

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. OP 23-0635

MONTANA ASSOCIATION OF COUNTIES (“MACO”), MICHAEL
MCGINLEY, and DAVID STROHMAIER,

Petitioners,

v.

STATE OF MONTANA, and the MONTANA DEPARTMENT OF REVENUE,
Respondents.

**STATE OF MONTANA’S RESPONSE TO PETITION FOR
ORIGINAL JURISDICTION AND DECLARATORY JUDGMENT**

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Petitioners in this matter seek a declaratory judgment that Mont. Code Ann. § 15-10-420 requires the Montana Department of Revenue to calculate the statewide levies codified in Mont. Code Ann. §§ 20-9-331, -333, and -360 and 20-25-439 according to the formula provided in subsection (1)(a), does not permit the Department of Revenue to force counties to levy more or less than the calculated mills, and does not permit the Department of Revenue to carry forward mills to future years. The allegations in and relief sought by the Petition are directed at the Department of Revenue.

The State of Montana, through the Attorney General, does not take a position on the Petition. The State understands that the Department of Revenue will be filing a separate, substantive response to the Petition.

DATED the 6th day of November, 2023.

Austin Knudsen
Montana Attorney General

/s/ Michael D. Russell
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CERTIFICATE OF SERVICE

I, Michael D. Russell, hereby certify that I have served true and accurate copies of the foregoing Response/Objection - Other to the following on 11-06-2023:

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Electronically signed by Deborah Bungay on behalf of Michael D. Russell
Dated: 11-06-2023