

SENATE BILL NO. 512

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR DISCLOSURE OF CERTAIN PROPERTY TAX
SETTLEMENT NEGOTIATIONS BETWEEN THE DEPARTMENT OF REVENUE AND PROPERTY OWNERS;
REQUIRING DISCLOSURE OF SETTLEMENTS RELATING TO INDUSTRIAL AND CENTRALLY ASSESSED
PROPERTY ON THE DEPARTMENT OF REVENUE'S WEBSITE; AMENDING SECTIONS 15-1-211 AND 15-
1-212, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 15-1-211, MCA, is amended to read:

"15-1-211. Uniform dispute review procedure -- notice -- appeal. (1) The department shall provide
a uniform dispute review procedure for all persons or other entities, except as provided in subsection (1)(a).

(a) The department's dispute review procedure must be adopted by administrative rule and applies
to all matters administered by the department and to all issues arising from the administration of the
department, except estate taxes, property taxes, and the issue of whether an employer-employee relationship
existed between the person or other entity and individuals subjecting the person or other entity to the
requirements of chapter 30, part 25, or whether the employment relationship was that of an independent
contractor. The procedure applies to assessments of centrally assessed property taxed pursuant to chapter 23.

(b) (i) The term "other entity", as used in this section, includes all businesses, corporations, and
similar enterprises.

(ii) The term "person" as used in this section includes all individuals.

(2) (a) Persons or other entities having a dispute with the department have the right to have the
dispute resolved by appropriate means, including consideration of alternative dispute resolution procedures
such as mediation.

(b) The department shall establish a dispute resolution office to resolve disputes between the

1 department and persons or other entities. When a case is transferred to the dispute resolution office, the parties
2 shall attempt to attain the objectives of discovery through informal consultation or communication. Formal
3 discovery procedures may not be utilized by a taxpayer or the department unless reasonable informal efforts to
4 obtain the needed information have not been successful.

5 (c) Once a case is transferred to the dispute resolution office, a person or entity may elect to
6 bypass review by the dispute resolution office and receive a final department decision within 30 days of
7 receiving the election.

8 (d) Disputes must be resolved by a final department decision within 180 days of the referral to the
9 dispute resolution office, unless extended by mutual consent of the parties.

10 (e) If a final department decision is not issued within the required time period, the remedy is an
11 appeal to the appropriate forum as provided by law.

12 (3) (a) The department shall provide written notice to a person or other entity advising the person
13 or entity of a dispute over matters administered by the department.

14 (b) The person or other entity shall have the opportunity to resolve the dispute with the department
15 employee who is responsible for the notice, as indicated on the notice.

16 (c) If the dispute cannot be resolved, either the department or the other party may refer the dispute
17 to the dispute resolution office.

18 (d) The notice must advise the person or other entity of their opportunity to resolve the dispute with
19 the person responsible for the notice and their right to refer the dispute to the dispute resolution office.

20 (4) Written notice must be sent to the persons or other entities involved in a dispute with the
21 department indicating that the matter has been referred to the dispute resolution office. The written notice must
22 include:

23 (a) a summary of the department's position regarding the dispute;

24 (b) an explanation of the right to the resolution of the dispute with a clear description of all
25 procedures and options available;

26 (c) the right to obtain a final department decision within 180 days of the date that the dispute was
27 referred to the dispute resolution office;

28 (d) the right to obtain a final department decision within 30 days of the date that the department

1 receives an election to bypass review by the dispute resolution office;

2 (e) the right to appeal should the department fail to meet the required deadline for issuing a final
3 department decision; and

4 (f) the right to request alternative dispute resolution methods, including mediation.

5 (5) The department shall:

6 (a) develop guidelines that must be followed by employees of the department in dispute resolution
7 matters;

8 (b) develop policies concerning the authority of an employee to resolve disputes; and

9 (c) establish procedures for reviewing and approving disputes resolved by an employee or the
10 dispute resolution office.

11 (6) (a) (i) The director of revenue or the director's designee is authorized to enter into an
12 agreement with a person or other entity relating to a matter administered by the department.

13 (ii) The director or the director's designee has no authority to bind a future legislature through the
14 terms of an agreement.

15 (b) Subject to subsection (6)(a)(ii), an agreement under the provisions of subsection (6)(a)(i) is
16 final and conclusive, and, except upon a showing of fraud, malfeasance, or misrepresentation of a material fact:

17 (i) the agreement may not be reopened as to matters agreed upon or be modified by any officer,
18 employee, or agent of this state; and

19 (ii) in any suit, action, or proceeding under the agreement or any determination, assessment,
20 collection, payment, abatement, refund, or credit made in accordance with the agreement, the agreement may
21 not be annulled, modified, set aside, or disregarded.

22 (c) An agreement that is entered under the provisions of subsection (6)(a)(i) regarding the
23 assessed value of centrally assessed property or industrial property is a public document that must be
24 disclosed to the public on the department's website. The information provided to the public must also include
25 the valuation proposed by the department before settlement, as well as the valuation agreed to by the
26 department and the taxpayer."

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28 **Section 2.** Section 15-1-212, MCA, is amended to read:

1 **"15-1-212. Mediation of valuation disputes -- centrally assessed and industrial properties. (1)**

2 For appeals relating to the assessed value of centrally assessed property or industrial property that is assessed
3 annually by the department, the objecting taxpayer may require that all issues raised in the complaint be the
4 subject of a mediation proceeding conducted as provided in 26-1-813. The request for mediation must be
5 accompanied by a fee of \$100, payable to the department for deposit in the general fund.

6 (2) If the taxpayer requests mediation, which must be granted, the request is to be included in the
7 complaint filed with the Montana tax appeal board pursuant to 15-2-302 or, if subsequent to the appeal, upon
8 separate motion to the Montana tax appeal board. If mediation is requested by the taxpayer, the mediation
9 must be conducted no less than 60 days prior to the contested case hearing on all issues raised in the
10 complaint, to be scheduled by the Montana tax appeal board.

11 (3) The Subject to subsection (8), the mediation proceeding must be conducted pursuant to 26-1-
12 813 as a private, confidential, and informal dispute resolution. The mediation must be conducted by a person
13 who is not a public employee and must be held at a privately owned facility. Because the mediation proceeding
14 cannot result in a judgment or a compelled agreement, the proceeding is not a governmental operation, and
15 until the dispute between the taxpayer and the department is resolved, either by agreement or through the
16 appeal process, the records of the mediation proceeding may not be disclosed to the public.

17 (4) Within 45 days after the request for mediation, the mediator must have been selected by the
18 parties and the parties must have scheduled a mediation proceeding unless waived by both parties. A
19 mediation proceeding may not proceed past 120 days without the consent of the objecting taxpayer and the
20 department. Each party is responsible for that party's mediation costs and shall jointly share the costs of the
21 mediator.

22 (5) A mediator is prohibited from conveying information from one party to another during the
23 mediation unless the source party specifically allows the conveyance of the information.

24 (6) If the mediation is successful, the department shall value the property that was the subject of
25 the objection as agreed to in the mediation.

26 (7) If the mediation is unsuccessful, the parties shall proceed to a contested case hearing as
27 scheduled by the Montana tax appeal board.

28 (8) The department shall disclose the initial position of the department and the results of the

1 mediation to the public on the department's website. The information provided to the public must also include
2 the valuation proposed by the department before settlement, as well as the valuation agreed to by the
3 department and the taxpayer."

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5 NEW SECTION. **Section 3. Applicability.** [This act] applies to property tax years beginning after
6 December 31, 2025.

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