EXHIBIT 8
DATE 4.24.07
HB 678

Amendments to House Bill No. 678
Reference Copy

Requested by Representative Wayne Stahl (400)

For the Senate Free Conference Committee

Prepared by Lee Heiman
April 23, 2007 (11:28am)

1. Title, line 5.
Following: "LAWS;"
Insert: "PROVIDING A REFUND OF UP TO A TOTAL OF $400 OF 2006 MONTANA REAL PROPERTY TAXES PAID BY A TAXPAYER OR TAXPAYERS ON THE RESIDENCE THAT THEY OWNED AND OCCUPIED AS THEIR PRINCIPAL RESIDENCE FOR AT LEAST 7 MONTHS DURING 2006 AND OF CERTAIN 2005 AND 2004 MONTANA REAL PROPERTY TAXES PAID ON THE PRINCIPAL RESIDENCE; PROVIDING THE PROCEDURE FOR ESTABLISHING ENTITLEMENT TO THE REFUND AND THE PERIOD WITHIN WHICH THE ENTITLEMENT MUST BE ESTABLISHED;"

2. Title, line 14.
Following: the first "DATE"
Insert: ","
Strike: "AND AN APPLICABILITY DATE"
Insert: "APPLICABILITY DATES, AND A TERMINATION DATE"

3. Page 1, line 17.
Insert: "NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], the following definitions apply:

(1) "Montana property taxes" means the ad valorem real property taxes imposed on property classified under 15-6-134 that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, as is reasonably necessary for its use as a dwelling and that were assessed in the specified calendar year.

(2) "Owned" includes purchasing under a contract for deed and being the grantor or grantors under a trust indenture."

Insert: "NEW SECTION. **Section 2. Property tax refund -- manner of claiming -- limitations.** (1) (a) A refund of up to $400 of 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence that they owned and occupied as their principal residence for at least 7 months during 2006 may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3).

(b) If the 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence that they owned and occupied as their principal residence for at least 7 months during 2006 were more than $25 and less than $400, a refund of

the 2005 Montana property taxes assessed to and paid by the taxpayer or taxpayers on the principal residence, if they owned and occupied it as their principal residence for at least 7 months during 2005, may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3), in an amount that, together with the refund under subsection (1)(a), does not exceed $400.

(c) If the 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence that they owned and occupied as their principal residence for at least 7 months during 2006, together with the 2005 Montana property taxes allowed as a refund under subsection (1)(b), were more than $50 and less than $400, a refund of the 2004 Montana property taxes assessed to and paid by the taxpayer or taxpayers on the principal residence, if they owned and occupied it as their principal residence for at least 7 months during 2004, may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3), in an amount that, together with the refund under subsections (1)(a) and (1)(b), does not exceed $400.

(2) (a) Subject to subsection (2)(b), the claim for refund, in the form that the department of revenue prescribes, must be executed by each taxpayer under penalty of false swearing and must include the information that the department requires.

(b) The personal representative of the estate of a deceased taxpayer may execute and file the claim for refund on behalf of a deceased taxpayer who qualifies for the refund.

(3) The claim for a refund is subject to the following limitations:

(a) The claim must be filed with the department of revenue on or before December 31, 2007, unless the department, for good cause shown, grants a reasonable extension of time for filing.

(b) Only one claim may be made with respect to any property.

(c) The claims by a taxpayer or taxpayers for 2006, 2005, and 2004 must be for the same property."

Insert: "NEW SECTION. **Section 3. Property tax refund -- penalty for false or fraudulent claim.** A person who files a false or fraudulent claim for a property tax refund is subject to criminal prosecution under the provisions of 45-7-202. If a false or fraudulent claim has been paid, the amount paid may be recovered as any other tax owed the state, together with a penalty of 25% and interest on the amount of the refund at the rate of 12% a year, until paid."

Renumber: subsequent sections

4. Page 34, line 11 through line 12.

Strike: "-- APPLICABILITY" on line 11

Strike: ", AND" on line 11 through "2007" on line 12

5. Page 34.

Following: line 12
Insert: "NEW SECTION. **Section 11. Applicability.** (1) [Sections 1 through 3] apply retroactively, within the meaning of 1-2-109, to 2006 Montana real property taxes paid before [the effective date of this act].

(2) [Sections 4 through 9] apply to school district budgets for school fiscal years beginning on or after July 1, 2007."
Insert: "NEW SECTION. **Section 12. {standard} Termination.** [Sections 1 through 3] terminate June 30, 2008."

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