

Amendments to House Bill No. 658
3rd Reading Copy

Requested by Senator Ron Erickson

For the Senate Taxation Committee

Prepared by Lee Heiman
April 7, 2009 (12:39pm)

1. Title, page 1, line 18.

Following: "VALUE;"**Insert:** "CHANGING THE WAY THE VALUE OF CERTAIN NEWLY CONSTRUCTED PROPERTY IS DETERMINED FOR LOCAL GOVERNMENT MILL LEVY AUTHORITY;"

2. Title, page 1, line 28.

Following: "15-7-201,"**Insert:** "14-10-420,"

3. Page 12, line 17.

Insert: "Section 8. Section 15-10-420, MCA, is amended to read:
"15-10-420. Procedure for calculating levy. (1) (a) Subject

to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.

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

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

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all

property in the governmental unit, including newly taxable property.

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

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

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

(iii) transfer of property into a taxing unit;

(iv) subdivision of real property; and

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

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

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

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

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

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

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

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable property is the annual phased-in value of property constructed, expanded, or remodeled after completion of the last reappraisal cycle determined under 15-7-111(2) to be used for each year of the current reappraisal cycle after the construction, expansion, or remodeling becomes taxable.

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

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

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

(b) the portion of a governmental entity's property tax levy for premium contributions for group benefits excluded under 2-9-212 or 2-18-703.

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

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in reimbursements.

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in whole mills. If the mill levy calculation does not result in a whole number of mills, then the calculation must be rounded up to the nearest whole mill.

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

- (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
- (ii) a levy to repay taxes paid under protest as provided in 15-1-402;
- (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326; or
- (iv) a levy for the support of a study commission under 7-3-184.

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

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

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

{ Internal References to 15-10-420:

2-9-212	2-9-212	2-9-212	2-9-212
2-9-212	2-9-212	2-18-703	7-1-112
7-1-114	7-1-2103	7-1-4123	7-2-2730
7-2-2730	7-2-2746	7-2-4111	7-2-4918
7-2-4918	7-3-1104	7-3-1310	7-3-1310
7-3-1311	7-3-1311	7-3-1313	7-3-1313
7-3-4312	7-6-502	7-6-2501	7-6-2511
7-6-2512	7-6-2513	7-6-2522	7-6-4035
7-6-4036	7-6-4401	7-6-4406	7-6-4421
7-6-4431	7-6-4431	7-6-4438	7-6-4438
7-6-4453	7-11-1106	7-11-1112	7-11-1112
7-13-144	7-13-3027	7-14-111	7-14-232
7-14-1111	7-14-1131	7-14-2101	7-14-2101
7-14-2101	7-14-2501	7-14-2502	7-14-2503
7-14-2801	7-14-2801	7-14-2807	7-14-4404
7-14-4644	7-14-4703	7-14-4713	7-14-4734
7-15-4281	7-16-101	7-16-2102	7-16-2108
7-16-2109	7-16-2205	7-16-2411	7-16-2423

7-16-2431	7-16-2443	7-16-4105	7-16-4113
7-16-4114	7-21-3203	7-21-3410	7-21-3432
7-21-3433	7-22-2142	7-22-2222	7-22-2306
7-22-2432	7-22-2512	7-32-235	7-32-4117
7-33-2109	7-33-2209	7-33-4111	7-33-4130
7-34-102	7-34-2122	7-34-2133	7-34-2417
7-35-2122	7-35-2205	13-13-230	15-7-403
15-10-202	15-10-401	15-10-402	15-10-425
15-10-425	15-16-203	15-23-214	15-24-1402
15-24-1402	15-24-1501	15-24-1603	19-7-404
19-9-209	19-13-214	19-18-504	19-19-301
20-7-714	20-9-331	20-9-333	20-9-360
20-9-404	20-9-533	20-15-305	20-15-311
20-15-311	20-15-313	20-15-314	20-15-314
20-25-423	20-25-439	22-1-304	22-1-316
22-1-702	22-1-707	22-1-708	22-1-711
22-1-711	23-4-303	39-71-403	41-5-1804
50-2-111	50-2-111	53-20-208	53-21-1010
67-10-402	67-11-201	67-11-301	67-11-301
67-11-302	67-11-303	67-11-303	75-10-112
76-1-111	76-1-403	76-1-404	76-1-406
76-2-102	76-5-1116	76-5-1116	76-6-109
76-15-501	76-15-505	76-15-516	76-15-516
76-15-516	76-15-518	76-15-623	81-8-504
85-3-412	85-3-422	85-7-307	85-8-601
85-8-615	85-8-618	85-20-1001	85-20-1001
90-5-112	90-6-403	90-6-403	90-6-403 }"

Renumber: subsequent sections

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