

1 SENATE BILL NO. 306

2 INTRODUCED BY K. BOGNER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A COUNTY TREASURER MAY NOT SELL A
5 TAX DEED TO RESIDENTIAL PROPERTY TO A FOREIGN ENTITY; DEFINING "FOREIGN ENTITY" AND
6 "DOMESTIC ENTITY"; AMENDING SECTIONS 15-17-121 AND 15-18-220, MCA; AND PROVIDING AN
7 EFFECTIVE DATE."

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

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11 **Section 1.** Section 15-17-121, MCA, is amended to read:

12 **"15-17-121. Definitions.** Except as otherwise specifically provided, when terms mentioned in Title 15,
13 chapters 17 and 18, are used in connection with taxation, they are defined in the following manner:

14 (1) "Assignee" means a person, other than the person to whom the property is assessed, who
15 pays the delinquent taxes, including penalties, interest, and costs, and receives a tax lien certificate
16 representing a lien on the property and an assignment certificate.

17 (2) "Assignment certificate" means the document described in 15-17-323.

18 (3) (a) "Cost" means the cost incurred by the county as a result of a taxpayer's failure to pay taxes
19 when due. It includes but is not limited to any actual out-of-pocket expenses incurred by the county plus the
20 administrative cost of:

21 (i) preparing the list of delinquent taxes;
22 (ii) preparing the notice of pending attachment of a tax lien;

23 (iii) assigning the county's interest in a tax lien to a third party;

24 (iv) identifying interested persons entitled to notice of the pending issuance of a tax deed;

25 (v) notifying interested persons;

26 (vi) sale or resale;

27 (vii) issuing the tax deed; and

28 (viii) any other administrative task associated with accounting for or collecting delinquent taxes.

(c) The term does not include interest for payments for the following:

(i) postage for certified mailings and certified mailings with return receipt requested;

(ii) a title search, to the extent necessary to identify interested persons entitled to notice of the

10 pending issuance or auction of a tax deed;

(iii) publishing costs for required publications; and

(iv) filing costs for proof of notice.

13 (4) "County" means any county government and includes those classified as consolidated
14 governments.

(5) "Domestic entity" means an entity that:

(a) is organized under or created under federal law or state law; or

(b) (i) is organized under or created under the law of another place subject to the jurisdiction of the

United States; and

(ii) has its principal place of business within the United States.

(5)(6) (a) "Dwelling" means a house or other structure intended for human habitation, including

21 buildings attached to the dwelling.

(b) The term does not include a dwelling that is not on a permanent foundation and that is

23 classified by the department of revenue as personal property.

(6)(7) "Foreign entity" means:

25 (a) a government of a foreign country;

(b) a political party of a foreign country;

27 (c) an entity located outside of the United States unless that entity:

(i) is organized under or created under federal law, state law, or the law of another place subject

1 to the jurisdiction of the United States; and

2 (ii) has its principal place of business within the United States; or

3 (d) an entity that:

4 (i) is organized under the laws of a foreign country; or

5 (ii) has its principal place of business in a foreign country.

6 (6)(7)(8) "Property tax lien" or "tax lien" means a lien attached by the county for nonpayment of

7 property taxes, including penalties, interest, and costs.

8 (7)(8)(9) "Tax", "taxes", or "property taxes" means all ad valorem property taxes, property

9 assessments, fees related to property, and assessments for special improvement districts and rural special

10 improvement districts.

11 (8)(9)(10) "Tax lien certificate" means the document described in 15-17-125.

12 (9)(10)(11) "Tax lien sale" means, with respect to personal property, the offering for sale by the

13 county treasurer of personal property on which the taxes are delinquent or other personal property on which the

14 delinquent taxes are a lien."

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16 **Section 2.** Section 15-18-220, MCA, is amended to read:

17 **"15-18-220. Sale at public auction -- notice of auction -- cancellation of assignment for**

18 **unsuccessful auction.** (1) Upon receipt of an application for a tax deed pursuant to 15-18-219, the county

19 treasurer shall hold a public auction in the county in which the property is located within 60 days of receipt of

20 the application. The county treasurer shall publish notice of the auction as provided in 7-1-2121 that includes

21 the date, time, and location of the auction, the legal description of the property, the deposit requirement, and

22 the minimum opening bid, and a requirement that an entity provide proof of domestic entity status as provided

23 in subsection (7). The auction must be held during the regular office hours of the county treasurer.

24 (2) (a) The opening bid on the property must be the amount required in subsection (2)(b), and the

25 county treasurer may not accept a bid below the opening bid.

26 (b) The opening bid for the property is equal to the sum of:

27 (i) the amount required to redeem the tax lien, which includes delinquent taxes, penalties, interest,

28 and costs;

21 (c) If Except as provided in subsection (7) , if full payment of the purchase price and auction costs
22 is not made within 24 hours of the sale, excluding weekends and legal holidays, by a high bidder who is not the
23 assignee, the county treasurer shall cancel the high bid and allow the next highest bidder to purchase the tax
24 deed for the amount bid. If the next highest bidder does not make full payment of the purchase price and the
25 auction costs within 24 hours, excluding weekends and legal holidays, of notification by the county treasurer,
26 the county treasurer shall repeat the process and contact the next highest bidder until the purchase price and
27 auction costs are paid or until there are no bidders remaining. If no bidder pays the purchase price and auction
28 costs, the county treasurer shall cancel the assignment and file with the county clerk and recorder a notice of

Amendment - 1st Reading-white - Requested by: Kenneth Bogner - (S) Taxation

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Drafter: Jaret Coles,

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1 cancellation on a form provided for in 15-18-225.

2 (d) If there are no bidders at the auction, the county treasurer shall cancel the assignment and file
3 with the county clerk and recorder a notice of cancellation on a form provided for in 15-18-225.

4 (4) The portion of the opening bid that is equal to half of the most recent assessed value of the
5 land and of the dwelling is considered surplus funds and, upon sale of the property, must be distributed as
6 provided in 15-18-221. If the purchase price is higher than the opening bid, the difference between the
7 purchase price and the opening bid is considered surplus funds and must be distributed as provided in 15-18-
8 221.

9 (5) Upon full payment of the purchase price, the county treasurer shall issue the tax deed in the
10 form provided in 15-18-213 and distribute the funds as provided in 15-18-221.

11 (6) An auction required pursuant to this section may be conducted electronically.

12 (7) (a) A county treasurer may not sell a property under this section to a foreign entity.

13 (b) A county treasurer may not accept an opening bid on property under this section unless the
14 entity provides written proof that it is a domestic entity."

16 NEW SECTION. Section 3. Effective date. [This act] is effective October 1, 2025.

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