

HOUSE BILL NO. 492

INTRODUCED BY E. HILL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF REVENUE TO GIVE A COPY
5 OF A NOTICE OF PENDING TAX LIEN SALE TO THE COUNTY PUBLIC ADMINISTRATOR AND THE
6 COUNTY ADULT PROTECTIVE SERVICE TEAM; REQUIRING THE COUNTY PUBLIC ADMINISTRATOR AND
7 THE COUNTY ADULT PROTECTIVE SERVICE TEAM TO CONTACT A PERSON WHOSE PROPERTY IS
8 SUBJECT TO A PENDING TAX LIEN SALE TO ENSURE THAT THE PERSON IS CAPABLE OF
9 UNDERSTANDING THE TAX LIEN SALE PROCESS AND TO ENSURE THAT THE PERSON UNDERSTANDS
10 THE OPTIONS AVAILABLE TO AVOID THE SALE; AMENDING SECTIONS 7-4-3004 AND 15-17-122, MCA;
11 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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15 **Section 1.** Section 7-4-3004, MCA, is amended to read:
16 **"7-4-3004. Office of public administrator.** The powers and duties of the public administrator are
17 defined by Title 72, chapter 15, section 3, and 72-5-415(2)."

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19 **Section 2.** Section 15-17-122, MCA, is amended to read:

20 **"15-17-122. Notice of pending tax lien sale.** (1) The county treasurer shall publish or post a notice of
21 a pending tax lien sale. The notice must include:

22 (a) the specific time, date, and place an interest in the property on which the taxes are delinquent will
23 be offered for sale;

24 (b) a statement that the delinquent taxes, including penalties, interest, and costs, are a lien upon the
25 property and that unless the delinquent taxes, penalties, interest, and costs are paid prior to the time of the tax
26 lien sale, the lien will be offered for sale at the time and place specified in subsection (1)(a).

27 (2) The notice required in subsection (1) must also include a statement that a list of each property on
28 which the taxes are delinquent is on file in the office of the county treasurer and open to inspection. The list must
29 include:

30 (a) the name and address of the person to whom the delinquent taxes are assessed;



1 (b) the amounts of the delinquent taxes, all accrued penalties, interest, and other costs; and

2 (c) a statement that penalties, interest, and costs will be added to delinquent taxes.

3 (3) (a) The notice must be published once a week for 3 consecutive weeks in the newspaper designated
4 for county printing as provided in 18-7-411. If no newspaper is published in the county, the notice must be posted
5 by the county treasurer in three public places. The notice must be first published or posted on or before the last
6 Monday in June.

7 (b) A copy of the notice must be sent to the public administrator for the county and to the adult protection
8 service team for the county established pursuant to 52-3-805.

9 (4) Except as provided in 15-17-211(2), the tax lien sale may not be held less than 21 days or more than
10 28 days from the date of first publication or first day the notice is posted.

11 (5) The sale must be held at the office of the county treasurer.

12 (6) Property on which taxes are delinquent but for which proper notification was not made may not be
13 included in the current year's notice and tax lien sale. In the event of improper notification, the tax lien sale may
14 be held on all property properly noticed.

15 (7) The provisions of this section do not apply to property for which delinquent property taxes have been
16 suspended or canceled under the provisions of Title 15, chapter 24, part 17."

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18 **NEW SECTION. Section 3. Duties of public administrator and adult protective service team upon**
19 **receipt of pending tax lien sale.** (1) Upon receipt of a notice of a pending tax lien sale pursuant to
20 15-17-122(3)(b), the county public administrator and county adult protection service team shall make every effort
21 to make personal contact with the person to whom the delinquent taxes are assessed to ensure that the person
22 is capable of understanding the tax lien sale process and to ensure that the person understands the options
23 available to the person with respect to avoiding a tax lien sale of the property on which the delinquent taxes are
24 owed.

25 (2) If the public administrator or the adult protective service team believes that the person to whom the
26 taxes are assessed is not capable of understanding the tax lien process and the options available to avoid a tax
27 lien sale, the public administrator or the adult protective service team may assist the person to ensure that the
28 person's rights are not waived.

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30 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an

1 integral part of Title 15, chapter 17, part 1, and the provisions of Title 15, chapter 17, part 1, apply to [section 3].

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3 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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