

Assessment, of Purchaser's Interest in State Lands. State Lands, Purchasers Interest in Assessable. Purchaser of State Lands, What Proportion of Taxes to Pay. State Lands, How Valuation Fixed by Assessor.

Under the provisions of Section L, Chapter 147, Laws of 1909, it is the duty of the assessor to pro-rate the interest of the purchaser of state lands with the entire value of such tract as fixed by the assessor, and the consideration named in the certificate of purchase between the state and the purchaser is not binding upon an assessor as to valuation.

February 27th, 1911.

Hon. H. S. Greene,
County Attorney,
Great Falls, Mont.

Dear Sir:

I am in receipt of your letter of the 21st inst., submitting for my opinion the following question:

"How is the purchaser's interest in lands purchased from the state to be assessed, taking into consideration the fact that lands contiguous to these lands so purchased from the state might be assessed upon a valuation of \$2.50 to \$5.00 per acre. In other words, how shall the assessor or the board of equalization equalize such assessments."

Section 2170 of the Revised Codes was supplemented by Section 1, of Chapter 147 of the Laws of the Eleventh Legislative Assembly, which practically re-enacts Section 2170. Apparently your question is asked by reason of the fact that the minimum price paid to the state for state lands is \$10 per acre, and that this amount should govern the assessor in fixing the valuation. However, Section 2502 of the Revised Codes provides.

"All taxable property must be assessed at its full cash value."

It is apparent then that the price paid to the state or agreed to be paid is not controlling upon the assessor or the board of equalization in placing the value upon the land in accordance with such section 2502. Should the value as fixed by the Assessor be less or more than the consideration in the sale from the state to the purchaser, Section L, of said Chapter 147 provides the ratio that the purchaser is bound to pay taxes upon. In other words, should the purchaser have paid 15% of the purchase price to the state, the provisions of said Section L, plainly mean that the assessor shall place a valuation upon the property* and when such valuation has thus been made by the assessor or the board of equalization, the purchaser would then be called upon to pay taxes on his proportionate interest in such property, which would be 15% of the full valuation as determined by the assessor.

Yours very truly,

ALBERT J. GALEN,
Attorney General.