUMBER OF MILLS THAT MAY BE IMPOSED IN THE CHARTER SHALL LEVY THE NUMBER OF MILLS IN FISCAL YEAR  
4 2026 AND SUBSEQUENT TAX YEARS THAT WILL GENERATE THE AMOUNT OF PROPERTY TAXES ASSESSED IN FISCAL YEAR  
5 2025, WITHOUT AMENDING OR REVISING THE CHARTER. IN FISCAL YEARS AFTER 2026, THE LOCAL GOVERNMENT SHALL  
6 LEVY THE NUMBER OF MILLS LEVIED IN FISCAL YEAR 2026.

7 (4) A TAXING ENTITY WITH A LOCAL MILL LEVY LIMIT OF A SPECIFIC NUMBER OF MILLS THAT MAY BE  
8 IMPOSED FOR PUBLIC SAFETY THAT WAS AUTHORIZED BY THE VOTERS BEFORE [THE EFFECTIVE DATE OF THIS SECTION]  
9 MAY:

10 (A) ELECT TO TRANSITION A VOTED MILL PUBLIC SAFETY LEVY TO A DOLLAR-BASED MILL LEVY EQUAL TO  
11 THE AMOUNT OF PROPERTY TAXES ASSESSED IN FISCAL YEAR 2025 AND THEREAFTER SUBJECT TO THE PROVISIONS OF  
12 15-10-420(1)(A); OR

13 (B) LEVY THE NUMBER OF MILLS IN FISCAL YEAR 2026 THAT WILL GENERATE THE AMOUNT OF PROPERTY  
14 TAXES ASSESSED IN FISCAL YEAR 2025. IN FISCAL YEARS AFTER 2026, THE LOCAL GOVERNMENT SHALL LEVY THE  
15 NUMBER OF MILLS LEVIED IN FISCAL YEAR 2026.

16 (5) AS USED IN THIS SECTION, "PUBLIC SAFETY" MEANS POLICE, FIRE, AND EMERGENCY MEDICAL  
17 SERVICES.

18  
19 **NEW SECTION. SECTION 8. REIMBURSEMENT FOR LOSS OF REVENUE FROM CERTAIN FIXED MILL LEVIES --**

20 **DEFINITION. (1) THE DEPARTMENT SHALL REIMBURSE EACH TAXING ENTITY AS PROVIDED IN THIS SECTION FOR THE**  
21 **REVENUE LOSS RESULTING FROM THE TAX RATE REDUCTIONS IN 15-6-134 AS AMENDED BY [THIS ACT] FOR THE**  
22 **FOLLOWING LEVIES:**

23 (A) LEVIES OF A LOCAL GOVERNMENT WITH A CHARTER FORM OF GOVERNMENT THAT INCLUDES A MILL  
24 LEVY LIMIT OF A SPECIFIC NUMBER OF MILLS THAT MAY BE IMPOSED IN THE CHARTER; AND

25 (B) LEVIES STATED AS A SPECIFIC MILL LEVY AUTHORIZED BY VOTERS FOR PUBLIC SAFETY BEFORE [THE  
26 EFFECTIVE DATE OF THIS SECTION ACT].

27 (2) (A) FOR FISCAL YEAR 2026, THE REIMBURSEMENT MUST BE EQUAL TO THE DIFFERENCE BETWEEN THE  
28 PROPERTY TAX REVENUE COLLECTED FROM THE LEVIES PROVIDED FOR IN SUBSECTION (1) AND THE PROPERTY TAX

1 REVENUE COLLECTED IN FISCAL YEAR 2025. AFTER FISCAL YEAR 2026, THE REIMBURSEMENT MUST BE EQUAL TO THE  
2 DIFFERENCE BETWEEN THE PROPERTY TAX REVENUE COLLECTED FROM THE LEVIES PROVIDED FOR IN SUBSECTION (1)  
3 AND THE PROPERTY TAX REVENUE THAT WOULD BE COLLECTED IN THE CURRENT FISCAL YEAR USING THE MILL LEVY THAT  
4 WOULD RAISE THE FISCAL YEAR 2025 TAX REVENUE USING THE FISCAL YEAR 2026 TAXABLE VALUE.

5 (B) A REIMBURSEMENT PURSUANT TO THIS SECTION MUST INCLUDE ANY FINES, PENALTIES, OR DAMAGES  
6 RESULTING FROM A JUDGMENT LEVY AGAINST THE TAXING ENTITY IN LEVYING PROPERTY TAXES IN ACCORDANCE WITH  
7 [SECTION 7].

8 (3) A TAXING ENTITY ELIGIBLE TO RECEIVE A REIMBURSEMENT UNDER THIS SECTION SHALL REPORT THE  
9 LOSS IN REVENUE FROM THE TAX RATE REDUCTIONS IN 15-6-134 AS AMENDED BY [THIS ACT] AND ANY AMOUNT  
10 REIMBURSABLE UNDER SUBSECTION (2)(B) TO THE DEPARTMENT OF REVENUE.

11 ~~(3)~~(4) A REIMBURSEMENT PROVIDED FOR IN THIS SECTION MAY ONLY BE MADE FOR 4 YEARS AFTER [THE  
12 EFFECTIVE DATE OF THIS SECTION].

13 (4)(5) THE DEPARTMENT SHALL DISTRIBUTE THE REIMBURSEMENTS WITH THE ENTITLEMENT SHARE  
14 PAYMENTS UNDER 15-1-121(7).

15 (6) AS USED IN THIS SECTION, "PUBLIC SAFETY" MEANS POLICE, FIRE, AND EMERGENCY MEDICAL  
16 SERVICES.

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18 NEW SECTION. SECTION 9. DEFINITIONS. AS USED IN [SECTIONS 9 THROUGH 11], THE FOLLOWING  
19 DEFINITIONS APPLY:

20 (1) "MONTANA PROPERTY TAXES" MEANS THE AD VALOREM PROPERTY TAXES, SPECIAL ASSESSMENTS,  
21 AND OTHER FEES IMPOSED ON PROPERTY CLASSIFIED UNDER 15-6-134 THAT IS A SINGLE-FAMILY DWELLING UNIT, UNIT  
22 OF A MULTIPLE-UNIT DWELLING, TRAILER, MANUFACTURED HOME, OR MOBILE HOME AND AS MUCH OF THE SURROUNDING  
23 LAND, NOT EXCEEDING 1 ACRE, AS IS REASONABLY NECESSARY FOR ITS USE AS A DWELLING AND THAT WERE ASSESSED  
24 AND PAID BY THE TAXPAYER FOR TAX YEAR 2024. THE AMOUNT OF MONTANA PROPERTY TAXES ASSESSED AND PAID IS  
25 EQUAL TO THE TOTAL AMOUNT BILLED BY THE LOCAL GOVERNMENT FOR THE DWELLING AS SHOWN ON THE 2024  
26 PROPERTY TAX BILL RECEIVED BY THE TAXPAYER WITH A FIRST-HALF PAYMENT DUE IN OR AROUND NOVEMBER 2024 AND  
27 A SECOND-HALF PAYMENT DUE IN OR AROUND MAY 2025.

28 (2) "OWNED" INCLUDES PURCHASING UNDER A CONTRACT FOR DEED AND BEING THE GRANTOR OR

1 GRANTORS UNDER A REVOCABLE TRUST INDENTURE.

2 (3) (A) "PRINCIPAL RESIDENCE" MEANS, SUBJECT TO THE PROVISIONS OF SUBSECTION (3)(B), A DWELLING:

3 (I) IN WHICH AN OWNER CAN DEMONSTRATE THE OWNER OWNED AND LIVED FOR AT LEAST 7 MONTHS OF

4 THE YEAR FOR WHICH THE PROPERTY TAX REBATE IS CLAIMED;

5 (II) THAT IS THE ONLY RESIDENCE FOR WHICH THE TAXPAYER CLAIMS THE PROPERTY TAX REBATE; AND

6 (III) FOR WHICH THE TAXPAYER MADE PAYMENT OF THE ASSESSED MONTANA PROPERTY TAXES DURING

7 TAX YEAR 2024.

8 (B) A TAXPAYER WHO CANNOT MEET THE REQUIREMENTS OF SUBSECTION (3)(A)(I) BECAUSE THE OWNER'S

9 PRINCIPAL RESIDENCE CHANGED DURING THE TAX YEAR TO ANOTHER PRINCIPAL RESIDENCE MAY STILL CLAIM THE

10 PROPERTY TAX REBATE IF THE TAXPAYER PAID THE MONTANA PROPERTY TAXES WHILE RESIDING IN EACH PRINCIPAL

11 RESIDENCE FOR A TOTAL OF AT LEAST 7 CONSECUTIVE MONTHS FOR THE 2024 TAX YEAR.

12 (4) "TAX YEAR 2024" MEANS THE PERIOD JANUARY 1, 2024, THROUGH DECEMBER 31, 2024.

13

14 **NEW SECTION. SECTION 10. PROPERTY TAX REBATE -- MANNER OF CLAIMING -- LIMITATIONS -- APPEALS.**

15 (1) SUBJECT TO THE CONDITIONS PROVIDED FOR IN [SECTIONS 9 THROUGH 11], THERE IS A REBATE OF MONTANA

16 PROPERTY TAXES IN THE AMOUNT OF \$400 OR THE AMOUNT OF TOTAL PROPERTY TAXES PAID, WHICHEVER IS LESS, FOR

17 TAX YEAR 2024.

18 (2) THE REBATE PROVIDED FOR IN SUBSECTION (1) IS FOR MONTANA PROPERTY TAXES ASSESSED TO AND

19 PAID BY A TAXPAYER OR TAXPAYERS ON PROPERTY THEY OWNED AND OCCUPIED AS A PRINCIPAL RESIDENCE DURING

20 TAX YEAR 2024.

21 (3) THE DEPARTMENT SHALL MAIL A NOTICE TO POTENTIAL CLAIMANTS BY JUNE 30, 2025, FOR TAX YEAR

22 2024. RECEIPT OF A NOTICE DOES NOT ESTABLISH THAT A TAXPAYER OR PROPERTY OWNER IS ELIGIBLE FOR A REBATE,

23 AND A TAXPAYER WHO DOES NOT RECEIVE A NOTICE MAY STILL BE ELIGIBLE TO CLAIM A REBATE. ALL TAXPAYERS,

24 REGARDLESS OF THE RECEIPT OF NOTICE, SHALL CLAIM A REBATE AS PROVIDED IN SUBSECTION (5).

25 (4) EXCEPT AS PROVIDED IN SUBSECTIONS (5)(C) AND (5)(D), A SINGLE-FAMILY DWELLING UNIT, UNIT OF A

26 MULTIPLE-UNIT DWELLING, TRAILER, MANUFACTURED HOME, OR MOBILE HOME AND AS MUCH OF THE SURROUNDING

27 LAND, NOT EXCEEDING 1 ACRE THAT IS OWNED BY AN ENTITY IS NOT ELIGIBLE TO CLAIM THE REBATE.

28 (5) (A) (I) ALL CLAIMS FOR THIS PROPERTY TAX REBATE MUST BE SUBMITTED TO THE DEPARTMENT

1 ELECTRONICALLY OR BY MAIL.

2 (II) ELECTRONIC CLAIMS MUST BE SUBMITTED BETWEEN AUGUST 15, 2025, AND OCTOBER 1, 2025,  
3 THROUGH THE DEPARTMENT'S WEBSITE.

4 (III) CLAIMS SUBMITTED BY MAIL MUST BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT AND  
5 POSTMARKED BY OCTOBER 1.

6 (IV) THE DEPARTMENT MAY GRANT AN EXTENSION OF TIME IF THE CLAIMANT ESTABLISHES GOOD CAUSE  
7 FOR MISSING THE OCTOBER 1 DEADLINE. THE DEPARTMENT'S AUTHORITY TO CONSIDER AN APPLICATION TERMINATES  
8 ON DECEMBER 1, 2025, AND ANY APPLICATIONS OR REQUESTS FOR EXTENSION RECEIVED AFTER THAT DATE MAY NOT  
9 BE PROCESSED.

10 (B) SUBJECT TO SUBSECTIONS (5)(C) AND (5)(D), A CLAIM FOR REBATE MUST BE SUBMITTED, UNDER  
11 PENALTY OF FALSE SWEARING AND THE PENALTIES PROVIDED IN [SECTION 11], ON A FORM PRESCRIBED BY THE  
12 DEPARTMENT AND MUST CONTAIN:

13 (I) AN AFFIRMATION THAT THE CLAIMANT OWNS AND MAINTAINS THE LAND AND IMPROVEMENTS AS THE  
14 PRINCIPAL RESIDENCE AS DEFINED IN [SECTION 9];

15 (II) THE GEOCODE OR OTHER PROPERTY IDENTIFIER FOR THE PRINCIPAL RESIDENCE THAT THE CLAIMANT IS  
16 REQUESTING THE REBATE ON;

17 (III) THE SOCIAL SECURITY NUMBER OF THE CLAIMANT AND THE CLAIMANT'S SPOUSE; AND

18 (IV) ANY OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT THAT IS RELEVANT TO THE CLAIMANT'S  
19 ELIGIBILITY.

20 (C) THE PERSONAL REPRESENTATIVE OF THE ESTATE OF A DECEASED TAXPAYER MAY EXECUTE AND FILE  
21 THE CLAIM FOR REBATE ON BEHALF OF A DECEASED TAXPAYER WHO QUALIFIES FOR THE REBATE.

22 (D) THE TRUSTEE OF A GRANTOR REVOCABLE TRUST MAY FILE A CLAIM ON BEHALF OF THE TRUST IF THE  
23 DWELLING MEETS THE DEFINITION OF A PRINCIPAL RESIDENCE FOR THE GRANTOR.

24 (6) ONLY ONE REBATE WILL BE ISSUED TO A TAXPAYER FOR THE MONTANA PROPERTY TAXES PAID BY THE  
25 TAXPAYER FOR TAX YEAR 2024.

26 (7) IF A DEBT IS DUE AND OWING TO THE STATE, THE DEPARTMENT MAY OFFSET THE REBATE IN THIS  
27 SECTION AS PROVIDED IN SECTIONS 15-30-2629, 15-30-2630, 17-4-105, OR AS OTHERWISE PROVIDED BY LAW.

28 (8) IF A PROPERTY TAX REBATE IS DENIED BY THE DEPARTMENT, THE CLAIMANT IS ENTITLED TO A WRITTEN

1 EXPLANATION WHY THE APPLICATION WAS DENIED. A CLAIMANT MAY MAKE A WRITTEN APPEAL OF A DENIAL TO A  
2 MANAGEMENT LEVEL EMPLOYEE OF THE DEPARTMENT, WHO SHALL ISSUE A FINAL DECISION THAT IS NOT APPEALABLE.  
3 APPEALS OCCURRING UNDER THIS SUBSECTION (8) ARE NOT SUBJECT TO THE PROVISIONS CONTAINED IN 15-1-211.  
4

5 NEW SECTION. SECTION 11. PROPERTY TAX REBATE -- PENALTY FOR FALSE OR FRAUDULENT CLAIM. (1)  
6 EXCEPT AS PROVIDED IN SUBSECTION (2), IF THE DEPARTMENT DISCOVERS THAT A REBATE PAID TO A TAXPAYER  
7 EXCEEDED THE AMOUNT ALLOWED BY [SECTIONS 9 THROUGH 11], THE DEPARTMENT MAY, WITHIN 1 YEAR FROM THE  
8 DATE THE REBATE WAS TRANSMITTED TO THE TAXPAYER, ASSESS THE TAXPAYER FOR THE DIFFERENCE. THE  
9 ASSESSMENT IS SUBJECT TO THE UNIFORM DISPUTE REVIEW PROCEDURE ESTABLISHED IN 15-1-211.

10 (2) A PERSON WHO FILES A FALSE OR FRAUDULENT CLAIM FOR A PROPERTY TAX REBATE UNDER  
11 [SECTIONS 9 THROUGH 11] IS SUBJECT TO CRIMINAL PROSECUTION UNDER THE PROVISIONS OF 45-7-202. IF A FALSE OR  
12 FRAUDULENT CLAIM HAS BEEN PAID BY THE DEPARTMENT, THE AMOUNT PAID MAY BE RECOVERED AS ANY OTHER TAX  
13 OWED THE STATE, TOGETHER WITH A PENALTY OF 300% OF THE REBATE CLAIMED AND INTEREST ON THE AMOUNT OF  
14 THE REBATE CLAIMED PLUS PENALTY AT THE RATE OF 12% A YEAR, UNTIL PAID. IF THIS REBATE PLUS PENALTY BECOMES  
15 DUE AND OWING, THE DEPARTMENT MAY ISSUE A WARRANT FOR DISTRAINT AS PROVIDED IN TITLE 15, CHAPTER 1, PART  
16 7.  
17

18 SECTION 12. SECTION 15-1-121, MCA, IS AMENDED TO READ:

19 **"15-1-121. Entitlement share payment -- purpose -- appropriation.** (1) As described in 15-1-  
20 120(3), each local government is entitled to an annual amount that is the replacement for revenue received by  
21 local governments for diminishment of property tax base and various earmarked fees and other revenue that,  
22 pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and  
23 later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections,  
24 and other revenue in the state treasury with each local government's share. The reimbursement under this  
25 section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain  
26 state payments with local government collections due the state and reimbursements made by percentage splits,  
27 with a local government remitting a portion of collections to the state, retaining a portion, and in some cases  
28 sending a portion to other local governments.

- 1           (2)     The sources of dedicated revenue that were relinquished by local governments in exchange for  
2 an entitlement share of the state general fund were:
- 3           (a)     personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6),  
4 Chapter 584, Laws of 1999;
- 5           (b)     vehicle, boat, and aircraft taxes and fees pursuant to:
- 6           (i)     Title 23, chapter 2, part 5;  
7           (ii)    Title 23, chapter 2, part 6;  
8           (iii)   Title 23, chapter 2, part 8;  
9           (iv)    61-3-317;  
10          (v)     61-3-321;  
11          (vi)    Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the  
12 amendment of 61-3-509 in 2001;
- 13          (vii)   Title 61, chapter 3, part 7;  
14          (viii)  5% of the fees collected under 61-10-122;  
15          (ix)    61-10-130;  
16          (x)     61-10-148; and  
17          (xi)    67-3-205;
- 18          (c)     gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-  
19 612(2)(a);
- 20          (d)     district court fees pursuant to:
- 21          (i)     25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);  
22          (ii)    25-1-202;  
23          (iii)   25-9-506; and  
24          (iv)    27-9-103;
- 25          (e)     certificate of title fees for manufactured homes pursuant to 15-1-116;  
26          (f)     financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part  
27 7;
- 28          (g)     all beer, liquor, and wine taxes pursuant to:

- 1 (i) 16-1-404;
- 2 (ii) 16-1-406; and
- 3 (iii) 16-1-411;
- 4 (h) late filing fees pursuant to 61-3-220;
- 5 (i) title and registration fees pursuant to 61-3-203;
- 6 (j) veterans' cemetery license plate fees pursuant to 61-3-459;
- 7 (k) county personalized license plate fees pursuant to 61-3-406;
- 8 (l) special mobile equipment fees pursuant to 61-3-431;
- 9 (m) single movement permit fees pursuant to 61-4-310;
- 10 (n) state aeronautics fees pursuant to 67-3-101; and
- 11 (o) department of natural resources and conservation payments in lieu of taxes pursuant to former  
12 Title 77, chapter 1, part 5.

13 (3) Except as provided in subsection (7)(b), the total amount received by each local government in  
14 the prior fiscal year as an entitlement share payment under this section is the base component for the  
15 subsequent fiscal year distribution, and in each subsequent year the prior year entitlement share payment,  
16 including any reimbursement payments received pursuant to subsection (7), is each local government's base  
17 component. The sum of all local governments' base components is the fiscal year entitlement share pool.

18 (4) (a) Except as provided in subsections (4)(b)(iv) and (7)(b), the base entitlement share pool  
19 must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The  
20 amount determined through the application of annual growth rates is the entitlement share pool for each fiscal  
21 year.

22 (b) By October 1 of each year, the department shall calculate the growth rate of the entitlement  
23 share pool for the next fiscal year in the following manner:

24 (i) The department shall calculate the entitlement share growth rate based on the ratio of two  
25 factors of state revenue sources for the first, second, and third most recently completed fiscal years as  
26 recorded on the statewide accounting, budgeting, and human resource system. The first factor is the sum of the  
27 revenue for the first and second previous completed fiscal years received from the sources referred to in  
28 subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous

1 completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the  
2 revenue for the first and second previous completed fiscal years received from individual income tax as  
3 provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the  
4 sum of the revenue for the second and third previous completed fiscal years received from the same sources  
5 multiplied by 0.25.

6 (ii) Except as provided in subsections (4)(b)(iii) and (4)(b)(iv), the entitlement share growth rate is  
7 the lesser of:

8 (A) the sum of the first factor plus the second factor; or

9 (B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

10 (iii) In no instance can the entitlement growth factor be less than 1. Subject to subsection (4)(b)(iv),  
11 the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to  
12 determine the subsequent fiscal year payment.

13 (iv) The entitlement share growth rate, as described in this subsection (4), is:

14 (A) for fiscal year 2018, 1.005;

15 (B) for fiscal year 2019, 1.0187;

16 (C) for fiscal year 2020 and thereafter, determined as provided in subsection (4)(b)(ii). The rate  
17 must be applied to the entitlement payment for the previous fiscal year as if the payment had been calculated  
18 using entitlement share growth rates for fiscal years 2018 and 2019 as provided in subsection (4)(b)(ii).

19 (5) As used in this section, "local government" means a county, a consolidated local government,  
20 an incorporated city, and an incorporated town. A local government does not include a tax increment financing  
21 district provided for in subsection (8). The county or consolidated local government is responsible for making an  
22 allocation from the county's or consolidated local government's share of the entitlement share pool to each  
23 special district within the county or consolidated local government in a manner that reasonably reflects each  
24 special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for  
25 each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in  
26 2002.

27 (6) (a) The entitlement share pools calculated in this section, the amounts distributed under 15-1-  
28 123(4) for local governments, the funding provided for in subsection (8) of this section, and the amounts

1 distributed under 15-1-123(5) for tax increment financing districts are statutorily appropriated, as provided in 17-  
2 7-502, from the general fund to the department for distribution to local governments.

3 (b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal  
4 year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must  
5 be calculated separately for:

- 6 (A) counties;
- 7 (B) consolidated local governments; and
- 8 (C) incorporated cities and towns.

9 (ii) In each fiscal year, the growth amount for counties must be allocated as follows:

10 (A) 50% of the growth amount must be allocated based upon each county's percentage of the prior  
11 fiscal year entitlement share pool for all counties; and

12 (B) 50% of the growth amount must be allocated based upon the percentage that each county's  
13 population bears to the state population not residing within consolidated local governments as determined by  
14 the latest interim year population estimates from the Montana department of commerce as supplied by the  
15 United States bureau of the census.

16 (iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as  
17 follows:

18 (A) 50% of the growth amount must be allocated based upon each consolidated local  
19 government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments;  
20 and

21 (B) 50% of the growth amount must be allocated based upon the percentage that each  
22 consolidated local government's population bears to the state's total population residing within consolidated  
23 local governments as determined by the latest interim year population estimates from the Montana department  
24 of commerce as supplied by the United States bureau of the census.

25 (iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as  
26 follows:

27 (A) 50% of the growth amount must be allocated based upon each incorporated city's or town's  
28 percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

1 (B) 50% of the growth amount must be allocated based upon the percentage that each city's or  
2 town's population bears to the state's total population residing within incorporated cities and towns as  
3 determined by the latest interim year population estimates from the Montana department of commerce as  
4 supplied by the United States bureau of the census.

5 (v) In each fiscal year, the amount of the entitlement share pool before the growth amount or  
6 adjustments made under subsection (7) are applied is to be distributed to each local government in the same  
7 manner as the entitlement share pool was distributed in the prior fiscal year.

8 (7) (a) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this  
9 section, the department shall determine the reimbursement amount as provided in the enactment and add the  
10 appropriate amount to the entitlement share distribution under this section. The total entitlement share  
11 distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year  
12 entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must  
13 be recomputed to determine each local government's ratio to be used in the subsequent year's distribution  
14 determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

15 (b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not  
16 apply to the portion of the entitlement share pool attributable to the reimbursement provided for in 15-1-123(1)  
17 and (2). The department shall calculate the portion of the entitlement share pool attributable to the  
18 reimbursement in 15-1-123(1) and (2), including the application of the growth rate in previous fiscal years, for  
19 counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth  
20 rate for that portion of the entitlement share pool as provided in 15-1-123(3).

21 (c) The growth amount resulting from the application of the growth rate in 15-1-123(3) must be  
22 allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section.

23 (d) The growth rate provided for in subsection (4) does not apply to the portion of the entitlement  
24 share pool attributable to the reimbursement provided for in [section 8].

25 (8) (a) Except for a tax increment financing district entitled to a reimbursement under 15-1-123(5),  
26 if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the  
27 tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in  
28 subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

1 (b) One-half of the payments provided for in this subsection (8)(b) must be made by November 30  
2 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment  
3 financing districts is as follows:

<u>FLATHEAD</u>	Kalispell - District 2	\$4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009

4 (9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for  
5 local governments do not include revenue received from tax increment financing districts.

6 (10) When there has been an underpayment of a local government's share of the entitlement share  
7 pool, the department shall distribute the difference between the underpayment and the correct amount of the  
8 entitlement share. When there has been an overpayment of a local government's entitlement share, the local  
9 government shall remit the overpaid amount to the department.

10 (11) A local government may appeal the department's estimation of the base component, the  
11 entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the  
12 uniform dispute review procedure in 15-1-211.

13 (12) (a) Except as provided in 2-7-517, a payment required pursuant to this section may not be  
14 offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

15 (b) A payment required pursuant to this section must be withheld if a local government:  
16 (i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and  
17 (ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or as  
18 otherwise required by law within 45 days of the end of a month.

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

- 21 (i) file a financial report required by 15-1-504;
- 22 (ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

1 (iii) remit any other amounts owed to the state or another taxing jurisdiction."  
2

3 **Section 13.** Section 15-6-134, MCA, is amended to read:

4 **"15-6-134. Class four property -- description -- taxable percentage -- definitions.** (1) Class four  
5 property includes:

6 (a) ~~subject to subsection (1)(e),~~ all land, except that specifically included in another class;

7 (b) ~~subject to subsection (1)(e):~~

8 (i) all improvements, including single-family residences, trailers, manufactured homes, or mobile  
9 homes used as a residence, except those specifically included in another class;

10 (ii) appurtenant improvements to the residences, including the parcels of land upon which the  
11 residences are located and any leasehold improvements;

12 (iii) vacant residential lots; and

13 (iv) rental multifamily dwelling units.

14 (c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural  
15 land under 15-7-202;

16 ~~(d) \_\_\_\_\_, including 1 acre of real property beneath residential improvements on land described in 15-6-~~  
17 ~~133(1)(c). The 1 acre must be valued at market value.~~

18 ~~(d) \_\_\_\_\_ and 1 acre of real property beneath an improvement used as a residence on land eligible for~~  
19 ~~valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.~~

20 (e) real property beneath commercial improvements and as much of the surrounding land that is  
21 reasonably required to support the commercial improvements on land described in 15-6-133(1)(c) and real  
22 property beneath commercial improvements and as much of the surrounding land that is reasonably required to  
23 support the commercial improvements on land eligible for valuation, assessment, and taxation as forest land  
24 under 15-6-143. The land must be valued at market value.

25 ~~(e)(f)~~ all commercial and industrial property, as defined in 15-1-101, and including:

26 (i) all commercial and industrial property that is used or owned by an individual, a business, a  
27 trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of  
28 income;

1 (ii) all golf courses, including land and improvements actually and necessarily used for that  
2 purpose, that consist of at least nine holes and not less than 700 lineal yards;

3 (iii) commercial buildings and parcels of land upon which the buildings are situated; and

4 (iv) vacant commercial lots.

5 (2) If a property includes both residential and commercial uses, the property is classified and  
6 appraised as follows:

7 (a) the land use with the highest percentage of total value is the use that is assigned to the  
8 property; and

9 (b) the improvements are apportioned according to the use of the improvements.

10 (3) ~~(a) Except as provided in Subject to 15-24-1402, 15-24-1501, and 15-24-1502, and subsection~~  
11 ~~class four property is taxed as provided in this subsection (3).~~

12 (a) ~~Except as provided in subsections (3)(b) and (3)(c), class four residential property described in~~  
13 ~~subsections (1)(a) through (1)(d) of this section is taxed at 4.35% 1.9% of market value.~~

14 (b) ~~(i) Subject to subsection (3)(b)(iii), the THE tax rate for class four residential property described~~  
15 ~~in subsections (1)(a), (1)(b)(i), (1)(b)(ii), and (1)(d) of this section that qualifies for the homestead reduced tax~~  
16 ~~rate provided for in [section 2 or 3] or the rental property reduced tax rate provided for in [section 4 3] is:~~

17 (A) ~~0.76% FOR THE MARKET VALUE THAT IS LESS THAN OR EQUAL TO THE MEDIAN RESIDENTIAL VALUE;~~

18 (B) ~~0.9% FOR THE MARKET VALUE THAT IS HALF OF GREATER THAN THE MEDIAN RESIDENTIAL VALUE AND~~  
19 ~~LESS THAN 2 TIMES THE MEDIAN RESIDENTIAL VALUE OR LESS;~~

20 (B) (C) ~~1.1% FOR THE MARKET VALUE GREATER THAN HALF OF THAT IS 2 TIMES THE MEDIAN RESIDENTIAL~~  
21 ~~VALUE OR GREATER AND LESS THAN 3.5 4 TIMES THE MEDIAN RESIDENTIAL VALUE; AND~~

22 (C) (D) ~~1.9% FOR THE MARKET VALUE THAT IS 3.5 4 TIMES THE MEDIAN RESIDENTIAL VALUE OR GREATER.~~

23 (ii) ~~The tax rate for a rental multifamily dwelling unit described in subsection (1)(b)(iv) that qualifies~~  
24 ~~for the rental property reduced tax rate is 1.1%.~~

25 (b) ~~(iii) The tax rate for the portion of the market value of a single-family residential dwelling that is a~~  
26 ~~principal residence or a single-family residence long-term rental in excess of \$1.5 million 4 times the median~~  
27 ~~residential value is the residential property tax rate in subsection (3)(a) multiplied by 1.4.~~

28 (c) ~~The tax rate for a property described in subsection (1)(c) that does not qualify for the~~

1 homestead reduced tax rate or the rental property reduced tax rate is 1.35%.

2 ~~(e)(d)~~ The tax rate for commercial and industrial property described in subsections (1)(e) and (1)(f),  
3 except property described in subsection (1)(f)(ii), is: the residential property tax rate in subsection (3)(a)  
4 multiplied by 1.4

5 (i) for the market value less than 6 times the median commercial and industrial value, 1.5%; and

6 (ii) for the market value ~~greater than~~ 6 times the median commercial and industrial value OR  
7 GREATER, ~~2.1%~~ 1.9%.

8 ~~(4)(e)~~ Property described in subsection ~~(4)(e)(ii)~~ (1)(f)(ii) is taxed at one-half the tax rate established  
9 in subsection ~~(3)(e)~~ (3)(d).

10 (4) The department shall calculate the median residential value and median commercial and  
11 industrial value every 2 years as part of the periodic reappraisal provided for in 15-7-111.

12 (5) As used in this section, the following definitions apply:

13 (a) "Median commercial and industrial value" means the median value of class four commercial  
14 and industrial property located in the state of Montana rounded to the nearest thousand dollars.

15 (b) "Median residential value" means the median value of a single-family residence located in the  
16 state of Montana rounded to the nearest thousand dollars."

17

18 **SECTION 14.** SECTION 15-6-134, MCA, IS AMENDED TO READ:

19 **"15-6-134. Class four property -- description -- taxable percentage.** (1) Class four property  
20 includes:

21 (a) subject to subsection (1)(e), all land, except that specifically included in another class;

22 (b) subject to subsection (1)(e):

23 (i) all improvements, including single-family residences, trailers, manufactured homes, or mobile  
24 homes used as a residence, except those specifically included in another class;

25 (ii) appurtenant improvements to the residences, including the parcels of land upon which the  
26 residences are located and any leasehold improvements;

27 (iii) vacant residential lots; and

28 (iv) rental multifamily dwelling units.

1 (c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural  
2 land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-  
3 133(1)(c). The 1 acre must be valued at market value.

4 (d) 1 acre of real property beneath an improvement used as a residence on land eligible for  
5 valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

6 (e) all commercial and industrial property, as defined in 15-1-101, and including:

7 (i) all commercial and industrial property that is used or owned by an individual, a business, a  
8 trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of  
9 income;

10 (ii) all golf courses, including land and improvements actually and necessarily used for that  
11 purpose, that consist of at least nine holes and not less than 700 lineal yards;

12 (iii) commercial buildings and parcels of land upon which the buildings are situated; and

13 (iv) vacant commercial lots.

14 (2) If a property includes both residential and commercial uses, the property is classified and  
15 appraised as follows:

16 (a) the land use with the highest percentage of total value is the use that is assigned to the  
17 property; and

18 (b) the improvements are apportioned according to the use of the improvements.

19 (3) (a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and subsection (3)(b), class  
20 four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at ~~4.35%~~ 0.76%  
21 of market value.

22 (b) The tax rate for the portion of the market value of a single-family residential dwelling in excess  
23 of \$1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.

24 (c) The tax rate for commercial property is ~~the residential property tax rate in subsection (3)(a)~~  
25 ~~multiplied by 1.4~~ 1.89%.

26 (4) Property described in subsection (1)(e)(ii) is taxed at one-half the tax rate established in  
27 subsection (3)(c)."

28

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

2           **"15-7-102. Notice of classification, market value, and taxable value to owners -- appeals.** (1) (a)

3 Except as provided in 15-7-138, the department shall mail or provide electronically to each owner or purchaser  
4 under contract for deed a notice that includes the land classification, market value, and taxable value of the  
5 land and improvements owned or being purchased. A notice must be mailed or, with property owner consent,  
6 provided electronically to the owner only if one or more of the following changes pertaining to the land or  
7 improvements have been made since the last notice:

8           (i) change in ownership;

9           (ii) change in classification;

10          (iii) change in valuation; or

11          (iv) addition or subtraction of personal property affixed to the land.

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

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

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

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

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

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

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

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

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

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

8 (b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an  
9 appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in  
10 15-1-402.

11 (c) The department is not required to mail or provide electronically the notice to a new owner or  
12 purchaser under contract for deed unless the department has received the realty transfer certificate from the  
13 clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by  
14 subsection (2)(a) are mailed or provided electronically. The department shall notify the county tax appeal board  
15 of the date of the mailing or the date when the taxpayer is informed the information is available electronically.

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

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

24 (ii) For class three property described in 15-6-133, class four property described in 15-6-134, and  
25 class ten property described in 15-6-143, the objection may be made only once each valuation cycle. An  
26 objection must be made in writing or by checking a box on the notice within 30 days from the date on the  
27 classification and appraisal notice for a reduction in the appraised value to be considered for both years of the  
28 2-year valuation cycle. An objection made more than 30 days from the date of the classification and appraisal

1 notice will be applicable only for the second year of the 2-year valuation cycle. For an objection to apply to the  
2 second year of the valuation cycle, the taxpayer shall make the objection in writing or by checking a box on the  
3 notice no later than June 1 of the second year of the valuation cycle or, if a classification and appraisal notice is  
4 received in the second year of the valuation cycle, within 30 days from the date on the notice.

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

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

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

23 (b) If the objection relates to residential or commercial property and the objector agrees to the  
24 confidentiality requirements, the department shall provide to the objector, by posted mail or electronically, within  
25 8 weeks of submission of the objection, the following information:

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

28 (ii) if the department uses a blend of evaluations developed from various sources, the reasons that

1 the methodology was used.

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

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

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

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

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

13 (e) The review must be conducted informally and is not subject to the contested case procedures  
14 of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual  
15 selling price of the property and other relevant information presented by the taxpayer in support of the  
16 taxpayer's opinion as to the market value of the property. The department shall consider an independent  
17 appraisal provided by the taxpayer if the appraisal meets standards set by the Montana board of real estate  
18 appraisers and the appraisal was completed within 6 months of the valuation date pursuant to 15-8-201. If the  
19 department does not use the appraisal provided by the taxpayer in conducting the appeal, the department shall  
20 provide to the taxpayer the reason for not using the appraisal. The department shall give reasonable notice to  
21 the taxpayer of the time and place of the review.

22 (f) After the review, the department shall determine the correct appraisal and classification of the  
23 land or improvements and notify the taxpayer of its determination by mail or electronically. The department may  
24 not determine an appraised value that is higher than the value that was the subject of the objection unless the  
25 reason for an increase was the result of a physical change in the property or caused by an error in the  
26 description of the property or data available for the property that is kept by the department and used for  
27 calculating the appraised value. In the notification, the department shall state its reasons for revising the  
28 classification or appraisal. When the proper appraisal and classification have been determined, the land must

1 be classified and the improvements appraised in the manner ordered by the department.

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

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

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

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

13 (6) Except as provided in 15-2-302 and 15-23-102, if a property owner feels aggrieved by the  
14 classification or appraisal made by the department after the review provided for in subsection (3), the property  
15 owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board,  
16 whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board,  
17 pursuant to 15-15-102, must be filed within 30 days from the date on the notice of the department's  
18 determination. A county tax appeal board or the Montana tax appeal board may consider the actual selling price  
19 of the property, independent appraisals of the property, negative property features that differentiate the subject  
20 property from the department's comparable sales, and other relevant information presented by the taxpayer as  
21 evidence of the market value of the property. If the county tax appeal board or the Montana tax appeal board  
22 determines that an adjustment should be made, the department shall adjust the base value of the property in  
23 accordance with the board's order."

24

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

26 **"15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county  
27 commissioners of each county shall appoint a county tax appeal board, with a minimum of three members and  
28 with the members to serve staggered terms of 3 years each. The members of each county tax appeal board

1 must be residents of the county in which they serve. A person may not be a member of a county tax appeal  
2 board if the person was an employee of the department less than 36 months before the date of appointment.

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

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

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

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

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

14 (3) Office space and equipment for the county tax appeal boards must be furnished by the county.  
15 All other incidental expenses must be paid from the appropriation of the Montana tax appeal board.

16 (4) The county tax appeal board shall hold an organizational meeting each year on the date of its  
17 first scheduled hearing, immediately before conducting the business for which the hearing was otherwise  
18 scheduled. At the organizational meeting, the members shall choose one member as the presiding officer of the  
19 board. The county tax appeal board shall continue in session from July 1 of the current tax year until December  
20 31 of the current tax year to hear protests concerning assessments made by the department until the business  
21 of hearing protests is disposed of and may meet after December 31 to hear an appeal at the discretion of the  
22 county tax appeal board.

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

26 (6) In connection with an appeal, the county tax appeal board may change any assessment or fix  
27 the assessment at some other level and determine eligibility for the homestead reduced tax rate provided for in  
28 [section 2 or 3] or the rental property reduced tax rate provided for in [section 4 3]. Upon notification by the

1 county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the  
2 county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest  
3 date the county tax appeal board may take applications for the hearings. The notice must be published in a  
4 newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board  
5 directs. The notice must be published by May 15 of the current tax year.

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

9

10 **Section 17.** Section 15-15-102, MCA, is amended to read:

11 **"15-15-102. Application for reduction in valuation -- reduced tax rate.** (1) The county tax appeal  
12 board may not reduce the valuation of property may not be reduced by the county tax appeal board or review  
13 eligibility for the homestead reduced tax rate provided for in [section 2 or 3] or the rental property reduced tax  
14 rate provided for in [section 4 3] unless either the taxpayer or the taxpayer's agent makes and files a written  
15 application ~~for reduction~~ with the county tax appeal board.

16 (2) The application ~~for reduction~~ may be obtained at the local appraisal office or from the county  
17 tax appeal board. The completed application must be submitted to the county clerk and recorder. The date of  
18 receipt is the date stamped on the appeal form by the county clerk and recorder upon receipt of the form. The  
19 county tax appeal board is responsible for obtaining the applications from the county clerk and recorder.

20 (3) One application ~~for reduction~~ may be submitted during each valuation cycle. The application  
21 must be submitted within the time periods provided for in 15-7-102(3)(a) and [section 6 5].

22 (4) A taxpayer who receives an informal review by the department of revenue as provided in 15-7-  
23 102(3)(a)(i) and (3)(a)(ii) or [section 6 5] may appeal the decision of the department of revenue to the county  
24 tax appeal board as provided in 15-7-102(6). The taxpayer may not file a subsequent application ~~for reduction~~  
25 for the same property with the county tax appeal board during the same valuation cycle.

26 (5) If the department's determination after review is not made in time to allow the county tax appeal  
27 board to review the matter during the current tax year, the appeal must be reviewed during the next tax year,  
28 but the decision by the county tax appeal board is effective for the year in which the request for review was filed

1 with the department. The application must state the post-office address of the applicant, specifically describe  
2 the property involved, and state the facts upon which it is claimed the reduction should be made."

3

4 **Section 18.** Section 15-15-103, MCA, is amended to read:

5 **"15-15-103. Examination of applicant -- failure to hear application.** (1) Before the county tax  
6 appeal board grants any application or makes any reduction applied for, it shall examine on oath the person or  
7 agent making the application with regard to the value of the property of the person or eligibility for the  
8 homestead reduced tax rate provided for in [section 2 or 3] or the rental property reduced tax rate provided for  
9 in [section 4 3]. A reduction may not be made unless the applicant makes an application, as provided in 15-15-  
10 102, and attends the county board hearing. An appeal of the county board's decision may not be made to the  
11 Montana tax appeal board unless the person or the person's agent has exhausted the remedies available  
12 through the county board. In order to exhaust the remedies, the person or the person's agent shall attend the  
13 county board hearing. On written request by the person or the person's agent and on the written concurrence of  
14 the department, the county board may waive the requirement that the person or the person's agent attend the  
15 hearing. The testimony of all witnesses at the hearing and the deliberation of the county tax appeal board in  
16 rendering a decision must be electronically recorded and preserved for 1 year. If the decision of the county  
17 board is appealed, the record of the proceedings, including the electronic recording of all testimony and the  
18 deliberation of the county tax appeal board, must be forwarded, together with all exhibits, to the Montana board.  
19 The date of the hearing, the proceedings before the county board, and the decision must be entered upon the  
20 minutes of the county board, and the county board shall notify the applicant of its decision by mail within 3 days.  
21 A copy of the minutes of the county board must be transmitted to the Montana board no later than 3 days after  
22 the county board holds its final hearing of the year.

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

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

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

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

7 (3) The county tax appeal board shall consider an independent appraisal provided by the taxpayer  
8 if the appraisal meets standards set by the Montana board of real estate appraisers and the appraisal was  
9 conducted within 6 months of the valuation date. If the county tax appeal board does not use the appraisal  
10 provided by the taxpayer in conducting the appeal, the county board shall provide to the taxpayer the reason for  
11 not using the appraisal."  
12

13 **Section 19.** Section 15-16-101, MCA, is amended to read:

14 **"15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the  
15 receipt of the property tax record, the county treasurer shall publish a notice specifying:

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

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

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

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

28 (i) the taxable value of the property;

- 1 (ii) the total mill levy applied to that taxable value;
- 2 (iii) itemized city services and special improvement district assessments collected by the county;
- 3 (iv) the number of the school district in which the property is located;
- 4 (v) the amount of the total tax due itemized by mill levy that is levied as city tax, county tax, state  
5 tax, school district tax, and other tax;
- 6 (vi) an indication of which mill levies are voted levies, including voted levies to impose a new mill  
7 levy, to increase a mill levy that is required to be submitted to the electors, or to exceed the mill levy limit  
8 provided for in 15-10-420;
- 9 (vii) except as provided in subsection (2)(c), an itemization of the taxes due for each mill levy and a  
10 comparison to the amount due for each mill levy in the prior year; and
- 11 (viii) a notice of the availability of all the property tax assistance programs available to property  
12 taxpayers, including the intangible land value assistance program provided for in 15-6-240, the property tax  
13 assistance programs under Title 15, chapter 6, part 3, the homestead reduced tax rate provided for in [section 3  
14 2], the rental property reduced tax rate provided for in [section 4 3], and the residential property tax credit for  
15 the elderly under 15-30-2337 through 15-30-2341.
- 16 (b) If a tax lien is attached to the property, the notice must also include, in a manner calculated to  
17 draw attention, a statement that a tax lien is attached to the property, that failure to respond will result in loss of  
18 property, and that the taxpayer may contact the county treasurer for complete information.
- 19 (c) The information required in subsection (2)(a)(vii) may be posted on the county treasurer's  
20 website instead of being included on the written notice.
- 21 (3) The municipality shall, upon request of the county treasurer, provide the information to be  
22 included under subsection (2)(a)(iii) ready for mailing.
- 23 (4) The notice in every case must be given as provided in 7-1-2121. Failure to publish or post  
24 notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the  
25 current year or of delinquent tax will not affect the legality of the tax.
- 26 (5) If the department revises an assessment that results in an additional tax of \$5 or less, an  
27 additional tax is not owed and a new tax bill does not need to be prepared."  
28

1           **Section 20.** Section 15-17-125, MCA, is amended to read:

2           **"15-17-125. Attachment of tax lien and preparation of tax lien certificate.** (1) (a) The county  
3 treasurer shall attach a tax lien no later than the first working day in August to properties on which the taxes are  
4 delinquent and for which proper notification was given as provided in 15-17-122 and subsection (4) of this  
5 section. Upon attachment of a tax lien, the county is the possessor of the tax lien unless the tax lien is assigned  
6 pursuant to 15-17-323.

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

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

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

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

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

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

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

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

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

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

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

25           (4) Prior to attaching a tax lien to the property, the county treasurer shall send notice of the  
26 pending attachment of a tax lien to the person to whom the property was assessed. The notice must include the  
27 information listed in subsection (2), state that the tax lien may be assigned to a third party, and provide notice of  
28 the availability of all the property tax assistance programs available to property taxpayers, including the

1 property tax assistance programs under Title 15, chapter 6, part 3, the homestead reduced tax rate provided for  
2 in [section 3 2], the rental property reduced tax rate provided for in [section 4 3], and the residential property tax  
3 credit for the elderly under 15-30-2337 through 15-30-2341. The notice must have been mailed at least 2 weeks  
4 prior to the date on which the county treasurer attaches the tax lien.

5 (5) The county treasurer shall file the tax lien certificate with the county clerk and recorder."  
6

7 **SECTION 21. SECTION 15-30-2120, MCA, IS AMENDED TO READ:**

8 **"15-30-2120. Adjustments to federal taxable income to determine Montana taxable income. (1)**

9 The items in subsection (2) are added to and the items in subsection (3) are subtracted from federal taxable  
10 income to determine Montana taxable income.

11 (2) The following are added to federal taxable income:

12 (a) to the extent that it is not exempt from taxation by Montana under federal law, interest from  
13 obligations of a territory or another state or any political subdivision of a territory or another state and exempt-  
14 interest dividends attributable to that interest except to the extent already included in federal taxable income;

15 (b) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal  
16 Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the  
17 income;

18 (c) depreciation or amortization taken on a title plant as defined in 33-25-105;

19 (d) the recovery during the tax year of an amount deducted in any prior tax year to the extent that  
20 the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

21 (e) an item of income, deduction, or expense to the extent that it was used to calculate federal  
22 taxable income if the item was also used to calculate a credit against a Montana income tax liability;

23 (f) a deduction for an income distribution from an estate or trust to a beneficiary that was included  
24 in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal  
25 Revenue Code, 26 U.S.C. 651 and 661;

26 (g) a withdrawal from a medical care savings account provided for in Title 15, chapter 61, used for  
27 a purpose other than an eligible medical expense or long-term care of the employee or account holder or a  
28 dependent of the employee or account holder;

1 (h) a withdrawal from a first-time home buyer savings account provided for in Title 15, chapter 63,  
2 used for a purpose other than for eligible costs for the purchase of a single-family residence;

3 (i) for a taxpayer that deducts the qualified business income deduction pursuant to section 199A  
4 of the Internal Revenue Code, 26 U.S.C. 199A, an amount equal to the qualified business income deduction  
5 claimed;

6 (j) for an individual taxpayer that deducts state income taxes pursuant to section 164(a)(3) of the  
7 Internal Revenue Code, 26 U.S.C. 164(a)(3), an additional amount equal to the state income tax deduction  
8 claimed, not to exceed the amount required to reduce the federal itemized amount computed under section 161  
9 of the Internal Revenue Code, 26 U.S.C. 161, to the amount of the federal standard deduction allowable under  
10 section 63(c) of the Internal Revenue Code, 26 U.S.C. 63(c); and

11 (k) for a pass-through entity, estate, or trust, the amount of state income taxes deducted pursuant  
12 to section 164(a)(3) of the Internal Revenue Code, 26 U.S.C. 164(a)(3).

13 (3) To the extent they are included as income or gain or not already excluded as a deduction or  
14 expense in determining federal taxable income, the following are subtracted from federal taxable income:

15 (a) a deduction for an income distribution from an estate or trust to a beneficiary in accordance  
16 with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to the  
17 additions and subtractions in subsections (2) and (3)(b) through ~~(3)(e)~~ (3)(p);

18 (b) if exempt from taxation by Montana under federal law:

19 (i) interest from obligations of the United States government and exempt-interest dividends  
20 attributable to that interest; and

21 (ii) railroad retirement benefits;

22 (c) (i) salary received from the armed forces by residents of Montana who are serving on active  
23 duty in the regular armed forces and who entered into active duty from Montana;

24 (ii) the salary received by residents of Montana for active duty in the national guard. For the  
25 purposes of this subsection (3)(c)(ii), "active duty" means duty performed under an order issued to a national  
26 guard member pursuant to:

27 (A) Title 10, U.S.C.; or

28 (B) Title 32, U.S.C., for a homeland defense activity, as defined in 32 U.S.C. 901, or a contingency

1 operation, as defined in 10 U.S.C. 101, and the person was a member of a unit engaged in a homeland  
2 defense activity or contingency operation.

3 (iii) the amount received by a beneficiary pursuant to 10-1-1201; and

4 (iv) all payments made under the World War I bonus law, the Korean bonus law, and the veterans'  
5 bonus law. Any income tax that has been or may be paid on income received from the World War I bonus law,  
6 Korean bonus law, and the veterans' bonus law is considered an overpayment and must be refunded upon the  
7 filing of an amended return and a verified claim for refund on forms prescribed by the department in the same  
8 manner as other income tax refund claims are paid.

9 (d) annual contributions and income in a medical care savings account provided for in Title 15,  
10 chapter 61, and any withdrawal for payment of eligible medical expenses or for the long-term care of the  
11 employee or account holder or a dependent of the employee or account holder;

12 (e) contributions or earnings withdrawn from a family education savings account provided for in  
13 Title 15, chapter 62, or from a qualified tuition program established and maintained by another state as  
14 provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), for qualified  
15 education expenses, as defined in 15-62-103, of a designated beneficiary;

16 (f) interest and other income related to contributions that were made prior to January 1, 2024, that  
17 are retained in a first-time home buyer savings account provided for in Title 15, chapter 63, and any withdrawal  
18 for payment of eligible costs for the first-time purchase of a single-family residence;

19 (g) for each taxpayer that has attained the age of 65, an additional subtraction of \$5,500;

20 (h) the amount of a scholarship to an eligible student by a student scholarship organization  
21 pursuant to 15-30-3104;

22 (i) a payment received by a private landowner for providing public access to public land pursuant  
23 to Title 76, chapter 17, part 1;

24 (j) the amount of any refund or credit for overpayment of income taxes imposed by this state or  
25 any other taxing jurisdiction to the extent included in gross income for federal income tax purposes but not  
26 previously allowed as a deduction for Montana income tax purposes;

27 (k) the recovery during the tax year of any amount deducted in any prior tax year to the extent that  
28 the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

- 1 (l) the amount of the gain recognized from the sale or exchange of a mobile home park as  
2 provided in 15-31-163;
- 3 (m) payments from the Montana end of watch trust as provided in 2-15-2041;
- 4 (n) (i) subject to subsection (9), a portion of military pensions or military retirement income as  
5 calculated pursuant to subsection (8) that is received by a retired member of:
- 6 (A) the armed forces of the United States, as defined in 10 U.S.C. 101;
- 7 (B) the Montana army national guard or the army national guard of other states;
- 8 (C) the Montana air national guard or the air national guard of other states; or
- 9 (D) a reserve component, as defined in 38 U.S.C. 101, of the United States armed forces; and
- 10 (ii) subject to subsection (9), up to 50% of all income received as survivor benefits for military  
11 service provided for in subsection (3)(n)(i)(A) through (3)(n)(i)(D); ~~and~~
- 12 (o) the amount of the property tax rebate received under 15-1-2302; and
- 13 (p) the amount of the property tax rebate received under [section 10].
- 14 (4) (a) A taxpayer who, in determining federal taxable income, has reduced the taxpayer's  
15 business deductions:
- 16 (i) by an amount for wages and salaries for which a federal tax credit was elected under sections  
17 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the  
18 wages and salaries paid regardless of the credit taken; or
- 19 (ii) for which a federal tax credit was elected under the Internal Revenue Code is allowed to  
20 deduct the amount of the business expense paid when there is no corresponding state income tax credit or  
21 deduction, regardless of the credit taken.
- 22 (b) The deductions in subsection (4)(a) must be made in the year that the wages, salaries, or  
23 business expenses were used to compute the credit. In the case of a partnership or small business corporation,  
24 the deductions in subsection (4)(a) must be made to determine the amount of income or loss of the partnership  
25 or small business corporation.
- 26 (5) (a) An individual who contributes to one or more accounts established under the Montana  
27 family education savings program or to a qualified tuition program established and maintained by another state  
28 as provided in section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), may reduce

1 taxable income by the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each  
2 spouse is entitled to a reduction, not in excess of \$3,000, for the spouses' contributions to the accounts.  
3 Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each  
4 spouse. The reduction in taxable income under this subsection (5)(a) applies only with respect to contributions  
5 to an account of which the account owner is the taxpayer, the taxpayer's spouse, or the taxpayer's child or  
6 stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (2)(d) do not  
7 apply with respect to withdrawals of contributions that reduced federal taxable income.

8 (b) Contributions made pursuant to this subsection (5) are subject to the recapture tax provided for  
9 in 15-62-208.

10 (6) (a) An individual who contributes to one or more accounts established under the Montana  
11 achieving a better life experience program or to a qualified program established and maintained by another  
12 state may reduce taxable income by the lesser of \$3,000 or the amount of the contribution. In the case of  
13 married taxpayers, each spouse is entitled to a reduction, not to exceed \$3,000, for the spouses' contributions  
14 to the accounts. Spouses may jointly elect to treat one-half of the total contributions made by the spouses as  
15 being made by each spouse. The reduction in taxable income under this subsection (6)(a) applies only with  
16 respect to contributions to an account for which the account owner is the taxpayer, the taxpayer's spouse, or  
17 the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of  
18 subsection (2)(d) do not apply with respect to withdrawals of contributions that reduced taxable income.

19 (b) Contributions made pursuant to this subsection (6) are subject to the recapture tax provided in  
20 53-25-118.

21 (7) By November 1 of each year, the department shall multiply the subtraction from federal taxable  
22 income for a taxpayer that has attained the age of 65 contained in subsection (3)(g) by the inflation factor for  
23 that tax year, rounding the result to the nearest \$10. The resulting amount is effective for that tax year and must  
24 be used as the basis for the subtraction from federal taxable income determined under subsection (3)(g).

25 (8) (a) Subject to subsection (9), the subtraction in subsection (3)(n)(i) is equal to the lesser of:

26 (i) the amount of Montana source wage income on the return; or

27 (ii) 50% of the taxpayer's military pension or military retirement income.

28 (b) For the purposes of subsection (8)(a)(i), "Montana source wage income" means:

- 1 (i) wages, salary, tips, and other compensation for services performed in the state;
- 2 (ii) net income from a trade, business, profession, or occupation carried on in the state; and
- 3 (iii) net income from farming activities carried on in the state.
- 4 (9) The subtractions in subsection (3)(n):
- 5 (a) may only be claimed by a person who:
- 6 (i) becomes a resident of the state after June 30, 2023; or
- 7 (ii) was a resident of the state before receiving military pension or military retirement income and
- 8 remained a resident after receiving military pension or military retirement income;
- 9 (b) may only be claimed for 5 consecutive years after satisfying the provisions of subsection (9)(a);
- 10 and
- 11 (c) are not available if a taxpayer claimed the exemption before becoming a nonresident.
- 12 (Subsection (3)(o) terminates June 30, 2025--sec. 10, Ch. 47, L. 2023; subsections (3)(n), (8), and (9) terminate
- 13 December 31, 2033--sec. 4, Ch. 650, L. 2023.)"

14  
15 **NEW SECTION. SECTION 22. PROPERTY TAX ASSISTANCE ACCOUNT.** (1) THERE IS A STATE PROPERTY TAX  
16 ASSISTANCE ACCOUNT IN THE STATE SPECIAL REVENUE FUND ESTABLISHED IN 17-2-102 TO THE CREDIT OF THE  
17 DEPARTMENT OF REVENUE. THE REVENUE ALLOCATED TO THE ACCOUNT MUST BE USED TO PROVIDE PROPERTY TAX  
18 ASSISTANCE.

19 (2) THE DEPARTMENT SHALL USE MONEY IN THE ACCOUNT TO PROVIDE REBATES PURSUANT TO [SECTION  
20 10].

21  
22 **NEW SECTION. Section 23. Codification instruction.** (1) [Sections 1 through 7] are intended to be  
23 codified as an integral part of Title 15, chapter 6, and the provisions of Title 15, chapter 6, apply to [sections 1  
24 through 7].

25 (2) [SECTION 8] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 15, CHAPTER 1, PART 1, AND  
26 THE PROVISIONS OF TITLE 15, CHAPTER 1, PART 1, APPLY TO [SECTION 8].

27 (3) [SECTIONS 9 THROUGH 11] ARE INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 15,  
28 CHAPTER 1, AND THE PROVISIONS OF TITLE 15, CHAPTER 1, APPLY TO [SECTIONS 9 THROUGH 11].

1           (4) [SECTION 22] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 15, CHAPTER 1, AND THE  
2 PROVISIONS OF TITLE 15, CHAPTER 1, APPLY TO [SECTION 22].

3  
4           NEW SECTION. Section 24. Effective date~~DATES~~ -- CONTINGENCY. (1) EXCEPT AS PROVIDED IN  
5 SUBSECTIONS (2) AND (3), [This THIS act] is effective on passage and approval.

6           (2) [SECTIONS 1 THROUGH 6, 13, AND 15 THROUGH 20] ARE EFFECTIVE JANUARY 1, 2026.

7           (3) [Sections 8 and 12] are effective on the date that the department of revenue certifies to the  
8 code commissioner that a court of final disposition finds that [section 7] is invalid. The department of revenue  
9 shall submit certification within 30 days of the occurrence of the contingency.

10  
11           NEW SECTION. SECTION 25. TRANSFER OF FUNDS. THE STATE TREASURER SHALL TRANSFER \$90 MILLION  
12 FROM THE GENERAL FUND TO THE PROPERTY TAX ASSISTANCE ACCOUNT PROVIDED FOR IN [SECTION 22] BY JULY 1,  
13 2025.

14  
15           ~~COORDINATION SECTION. SECTION 17. COORDINATION INSTRUCTION. IF HOUSE BILL No. 154 IS NOT~~  
16 ~~PASSED BY THE LEGISLATURE AND IF [THIS ACT] IS PASSED BY THE LEGISLATURE AND CONTAINS A SECTION THAT~~  
17 ~~AMENDS 15-6-134, THEN SUBSECTION (3)(B)(i)(A) OF 15-6-134 IN [THIS ACT] MUST BE REPLACED WITH THE FOLLOWING~~

18 ~~;~~  
19           ~~"(A) 0.74% FOR THE MARKET VALUE THAT IS 2 TIMES THE MEDIAN RESIDENTIAL VALUE OR LESS;"~~

20  
21  
22           NEW SECTION. SECTION 26. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT  
23 ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS  
24 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID  
25 APPLICATIONS.

26  
27           COORDINATION SECTION. SECTION 27. COORDINATION INSTRUCTION. IF BOTH SENATE BILL No. 542  
28 AND [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTIONS 1 THROUGH 23 AND 25, 33, AND 34 OF THIS ACT] ARE

1 VOID AND [SECTION 14 OF SENATE BILL NO. 542] MUST BE AMENDED AS FOLLOWS:

2 **"15-6-134. Class four property -- description -- taxable percentage.** (1) Class four property  
3 includes:

4 (a) ~~subject to subsection (1)(e),~~ all land, except that specifically included in another class;

5 (b) ~~subject to subsection (1)(e):~~

6 (i) all improvements, including single-family residences, trailers, manufactured homes, or mobile  
7 homes used as a residence, except those specifically included in another class;

8 (ii) appurtenant improvements to the residences, including the parcels of land upon which the  
9 residences are located and any leasehold improvements;

10 (iii) vacant residential lots; and

11 (iv) rental multifamily dwelling units.

12 (c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural  
13 land under 15-7-202, including;

14 (d) 1 acre of real property beneath residential improvements on land described in 15-6-133(1)(c).  
15 ~~The 1 acre must be valued at market value.~~

16 ~~(d) — and 1 acre of real property beneath an improvement used as a residence on land eligible for~~  
17 ~~valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.~~

18 (e) real property beneath commercial improvements and as much of the surrounding land that is  
19 reasonably required to support the commercial improvements on land described in 15-6-133(1)(c) and real  
20 property beneath commercial improvements and as much of the surrounding land that is reasonably required to  
21 support the commercial improvements on land eligible for valuation, assessment, and taxation as forest land  
22 under 15-6-143. The land must be valued at market value.

23 ~~(e)(f)~~ all commercial and industrial property, as defined in 15-1-101, and including:

24 (i) all commercial and industrial property that is used or owned by an individual, a business, a  
25 trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of  
26 income;

27 (ii) all golf courses, including land and improvements actually and necessarily used for that  
28 purpose, that consist of at least nine holes and not less than 700 lineal yards;

1 (iii) commercial buildings and parcels of land upon which the buildings are situated; and

2 (iv) vacant commercial lots.

3 (2) If a property includes both residential and commercial uses, the property is classified and  
4 appraised as follows:

5 (a) the land use with the highest percentage of total value is the use that is assigned to the  
6 property; and

7 (b) the improvements are apportioned according to the use of the improvements.

8 (3) (a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and subsection (3)(b), class  
9 four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at 4.35% of  
10 ~~market value~~ a graduated rate as follows:

11 (i) 0.76% for the first \$400,000 of market value;

12 (ii) 1.1% for the market value that is greater than \$400,000 and up to \$1.5 million; and

13 (iii) 2.2% for the market value that is greater than \$1.5 million.

14 (b) ~~The tax rate for the portion of the market value of a single-family residential dwelling in excess~~  
15 ~~of \$1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.~~

16 (b) The maximum graduated rate for multifamily dwelling units described in subsection (1)(b)(iv)  
17 with a market value of greater than \$2 million is 1.89%.

18 (c)(4) (a) ~~The~~ Except as provided in subsection (4)(c), the tax rate for commercial and industrial  
19 property is the residential property tax rate in subsection (3)(a) multiplied by 1.4 described in subsections (1)(e)  
20 and (1)(f) in excess of \$400,000 is 1.89%.

21 (b) The tax rate for the first \$400,000 of market value for commercial and industrial property is  
22 1.4%.

23 (4)(c) Property described in subsection (1)(e)(ii) (1)(f)(ii) is taxed at one-half the tax rate established  
24 in subsection (3)(e) (4)."

25  
26 COORDINATION SECTION. SECTION 28. COORDINATION INSTRUCTION. IF SENATE BILL NO. 542, HOUSE  
27 BILL NO. 863, AND [THIS ACT] ARE PASSED AND APPROVED, THEN THE SECTION IN HOUSE BILL NO. 863 THAT  
28 COORDINATES WITH [THIS ACT] IS VOID.

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COORDINATION SECTION. SECTION 29. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 542 AND [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTIONS 1 THROUGH 23 AND 25 OF THIS ACT] ARE VOID AND [SECTION 4 OF SENATE BILL NO. 542] MUST BE AMENDED AS FOLLOWS:

"NEW SECTION. **Section 4. Legislative findings -- local government charters and fixed mill levy limits superseded.** (1) (a) The legislature finds that most local governments set mill levies that adjust downward when taxable value increases under 15-10-420. This floating mill levy concept automatically lowers the number of mills levied against a taxpayer when property values increase, which mitigates increases in property values. However, when mill levies are fixed, the opposite occurs when property values increase, and property taxes are not automatically mitigated for taxpayers that are levied based on a fixed mill levy.

(b) The legislature finds further that it is prohibited under Article VIII, section 2, of the Montana constitution, from suspending or contracting away the power to tax. The legislature also recognizes and respects the power of local governments under Article XI, section 5, of the Montana constitution to adopt, amend, revise, or abandon a charter.

(2) As a matter of policy, the legislature intends to supersede local government charters that fix mill levy limits for the limited purpose of exercising the power to tax while also maintaining local government revenue sources without raising taxes on residential taxpayers. Having considered all options on a statewide basis, the legislature finds the statutory structure of the property tax has evolved significantly since the passage of Initiative Measure No. 105 on November 4, 1986, and the enactment of 15-10-420 by the legislature in 1999. Given the significant change in the structure of the property tax and the rising cost of residential property in the last 5 years, there is a compelling interest to all the citizens of the state to lower residential property tax rates for primary residences, which can only be accomplished by this section and 15-10-420.

(3) A local government with a charter form of government that includes a mill levy limit of a specific number of mills that may be imposed in the charter shall levy the number of mills in fiscal year 2026 and subsequent tax years that will generate the amount of property taxes assessed in fiscal year 2025, without amending or revising the charter. In fiscal years after 2026, the local government ~~shall~~ may levy an amount not to exceed the number of mills levied in fiscal year 2026.

(4) A taxing entity with a local mill levy limit of a specific number of mills that may be imposed that

1 was authorized by the voters before [the effective date of this section], shall:

2 (a) elect to transition a voted mill levy to a dollar-based mill levy equal to the amount of property  
3 taxes assessed in fiscal year 2025 and thereafter subject to the provisions of 15-10-420(1)(a); or

4 (b) levy the number of mills in fiscal year 2026 that will generate the amount of property taxes  
5 assessed in fiscal year 2025. In fiscal years after 2026, the local government ~~shall~~ may levy an amount not to  
6 exceed the number of mills levied in fiscal year 2026."

7  
8 NEW SECTION. SECTION 30. APPROPRIATION. (1) THERE IS APPROPRIATED \$500,000 FROM THE  
9 GENERAL FUND TO THE DEPARTMENT OF REVENUE FOR THE FISCAL YEAR ENDING JUNE 30, 2025, TO IMPLEMENT [THIS  
10 ACT]. THE LEGISLATURE INTENDS THIS TO BE AN ADDITION TO THE "PROPERTY TAX REVISION IMPLEMENTATION"  
11 APPROPRIATION IN HOUSE BILL NO. 2.

12 (2) THERE IS APPROPRIATED \$3.5 MILLION FROM THE GENERAL FUND TO THE DEPARTMENT OF REVENUE  
13 FOR THE FISCAL YEAR ENDING JUNE 30, 2026, TO IMPLEMENT [THIS ACT]. THE LEGISLATURE INTENDS THIS TO BE AN  
14 ADDITION TO THE "PROPERTY TAX REVISION IMPLEMENTATION" APPROPRIATION IN HOUSE BILL NO. 2.

15  
16 COORDINATION SECTION. SECTION 31. COORDINATION INSTRUCTION. IF SENATE BILL NO. 542 AND  
17 [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTIONS 1 THROUGH 23, 25, AND 30 OF THIS ACT] ARE VOID AND  
18 SENATE BILL NO. 542 MUST BE AMENDED TO INCLUDE A NEW SECTION THAT READS:

19 "NEW SECTION. Section 32. Appropriation. (1) There is appropriated \$500,000 from the general  
20 fund to the department of revenue for the fiscal year ending June 30, 2025, to implement [this act]. The  
21 legislature intends this to be an addition to the "Property Tax Revision Implementation" appropriation in House  
22 Bill No. 2.

23 (2) There is appropriated \$3.5 million from the general fund to the department of revenue for the  
24 fiscal year ending June 30, 2026, to implement [this act]. The legislature intends this to be an addition to the  
25 "Property Tax Revision Implementation" appropriation in House Bill No. 2."

26  
27 NEW SECTION. Section 32. Applicability -- retroactive applicability. (1) Except as provided in  
28 subsection (2), [this act] applies retroactively to property tax years beginning after December 31, 2024.

