

1 *House* BILL NO. *114*
 2 INTRODUCED BY *Dassinger, Liss, Graham, Hunt*
 3 *Bentham, Manuel, Robbins, Day*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM CLASS
 5 SEVEN PROPERTY TAX CLASSIFICATION ANY NEW INDUSTRIAL PLANT
 6 WHICH EMPLOYS A CERTAIN NUMBER OF CONSTRUCTION WORKERS
 7 DURING ITS CONSTRUCTION; AMENDING SECTION 84-301, R.C.M.
 8 1947."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 84-301, R.C.M. 1947, is amended to
 12 read as follows:

13 "84-301. Classification of property for taxation. For
 14 the purpose of taxation the taxable property in the state
 15 shall be classified as follows:

16 Class One. The annual net proceeds of all mines and
 17 mining claims, after deducting only the expenses specified
 18 and allowed by section 84-5403; also where the right to
 19 enter upon land, to explore or prospect, or dig for oil,
 20 gas, coal or mineral is reserved in land or received by
 21 mesne conveyance (exclusive of leasehold interests), devise
 22 or succession by any person or corporation, the surface
 23 title to which has passed to or remains in another, the
 24 state department of revenue shall determine the value of the
 25 right to enter upon said tract of land for the purpose of

1 digging, exploring, or prospecting for gas, oil, coal or
 2 minerals, and the same shall be placed in this
 3 classification for the purpose of taxation.

4 Class Two. All agricultural and other tools,
 5 implements and machinery, gas and other engines and boilers,
 6 threshing machines and outfits used therewith, automobiles,
 7 motor trucks and other power-driven cars, vehicles of all
 8 kinds except mobile homes, boats and all watercraft,
 9 harness, saddlery and robes and except as provided in Class
 10 Five (b) of this section, all poles, lines, transformers,
 11 transformer stations, meters, tools, improvements, machinery
 12 and other property used and owned by all persons, firms,
 13 corporations, and other organizations which are engaged in
 14 the business of furnishing telephone communications,
 15 exclusively to rural areas, or to rural areas and cities and
 16 towns provided that any such city or town has a population
 17 of eight hundred (800) persons or less; and provided
 18 further, that the average circuit miles for each station on
 19 the system is more than one and one-quarter (1 1/4) miles.

20 Class Three. Livestock, poultry and unprocessed
 21 products of both; stocks of merchandise of all sorts,
 22 together with furniture and fixtures used therewith, except
 23 mobile homes; and all office or hotel furniture and
 24 fixtures.

25 Class Four. (a) All land, town and city lots, with

HB 114

1 improvements, and all trailers affixed to land owned,
 2 leased, or under contract or purchase by the trailer owner,
 3 manufacturing and mining machinery, fixtures and supplies,
 4 except as otherwise provided by the constitution of Montana,
 5 and except as such property may be included in Class Five,
 6 Class Seven or Class Eight.

7 (b) Mobile homes without regard to the ownership of
 8 the land upon which they are situated, except those held by
 9 a distributor or dealer of mobile homes as part of his stock
 10 in trade, and except as such property may be included in
 11 Class Eight.

12 Class Five. (a) All moneys and credits, secured or
 13 unsecured, including all state, county, school district and
 14 other municipal bonds, warrants and securities, without any
 15 deduction or offset; provided, however, that the terms
 16 "moneys and credits" as herein used shall not embrace the
 17 moneyed capital employed in the banking business by any
 18 banking corporation or individual in this state.

19 (b) All poles, lines, transformers, transformer
 20 stations, meters, tools, improvements, machinery and other
 21 property used and owned by co-operative rural electrical and
 22 co-operative rural telephone associations organized under
 23 the laws of Montana except those within the incorporated
 24 limits of a city or town in which less than ninety-five per
 25 cent (95%) of the electric consumers and/or telephone users

1 are served by a co-operative organization, and as to the
 2 property enumerated in this sub-section (b) within
 3 incorporated limits of a city or town in which less than
 4 ninety-five per cent (95%) of the electric consumers or
 5 users will be served by a co-operative organization, such
 6 property shall be put in Class Two.

7 (c) All unprocessed agricultural products either on
 8 the farm or in storage, irrespective of whether said
 9 products are owned by the elevator, warehouse or flour mill
 10 owner or company storing the same, or any other person
 11 whomsoever, except all perishable fruits and vegetables in
 12 farm storage and owned by the producer, and excepting
 13 livestock and poultry and the unprocessed products of both.

14 (d) The dwelling house, and the lot on which it is
 15 erected, owned and occupied by any resident of the state,
 16 who has been honorably discharged from active service in any
 17 branch of the armed forces, who is rated one hundred per
 18 cent (100%) disabled due to a service-connected disability
 19 by the United States veterans administration or its
 20 successors.

21 In the event of the veteran's death, the dwelling
 22 house, and the lot on which it is erected, so long as the
 23 widow remains unmarried and the owner and occupant of the
 24 property, shall remain within this classification.

25 Class Six. Property formerly included in this class is

1 now classified by section 84-308, R.C.M. 1947.

2 Class Seven. (a) All new industrial property. New
3 industrial property shall mean any new industrial plant,
4 including land, buildings, machinery and fixtures which, in
5 the determination of the state department of revenue, is
6 used by a new industry during the first three (3) years of
7 operation not having been assessed prior to July 1, 1961,
8 within the state of Montana. New industry shall mean any
9 person, corporation, firm, partnership, association, or
10 other group which establishes a new plant or plants in this
11 state for the operation of a new industrial endeavor, as
12 distinguished from a mere expansion, reorganization, or
13 merger of an existing industry or industries. Provided,
14 however, that new industrial property shall be limited to
15 industries that manufacture, mill, mine, produce, process or
16 fabricate materials, or do similar work in which capital and
17 labor are employed and in which materials unserviceable in
18 their natural state are extracted, processed or made fit for
19 use or are substantially altered or treated so as to create
20 commercial products or materials; and in no event shall the
21 term new industrial property be included to mean property
22 used by retail or wholesale merchants, commercial services
23 of any type, agriculture, trades or professions. New
24 industrial property does not include a plant where the total
25 number of persons to be employed at any time on the

1 construction of the plant exceeds one percent (1%) of the
2 estimated population residing within a fifty (50) mile
3 radius of the plant site. When a board of county
4 commissioners finds a substantial probability that the
5 condition of the preceding sentence exists in its county,
6 the bureau of business and economic research of the
7 university of Montana shall make the population estimate.

8 And provided further, that new industrial property shall not
9 be included to mean property which is used or employed in
10 any industrial plant which has been in operation in this
11 state for three (3) years or longer. Any person,
12 corporation, firm, partnership, association or other group
13 seeking to qualify its property for inclusion in this class
14 shall make application to the state department of revenue in
15 such manner and form as may be required by said department.

16 Class Eight. Any improvement on real property,
17 trailers affixed to land or mobile home belonging to any
18 person who qualifies under any one or more of the
19 hereinafter set forth categories, valued at not more than
20 seventeen thousand five hundred dollars (\$17,500), which is
21 owned or under a contract for deed, and which is actually
22 occupied by:

23 (1) a widow sixty-two (62) years of age or older,
24 whether with or without minor dependent children, who
25 qualifies under the income limitations of (4), or

HBIH

1 (2) a widower sixty-five (65) years of age or older,
 2 whether with or without minor dependent children, who
 3 qualifies under the income limitations of (4), or

4 (3) a widow with minor or dependent children regardless
 5 of age, who qualifies under the income limitations of (4),
 6 or

7 (4) a recipient of retirement benefits whose income
 8 from all sources is not more than four thousand dollars
 9 (\$4,000) for a single person and five thousand two hundred
 10 dollars (\$5,200) for a married couple per annum. Provided,
 11 further, that one who applies for classification of property
 12 under this class must make an affidavit to the state
 13 department of revenue on a form as may be provided by the
 14 state department of revenue supplied without cost to the
 15 applicant, as to his income, if applicable, as to his
 16 retirement benefits, if applicable, or, as to his marital
 17 status, if applicable, and to the fact that he or she
 18 actually occupies such improvements with right of the county
 19 welfare board to investigate the applicant, on the
 20 completion of the form, as to answers given on the form.
 21 Provided, further, that the value of said property shall not
 22 increase during the life of the recipient of retirement
 23 benefits or widow or widower covered under this class. For
 24 purposes of the affidavit required for classification of
 25 property under this class, it shall be sufficient if the

1 applicant signs a statement swearing to or affirming the
 2 correctness of the information supplied, whether or not the
 3 statement is signed before a person authorized to administer
 4 oaths, and mails the application and statement to the
 5 department of revenue. This signed statement shall be
 6 treated as a statement under oath or equivalent affirmation
 7 for purposes of section 94-7-203, R.C.M. 1947, relating to
 8 the criminal offense of false swearing.

9 Class Nine. All property not included in the eight (8)
 10 preceding classes."

-End-

STATE OF MONTANA

REQUEST NO. 59-75

FISCAL NOTE

Form BD-15

compliance with a written request received January 20, 19 75, there is hereby submitted a Fiscal Note House Bill 114 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

A proposal to exclude from Class 7 property tax classification any new industrial plant where the number of construction workers employed during construction exceeds 1% of the population residing within a 50 mile radius of the plant site.

ASSUMPTIONS:

1. The taxable value of class seven property is 7% of assessed value.
2. The excluded new industrial property would be included in class nine, the taxable value of which property is 40% of assessed value.

FISCAL IMPACT:

In the last four years, none of the new industrial facilities qualifying for new industry classification at a reduced taxable value have had a construction work force greater than 1% of the estimated population residing within a 50 mile radius of the plant. During the biennium, no new industry of that size is anticipated. Thus, no fiscal impact on state or local government is expected under the proposed law in the biennium.

TECHNICAL NOTE:

House Bill 113 requires the University of Montana, Bureau of Business and Economic Research make population estimates when appropriate. Since the Bureau of Business and Economic Research does not exist by statute, a State agency such as the Department of Intergovernmental Relations may be more desirable.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

Approved by Committee
on Taxation

HOUSE BILL NO. 114

INTRODUCED BY DASSINGER, LIEN, JACOBSEN, SOUTH,
BENGTSON, MANUEL, ROBBINS, DAY

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM CLASS SEVEN PROPERTY TAX CLASSIFICATION ANY NEW INDUSTRIAL PLANT WHICH EMPLOYS--A--CERTAIN--NUMBER--OF--CONSTRUCTION--WORKERS DURING--ITS--CONSTRUCTION WILL CREATE AN ADVERSE IMPACT ON EXISTING STATE, COUNTY, OR MUNICIPAL SERVICES; AMENDING SECTION 84-301, R.C.M. 1947."

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

Section 1. Section 84-301, R.C.M. 1947, is amended to read as follows:

"84-301. Classification of property for taxation. For the purpose of taxation the taxable property in the state shall be classified as follows:

Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by section 84-5403; also where the right to enter upon land, to explore or prospect, or dig for oil, gas, coal or mineral is reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise or succession by any person or corporation, the surface title to which has passed to or remains in another, the

state department of revenue shall determine the value of the right to enter upon said tract of land for the purpose of digging, exploring, or prospecting for gas, oil, coal or minerals, and the same shall be placed in this classification for the purpose of taxation.

Class Two. All agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds except mobile homes, boats and all watercraft, harness, saddlery and robes and except as provided in Class Five (b) of this section, all poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property used and owned by all persons, firms, corporations, and other organizations which are engaged in the business of furnishing telephone communications, exclusively to rural areas, or to rural areas and cities and towns provided that any such city or town has a population of eight hundred (800) persons or less; and provided further, that the average circuit miles for each station on the system is more than one and one-quarter (1 1/4) miles.

Class Three. Livestock, poultry and unprocessed products of both; stocks of merchandise of all sorts, together with furniture and fixtures used therewith, except mobile homes; and all office or hotel furniture and

1 fixtures.

2 Class Four. (a) All land, town and city lots, with
3 improvements, and all trailers affixed to land owned,
4 leased, or under contract or purchase by the trailer owner,
5 manufacturing and mining machinery, fixtures and supplies,
6 except as otherwise provided by the constitution of Montana,
7 and except as such property may be included in Class Five,
8 Class Seven or Class Eight.

9 (b) Mobile homes without regard to the ownership of
10 the land upon which they are situated, except those held by
11 a distributor or dealer of mobile homes as part of his stock
12 in trade, and except as such property may be included in
13 Class Eight.

14 Class Five. (a) All moneys and credits, secured or
15 unsecured, including all state, county, school district and
16 other municipal bonds, warrants and securities, without any
17 deduction or offset; provided, however, that the terms
18 "moneys and credits" as herein used shall not embrace the
19 moneyed capital employed in the banking business by any
20 banking corporation or individual in this state.

21 (b) All poles, lines, transformers, transformer
22 stations, meters, tools, improvements, machinery and other
23 property used and owned by co-operative rural electrical and
24 co-operative rural telephone associations organized under
25 the laws of Montana except those within the incorporated

1 limits of a city or town in which less than ninety-five per
2 cent (95%) of the electric consumers and/or telephone users
3 are served by a co-operative organization, and as to the
4 property enumerated in this sub-section (b) within
5 incorporated limits of a city or town in which less than
6 ninety-five per cent (95%) of the electric consumers or
7 users will be served by a co-operative organization, such
8 property shall be put in Class Two.

9 (c) All unprocessed agricultural products either on
10 the farm or in storage, irrespective of whether said
11 products are owned by the elevator, warehouse or flour mill
12 owner or company storing the same, or any other person
13 whomsoever, except all perishable fruits and vegetables in
14 farm storage and owned by the producer, and excepting
15 livestock and poultry and the unprocessed products of both.

16 (d) The dwelling house, and the lot on which it is
17 erected, owned and occupied by any resident of the state,
18 who has been honorably discharged from active service in any
19 branch of the armed forces, who is rated one hundred per
20 cent (100%) disabled due to a service-connected disability
21 by the United States veterans administration or its
22 successors.

23 In the event of the veteran's death, the dwelling
24 house, and the lot on which it is erected, so long as the
25 widow remains unmarried and the owner and occupant of the

1 property, shall remain within this classification.

2 Class Six. Property formerly included in this class is
3 now classified by section 84-308, R.C.M. 1947.

4 Class Seven. (a) All new industrial property. New
5 industrial property shall mean any new industrial plant,
6 including land, buildings, machinery and fixtures which, in
7 the determination of the state department of revenue, is
8 used by a new industry during the first three (3) years of
9 operation not having been assessed prior to July 1, 1961,
10 within the state of Montana. New industry shall mean any
11 person, corporation, firm, partnership, association, or
12 other group which establishes a new plant or plants in this
13 state for the operation of a new industrial endeavor, as
14 distinguished from a mere expansion, reorganization, or
15 merger of an existing industry or industries. Provided,
16 however, that new industrial property shall be limited to
17 industries that manufacture, mill, mine, produce, process or
18 fabricate materials, or do similar work in which capital and
19 labor are employed and in which materials unserviceable in
20 their natural state are extracted, processed or made fit for
21 use or are substantially altered or treated so as to create
22 commercial products or materials; and in no event shall the
23 term new industrial property be included to mean property
24 used by retail or wholesale merchants, commercial services
25 of any type, agriculture, trades or professions. New

1 industrial property does not include a plant where the total
2 number of persons to be employed at any time on the
3 construction of the plant exceeds one percent (1%) of the
4 estimated population residing within a fifty (50) mile
5 radius of the plant site. When a board of county
6 commissioners finds a substantial probability that the
7 condition of the preceding sentence exists in its county,
8 the bureau of business and economic research of the
9 university of Montana shall make the population estimate
10 WHICH WILL CREATE AN ADVERSE IMPACT ON EXISTING STATE,
11 COUNTY, OR MUNICIPAL SERVICES. And provided further, that
12 new industrial property shall not be included to mean
13 property which is used or employed in any industrial plant
14 which has been in operation in this state for three (3)
15 years or longer. Any person, corporation, firm,
16 partnership, association or other group seeking to qualify
17 its property for inclusion in this class shall make
18 application to the state department of revenue in such
19 manner and form as may be required by said department.

20 Class Eight. Any improvement on real property,
21 trailers affixed to land or mobile home belonging to any
22 person who qualifies under any one or more of the
23 hereinafter set forth categories, valued at not more than
24 seventeen thousand five hundred dollars (\$17,500), which is
25 owned or under a contract for deed, and which is actually

1 occupied by:

2 (1) a widow sixty-two (62) years of age or older,
3 whether with or without minor dependent children, who
4 qualifies under the income limitations of (4), or

5 (2) a widower sixty-five (65) years of age or older,
6 whether with or without minor dependent children, who
7 qualifies under the income limitations of (4), or

8 (3) a widow with minor or dependent children regardless
9 of age, who qualifies under the income limitations of (4),
10 or

11 (4) a recipient of retirement benefits whose income
12 from all sources is not more than four thousand dollars
13 (\$4,000) for a single person and five thousand two hundred
14 dollars (\$5,200) for a married couple per annum. Provided,
15 further, that one who applies for classification of property
16 under this class must make an affidavit to the state
17 department of revenue on a form as may be provided by the
18 state department of revenue supplied without cost to the
19 applicant, as to his income, if applicable, as to his
20 retirement benefits, if applicable, or, as to his marital
21 status, if applicable, and to the fact that he or she
22 actually occupies such improvements with right of the county
23 welfare board to investigate the applicant, on the
24 completion of the form, as to answers given on the form.
25 Provided, further, that the value of said property shall not

1 increase during the life of the recipient of retirement
2 benefits or widow or widower covered under this class. For
3 purposes of the affidavit required for classification of
4 property under this class, it shall be sufficient if the
5 applicant signs a statement swearing to or affirming the
6 correctness of the information supplied, whether or not the
7 statement is signed before a person authorized to administer
8 oaths, and mails the application and statement to the
9 department of revenue. This signed statement shall be
10 treated as a statement under oath or equivalent affirmation
11 for purposes of section 94-7-203, R.C.M. 1947, relating to
12 the criminal offense of false swearing.

13 Class Nine. All property not included in the eight (8)
14 preceding classes."

-End-

1 HOUSE BILL NO. 114

2 INTRODUCED BY DASSINGER, LIEN, JACOBSEN, SOUTH,

3 BENGTONSON, MANUEL, ROBBINS, DAY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM CLASS
6 SEVEN PROPERTY TAX CLASSIFICATION ANY NEW INDUSTRIAL PLANT
7 WHICH EMPLOYS--A--CERTAIN--NUMBER--OF--CONSTRUCTION--WORKERS
8 DURING--ITS--CONSTRUCTION WILL CREATE AN ADVERSE IMPACT ON
9 EXISTING STATE, COUNTY, OR MUNICIPAL SERVICES; AMENDING
10 SECTION 84-301, R.C.M. 1947."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 Section 1. Section 84-301, R.C.M. 1947, is amended to
14 read as follows:15 "84-301. Classification of property for taxation. For
16 the purpose of taxation the taxable property in the state
17 shall be classified as follows:

18 Class One. The annual net proceeds of all mines and
19 mining claims, after deducting only the expenses specified
20 and allowed by section 84-5403; also where the right to
21 enter upon land, to explore or prospect, or dig for oil,
22 gas, coal or mineral is reserved in land or received by
23 mesne conveyance (exclusive of leasehold interests), devise
24 or succession by any person or corporation, the surface
25 title to which has passed to or remains in another, the

1 state department of revenue shall determine the value of the
2 right to enter upon said tract of land for the purpose of
3 digging, exploring, or prospecting for gas, oil, coal or
4 minerals, and the same shall be placed in this
5 classification for the purpose of taxation.

6 Class Two. All agricultural and other tools,
7 implements and machinery, gas and other engines and boilers,
8 threshing machines and outfits used therewith, automobiles,
9 motor trucks and other power-driven cars, vehicles of all
10 kinds except mobile homes, boats and all watercraft,
11 harness, saddlery and robes and except as provided in Class
12 Five (b) of this section, all poles, lines, transformers,
13 transformer stations, meters, tools, improvements, machinery
14 and other property used and owned by all persons, firms,
15 corporations, and other organizations which are engaged in
16 the business of furnishing telephone communications,
17 exclusively to rural areas, or to rural areas and cities and
18 towns provided that any such city or town has a population
19 of eight hundred (800) persons or less; and provided
20 further, that the average circuit miles for each station on
21 the system is more than one and one-quarter (1 1/4) miles.

22 Class Three. Livestock, poultry and unprocessed
23 products of both; stocks of merchandise of all sorts,
24 together with furniture and fixtures used therewith, except
25 mobile homes; and all office or hotel furniture and

1 fixtures.

2 Class Four. (a) All land, town and city lots, with
3 improvements, and all trailers affixed to land owned,
4 leased, or under contract or purchase by the trailer owner,
5 manufacturing and mining machinery, fixtures and supplies,
6 except as otherwise provided by the constitution of Montana,
7 and except as such property may be included in Class Five,
8 Class Seven or Class Eight.

9 (b) Mobile homes without regard to the ownership of
10 the land upon which they are situated, except those held by
11 a distributor or dealer of mobile homes as part of his stock
12 in trade, and except as such property may be included in
13 Class Eight.

14 Class Five. (a) All moneys and credits, secured or
15 unsecured, including all state, county, school district and
16 other municipal bonds, warrants and securities, without any
17 deduction or offset; provided, however, that the terms
18 "moneys and credits" as herein used shall not embrace the
19 moneyed capital employed in the banking business by any
20 banking corporation or individual in this state.

21 (b) All poles, lines, transformers, transformer
22 stations, meters, tools, improvements, machinery and other
23 property used and owned by co-operative rural electrical and
24 co-operative rural telephone associations organized under
25 the laws of Montana except those within the incorporated

1 limits of a city or town in which less than ninety-five per
2 cent (95%) of the electric consumers and/or telephone users
3 are served by a co-operative organization, and as to the
4 property enumerated in this sub-section (b) within
5 incorporated limits of a city or town in which less than
6 ninety-five per cent (95%) of the electric consumers or
7 users will be served by a co-operative organization, such
8 property shall be put in Class Two.

9 (c) All unprocessed agricultural products either on
10 the farm or in storage, irrespective of whether said
11 products are owned by the elevator, warehouse or flour mill
12 owner or company storing the same, or any other person
13 whomsoever, except all perishable fruits and vegetables in
14 farm storage and owned by the producer, and excepting
15 livestock and poultry and the unprocessed products of both.

16 (d) The dwelling house, and the lot on which it is
17 erected, owned and occupied by any resident of the state,
18 who has been honorably discharged from active service in any
19 branch of the armed forces, who is rated one hundred per
20 cent (100%) disabled due to a service-connected disability
21 by the United States veterans administration or its
22 successors.

23 In the event of the veteran's death, the dwelling
24 house, and the lot on which it is erected, so long as the
25 widow remains unmarried and the owner and occupant of the

1 property, shall remain within this classification.

2 Class Six. Property formerly included in this class is
3 now classified by section 84-308, R.C.M. 1947.

4 Class Seven. (a) All new industrial property. New
5 industrial property shall mean any new industrial plant,
6 including land, buildings, machinery and fixtures which, in
7 the determination of the state department of revenue, is
8 used by a new industry during the first three (3) years of
9 operation not having been assessed prior to July 1, 1961,
10 within the state of Montana. New industry shall mean any
11 person, corporation, firm, partnership, association, or
12 other group which establishes a new plant or plants in this
13 state for the operation of a new industrial endeavor, as
14 distinguished from a mere expansion, reorganization, or
15 merger of an existing industry or industries. Provided,
16 however, that new industrial property shall be limited to
17 industries that manufacture, mill, mine, produce, process or
18 fabricate materials, or do similar work in which capital and
19 labor are employed and in which materials unserviceable in
20 their natural state are extracted, processed or made fit for
21 use or are substantially altered or treated so as to create
22 commercial products or materials; and in no event shall the
23 term new industrial property be included to mean property
24 used by retail or wholesale merchants, commercial services
25 of any type, agriculture, trades or professions. New

1 industrial property does not include a plant where the total
2 number of persons to be employed at any time on the
3 construction of the plant exceeds one percent (1%) of the
4 estimated population residing within a fifty (50) mile
5 radius of the plant site. When a board of county
6 commissioners finds a substantial probability that the
7 condition of the preceding sentence exists in its county,
8 the bureau of business and economic research of the
9 university of Montana shall make the population estimate
10 WHICH WILL CREATE AN ADVERSE IMPACT ON EXISTING STATE,
11 COUNTY, OR MUNICIPAL SERVICES. And provided further, that
12 new industrial property shall not be included to mean
13 property which is used or employed in any industrial plant
14 which has been in operation in this state for three (3)
15 years or longer. Any person, corporation, firm,
16 partnership, association or other group seeking to qualify
17 its property for inclusion in this class shall make
18 application to the state department of revenue in such
19 manner and form as may be required by said department.

20 Class Eight. Any improvement on real property,
21 trailers affixed to land or mobile home belonging to any
22 person who qualifies under any one or more of the
23 hereinafter set forth categories, valued at not more than
24 seventeen thousand five hundred dollars (\$17,500), which is
25 owned or under a contract for deed, and which is actually

1 occupied by:

2 (1) a widow sixty-two (62) years of age or older,
3 whether with or without minor dependent children, who
4 qualifies under the income limitations of (4), or

5 (2) a widower sixty-five (65) years of age or older,
6 whether with or without minor dependent children, who
7 qualifies under the income limitations of (4), or

8 (3) a widow with minor or dependent children regardless
9 of age, who qualifies under the income limitations of (4),
10 or

11 (4) a recipient of retirement benefits whose income
12 from all sources is not more than four thousand dollars
13 (\$4,000) for a single person and five thousand two hundred
14 dollars (\$5,200) for a married couple per annum. Provided,
15 further, that one who applies for classification of property
16 under this class must make an affidavit to the state
17 department of revenue on a form as may be provided by the
18 state department of revenue supplied without cost to the
19 applicant, as to his income, if applicable, as to his
20 retirement benefits, if applicable, or, as to his marital
21 status, if applicable, and to the fact that he or she
22 actually occupies such improvements with right of the county
23 welfare board to investigate the applicant, on the
24 completion of the form, as to answers given on the form.
25. Provided, further, that the value of said property shall not

1 increase during the life of the recipient of retirement
2 benefits or widow or widower covered under this class. For
3 purposes of the affidavit required for classification of
4 property under this class, it shall be sufficient if the
5 applicant signs a statement swearing to or affirming the
6 correctness of the information supplied, whether or not the
7 statement is signed before a person authorized to administer
8 oaths, and mails the application and statement to the
9 department of revenue. This signed statement shall be
10 treated as a statement under oath or equivalent affirmation
11 for purposes of section 94-7-203, R.C.M. 1947, relating to
12 the criminal offense of false swearing.

13 Class Nine. All property not included in the eight (8)
14 preceding classes."

-End-

1 HOUSE BILL NO. 114

2 INTRODUCED BY DASSINGER, LIEN, JACOBSEN, SOUTH,

3 BENGTSON, MANUEL, ROBBINS, DAY

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM CLASS
 6 SEVEN PROPERTY TAX CLASSIFICATION ANY NEW INDUSTRIAL PLANT
 7 WHICH EMPLOYS ~~A CERTAIN NUMBER OF CONSTRUCTION WORKERS~~
 8 ~~DURING ITS CONSTRUCTION~~ WILL CREATE AN ADVERSE IMPACT ON
 9 EXISTING STATE, COUNTY, OR MUNICIPAL SERVICES; AND
 10 BROADENING THE DEFINITION OF NEW INDUSTRIAL PROPERTY;
 11 AMENDING SECTION 84-301, R.C.M. 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:14 Section 1. Section 84-301, R.C.M. 1947, is amended to
15 read as follows:16 "84-301. Classification of property for taxation. For
17 the purpose of taxation the taxable property in the state
18 shall be classified as follows:19 Class One. The annual net proceeds of all mines and
20 mining claims, after deducting only the expenses specified
21 and allowed by section 84-5403; also where the right to
22 enter upon land, to explore or prospect, or dig for oil,
23 gas, coal or mineral is reserved in land or received by
24 mesne conveyance (exclusive of leasehold interests), devise
25 or succession by any person or corporation, the surface

1 title to which has passed to or remains in another, the
 2 state department of revenue shall determine the value of the
 3 right to enter upon said tract of land for the purpose of
 4 digging, exploring, or prospecting for gas, oil, coal or
 5 minerals, and the same shall be placed in this
 6 classification for the purpose of taxation.

7 Class Two. All agricultural and other tools,
 8 implements and machinery, gas and other engines and boilers,
 9 threshing machines and outfits used therewith, automobiles,
 10 motor trucks and other power-driven cars, vehicles of all
 11 kinds except mobile homes, boats and all watercraft,
 12 harness, saddlery and robes and except as provided in Class
 13 Five (b) of this section, all poles, lines, transformers,
 14 transformer stations, meters, tools, improvements, machinery
 15 and other property used and owned by all persons, firms,
 16 corporations, and other organizations which are engaged in
 17 the business of furnishing telephone communications,
 18 exclusively to rural areas, or to rural areas and cities and
 19 towns provided that any such city or town has a population
 20 of eight hundred (800) persons or less; and provided
 21 further, that the average circuit miles for each station on
 22 the system is more than one and one-quarter (1 1/4) miles.

23 Class Three. Livestock, poultry and unprocessed
 24 products of both; stocks of merchandise of all sorts,
 25 together with furniture and fixtures used therewith, except

1 mobile homes; and all office or hotel furniture and
2 fixtures.

3 Class Four. (a) All land, town and city lots, with
4 improvements, and all trailers affixed to land owned,
5 leased, or under contract or purchase by the trailer owner,
6 manufacturing and mining machinery, fixtures and supplies,
7 except as otherwise provided by the constitution of Montana,
8 and except as such property may be included in Class Five,
9 Class Seven or Class Eight.

10 (b) Mobile homes without regard to the ownership of
11 the land upon which they are situated, except those held by
12 a distributor or dealer of mobile homes as part of his stock
13 in trade, and except as such property may be included in
14 Class Eight.

15 Class Five. (a) All moneys and credits, secured or
16 unsecured, including all state, county, school district and
17 other municipal bonds, warrants and securities, without any
18 deduction or offset; provided, however, that the terms
19 "moneys and credits" as herein used shall not embrace the
20 moneyed capital employed in the banking business by any
21 banking corporation or individual in this state.

22 (b) All poles, lines, transformers, transformer
23 stations, meters, tools, improvements, machinery and other
24 property used and owned by co-operative rural electrical and
25 co-operative rural telephone associations organized under

1 the laws of Montana except those within the incorporated
2 limits of a city or town in which less than ninety-five per
3 cent (95%) of the electric consumers and/or telephone users
4 are served by a co-operative organization, and as to the
5 property enumerated in this sub-section (b) within
6 incorporated limits of a city or town in which less than
7 ninety-five per cent (95%) of the electric consumers or
8 users will be served by a co-operative organization, such
9 property shall be put in Class Two.

10 (c) All unprocessed agricultural products either on
11 the farm or in storage, irrespective of whether said
12 products are owned by the elevator, warehouse or flour mill
13 owner or company storing the same, or any other person
14 whomsoever, except all perishable fruits and vegetables in
15 farm storage and owned by the producer, and excepting
16 livestock and poultry and the unprocessed products of both.

17 (d) The dwelling house, and the lot on which it is
18 erected, owned and occupied by any resident of the state,
19 who has been honorably discharged from active service in any
20 branch of the armed forces, who is rated one hundred per
21 cent (100%) disabled due to a service-connected disability
22 by the United States veterans administration or its
23 successors.

24 In the event of the veteran's death, the dwelling
25 house, and the lot on which it is erected, so long as the

1 widow remains unmarried and the owner and occupant of the
2 property, shall remain within this classification.

3 Class Six. Property formerly included in this class is
4 now classified by section 84-308, R.C.M. 1947.

5 Class Seven. (a) All new industrial property. New
6 industrial property shall mean any new industrial plant,
7 including land, buildings, machinery and fixtures which, in
8 the determination of the state department of revenue, is
9 used by a new industry during the first three (3) years of
10 operation not having been assessed prior to July 1, 1961,
11 within the state of Montana. New industry shall mean any
12 person, corporation, firm, partnership, association, or
13 other group which establishes a new plant or plants in this
14 state for the operation of a new industrial endeavor, as
15 distinguished from a mere expansion, reorganization, or
16 merger of an existing industry or industries. Provided,
17 however, that new industrial property shall be limited to
18 industries that manufacture, mill, mine, produce, process or
19 fabricate materials, or do similar work in which capital and
20 labor are employed and in which materials unserviceable in
21 their natural state are extracted, processed or made fit for
22 use or are substantially altered or treated so as to create
23 commercial products or materials; INDUSTRIES THAT ENGAGE IN
24 THE MECHANICAL OR CHEMICAL TRANSFORMATION OF MATERIALS OR
25 SUBSTANCES INTO NEW PRODUCTS IN THE MANNER DEFINED AS

1 MANUFACTURING IN THE 1972 STANDARD INDUSTRIAL CLASSIFICATION
2 MANUAL, PREPARED BY THE UNITED STATES OFFICE OF MANAGEMENT
3 AND BUDGET; and in no event shall the term new industrial
4 property be included to mean property used by retail or
5 wholesale merchants, commercial services of any type,
6 agriculture, trades or professions. New industrial property
7 does not include a plant where the total number of persons
8 to be employed at any time on the construction of the plant
9 exceeds one percent (1%) of the estimated population
10 residing within a fifty (50) mile radius of the plant site.
11 When a board of county commissioners finds a substantial
12 probability that the condition of the preceding sentence
13 exists in its county, the bureau of business and economic
14 research of the university of Montana shall make the
15 population estimate WHICH WILL CREATE AN ADVERSE IMPACT ON
16 EXISTING STATE, COUNTY, OR MUNICIPAL SERVICES. THE
17 DEPARTMENT SHALL PROMULGATE REGULATIONS FOR THE
18 DETERMINATION OF WHAT CONSTITUTES AN ADVERSE IMPACT TAKING
19 INTO CONSIDERATION THE NUMBER OF PEOPLE TO BE EMPLOYED AND
20 THE SIZE OF THE COMMUNITY IN WHICH THE LOCATION IS
21 CONTEMPLATED. PROVIDED, HOWEVER, THE LOCAL GOVERNING BODY
22 OF THE COUNTY MAY, AFTER A HEARING UPON PROPER NOTICE,
23 ITSELF DECIDE THAT NO ADVERSE IMPACT EXISTS, OR MAY WAIVE
24 THE APPLICATION OF THIS ADVERSE IMPACT EXCLUSION; OR THE
25 ADVERSE IMPACT EXCLUSION MAY BE WAIVED BY AN INITIATIVE OR

1 VOTE OF THE PEOPLE CONDUCTED PURSUANT TO SECTION 37-301,
 2 R.C.M. 1947. ALSO IF THE PLANT AGREES TO PREPAY TAXES
 3 SUFFICIENT TO SATISFY THE LOCAL GOVERNING BODY OF THE COUNTY
 4 THAT THE INCREASED COSTS OF PROVIDING COMMUNITY SERVICES
 5 WILL BE ADEQUATELY PROVIDED FOR, THE LOCAL GOVERNING BODY
 6 MAY WAIVE THE APPLICATION OF THE ADVERSE IMPACT EXCLUSION.

7 And provided further, that new industrial property shall not
 8 be included to mean property which is used or employed in
 9 any industrial plant which has been in operation in this
 10 state for three (3) years or longer. Any person,
 11 corporation, firm, partnership, association or other group
 12 seeking to qualify its property for inclusion in this class
 13 shall make application to the state department of revenue in
 14 such manner and form as may be required by said department.

15 (B) AIR POLLUTION CONTROL EQUIPMENT AS DEFINED IN
 16 SECTION 69-3923.

17 Class Eight. Any improvement on real property,
 18 trailers affixed to land or mobile home belonging to any
 19 person who qualifies under any one or more of the
 20 hereinafter set forth categories, valued at not more than
 21 seventeen thousand five hundred dollars (\$17,500), which is
 22 owned or under a contract for deed, and which is actually
 23 occupied by:

24 (1) a widow sixty-two (62) years of age or older,
 25 whether with or without minor dependent children, who

1 qualifies under the income limitations of (4), or
 2 (2) a widower sixty-five (65) years of age or older,
 3 whether with or without minor dependent children, who
 4 qualifies under the income limitations of (4), or

5 (3) a widow with minor or dependent children regardless
 6 of age, who qualifies under the income limitations of (4),
 7 or

8 (4) a recipient of retirement benefits whose income
 9 from all sources is not more than four thousand dollars
 10 (\$4,000) for a single person and five thousand two hundred
 11 dollars (\$5,200) for a married couple per annum. Provided,
 12 further, that one who applies for classification of property
 13 under this class must make an affidavit to the state
 14 department of revenue on a form as may be provided by the
 15 state department of revenue supplied without cost to the
 16 applicant, as to his income, if applicable, as to his
 17 retirement benefits, if applicable, or, as to his marital
 18 status, if applicable, and to the fact that he or she
 19 actually occupies such improvements with right of the county
 20 welfare board to investigate the applicant, on the
 21 completion of the form, as to answers given on the form.
 22 Provided, further, that the value of said property shall not
 23 increase during the life of the recipient of retirement
 24 benefits or widow or widower covered under this class. For
 25 purposes of the affidavit required for classification of

1 property under this class, it shall be sufficient if the
2 applicant signs a statement swearing to or affirming the
3 correctness of the information supplied, whether or not the
4 statement is signed before a person authorized to administer
5 oaths, and mails the application and statement to the
6 department of revenue. This signed statement shall be
7 treated as a statement under oath or equivalent affirmation
8 for purposes of section 94-7-203, R.C.M. 1947, relating to
9 the criminal offense of false swearing.

10 Class Nine. All property not included in the eight (8)
11 preceding classes."

-End-

1 HOUSE BILL NO. 114
 2 INTRODUCED BY DASSINGER, LIEN, JACOBSEN, SOUTH,
 3 BENGTON, MANUEL, ROBBINS, DAY
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE FROM CLASS
 6 SEVEN PROPERTY TAX CLASSIFICATION ANY NEW INDUSTRIAL PLANT
 7 WHICH EMPLOYS--A--CERTAIN--NUMBER--OF--CONSTRUCTION--WORKERS
 8 DURING--ITS--CONSTRUCTION WILL CREATE AN ADVERSE IMPACT ON
 9 EXISTING STATE, COUNTY, OR MUNICIPAL SERVICES; AND
 10 BROADENING THE DEFINITION OF NEW INDUSTRIAL PROPERTY;
 11 AMENDING SECTION 84-301, R.C.M. 1947."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 84-301, R.C.M. 1947, is amended to
 15 read as follows:

16 "84-301. Classification of property for taxation. For
 17 the purpose of taxation the taxable property in the state
 18 shall be classified as follows:

19 Class One. The annual net proceeds of all mines and
 20 mining claims, after deducting only the expenses specified
 21 and allowed by section 84-5403; also where the right to
 22 enter upon land, to explore or prospect, or dig for oil,
 23 gas, coal or mineral is reserved in land or received by
 24 mesne conveyance (exclusive of leasehold interests), devise
 25 or succession by any person or corporation, the surface

1 title to which has passed to or remains in another, the
 2 state department of revenue shall determine the value of the
 3 right to enter upon said tract of land for the purpose of
 4 digging, exploring, or prospecting for gas, oil, coal or
 5 minerals, and the same shall be placed in this
 6 classification for the purpose of taxation.

7 Class Two. All agricultural and other tools,
 8 implements and machinery, gas and other engines and boilers,
 9 threshing machines and outfits used therewith, automobiles,
 10 motor trucks and other power-driven cars, vehicles of all
 11 kinds except mobile homes, boats and all watercraft,
 12 harness, saddlery and robes and except as provided in Class
 13 Five (b) of this section, all poles, lines, transformers,
 14 transformer stations, meters, tools, improvements, machinery
 15 and other property used and owned by all persons, firms,
 16 corporations, and other organizations which are engaged in
 17 the business of furnishing telephone communications,
 18 exclusively to rural areas, or to rural areas and cities and
 19 towns provided that any such city or town has a population
 20 of eight hundred (800) persons or less; and provided
 21 further, that the average circuit miles for each station on
 22 the system is more than one and one-quarter (1 1/4) miles.

23 Class Three. Livestock, poultry and unprocessed
 24 products of both; stocks of merchandise of all sorts,
 25 together with furniture and fixtures used therewith, except

1 mobile homes; and all office or hotel furniture and
2 fixtures.

3 Class Four. (a) All land, town and city lots, with
4 improvements, and all trailers affixed to land owned,
5 leased, or under contract or purchase by the trailer owner,
6 manufacturing and mining machinery, fixtures and supplies,
7 except as otherwise provided by the constitution of Montana,
8 and except as such property may be included in Class Five,
9 Class Seven or Class Eight.

10 (b) Mobile homes without regard to the ownership of
11 the land upon which they are situated, except those held by
12 a distributor or dealer of mobile homes as part of his stock
13 in trade, and except as such property may be included in
14 Class Eight.

15 Class Five. (a) All moneys and credits, secured or
16 unsecured, including all state, county, school district and
17 other municipal bonds, warrants and securities, without any
18 deduction or offset; provided, however, that the terms
19 "moneys and credits" as herein used shall not embrace the
20 moneyed capital employed in the banking business by any
21 banking corporation or individual in this state.

22 (b) All poles, lines, transformers, transformer
23 stations, meters, tools, improvements, machinery and other
24 property used and owned by co-operative rural electrical and
25 co-operative rural telephone associations organized under

1 the laws of Montana except those within the incorporated
2 limits of a city or town in which less than ninety-five per
3 cent (95%) of the electric consumers and/or telephone users
4 are served by a co-operative organization, and as to the
5 property enumerated in this sub-section (b) within
6 incorporated limits of a city or town in which less than
7 ninety-five per cent (95%) of the electric consumers or
8 users will be served by a co-operative organization, such
9 property shall be put in Class Two.

10 (c) All unprocessed agricultural products either on
11 the farm or in storage, irrespective of whether said
12 products are owned by the elevator, warehouse or flour mill
13 owner or company storing the same, or any other person
14 whomsoever, except all perishable fruits and vegetables in
15 farm storage and owned by the producer, and excepting
16 livestock and poultry and the unprocessed products of both.

17 (d) The dwelling house, and the lot on which it is
18 erected, owned and occupied by any resident of the state,
19 who has been honorably discharged from active service in any
20 branch of the armed forces, who is rated one hundred per
21 cent (100%) disabled due to a service-connected disability
22 by the United States veterans administration or its
23 successors.

24 In the event of the veteran's death, the dwelling
25 house, and the lot on which it is erected, so long as the

1 widow remains unmarried and the owner and occupant of the
2 property, shall remain within this classification.

3 Class Six. Property formerly included in this class is
4 now classified by section 84-308, R.C.M. 1947.

5 Class Seven. (a) All new industrial property. New
6 industrial property shall mean any new industrial plant,
7 including land, buildings, machinery and fixtures which, in
8 the determination of the state department of revenue, is
9 used by a new industry during the first three (3) years of
10 operation not having been assessed prior to July 1, 1961,
11 within the state of Montana. New industry shall mean any
12 person, corporation, firm, partnership, association, or
13 other group which establishes a new plant or plants in this
14 state for the operation of a new industrial endeavor, as
15 distinguished from a mere expansion, reorganization, or
16 merger of an existing industry or industries. Provided,
17 however, that new industrial property shall be limited to
18 industries that manufacture, mill, mine, produce, process or
19 fabricate materials, or do similar work in which capital and
20 labor are employed and in which materials unserviceable in
21 their natural state are extracted, processed or made fit for
22 use or are substantially altered or treated so as to create
23 commercial products or materials; INDUSTRIES THAT ENGAGE IN
24 THE MECHANICAL OR CHEMICAL TRANSFORMATION OF MATERIALS OR
25 SUBSTANCES INTO NEW PRODUCTS IN THE MANNER DEFINED AS

1 MANUFACTURING IN THE 1972 STANDARD INDUSTRIAL CLASSIFICATION
2 MANUAL, PREPARED BY THE UNITED STATES OFFICE OF MANAGEMENT
3 AND BUDGET; and in no event shall the term new industrial
4 property be included to mean property used by retail or
5 wholesale merchants, commercial services of any type,
6 agriculture, trades or professions. New industrial property
7 does not include a plant where the total number of persons
8 to be employed at any time on the construction of the plant
9 exceeds one percent (1%) of the estimated population
10 residing within a fifty (50) mile radius of the plant site.
11 When a board of county commissioners finds a substantial
12 probability that the condition of the preceding sentence
13 exists in its county, the bureau of business and economic
14 research of the university of Montana shall make the
15 population estimate WHICH WILL CREATE AN ADVERSE IMPACT ON
16 EXISTING STATE, COUNTY, OR MUNICIPAL SERVICES. THE
17 DEPARTMENT SHALL PROMULGATE REGULATIONS FOR THE
18 DETERMINATION OF WHAT CONSTITUTES AN ADVERSE IMPACT TAKING
19 INTO CONSIDERATION THE NUMBER OF PEOPLE TO BE EMPLOYED AND
20 THE SIZE OF THE COMMUNITY IN WHICH THE LOCATION IS
21 CONTEMPLATED. PROVIDED, HOWEVER, THE LOCAL GOVERNING BODY
22 OF THE COUNTY MAY, AFTER A HEARING UPON PROPER NOTICE,
23 ITSELF DECIDE THAT NO ADVERSE IMPACT EXISTS, OR MAY WAIVE
24 THE APPLICATION OF THIS ADVERSE IMPACT EXCLUSION, OR THE
25 ADVERSE IMPACT EXCLUSION MAY BE WAIVED BY AN INITIATIVE OR

1 ~~VOTE--OF--THE--PEOPLE--CONDUCTED--PURSUANT--TO--SECTION--37--301,~~
2 ~~R.C.M.,--1947,--ALSO--IF--THE--PLANT--AGREES--TO--PREPAY--TAXES~~
3 ~~SUFFICIENT--TO--SATISFY--THE--LOCAL--GOVERNING--BODY--OF--THE--COUNTY~~
4 ~~THAT--THE--INCREASED--COSTS--OF--PROVIDING--COMMUNITY--SERVICES~~
5 ~~WILL--BE--ADEQUATELY--PROVIDED--FOR,--THE--LOCAL--GOVERNING--BODY~~
6 ~~MAY--WAIVE--THE--APPLICATION--OF--THE--ADVERSE--IMPACT--EXCLUSION,~~
7 ONCE THE DEPARTMENT HAS MADE AN INITIAL DETERMINATION THAT
8 THE INDUSTRIAL FACILITY QUALIFIES AS NEW INDUSTRIAL
9 PROPERTY, THE DEPARTMENT SHALL THEN UPON PROPER NOTICE HOLD
10 A HEARING TO DETERMINE IF THE NEW INDUSTRIAL CLASSIFICATION
11 SHOULD BE RETAINED BY THE PROPERTY. THE LOCAL TAXING
12 AUTHORITY MAY APPEAR AT THE HEARING, AND IT ALSO MAY WAIVE
13 ITS OBJECTION TO RETENTION OF THIS CLASSIFICATION IF THE
14 INDUSTRY AGREES TO THE PREPAYMENT OF TAXES SUFFICIENT TO
15 SATISFY TAX REQUIREMENTS CREATED BY THE LOCATION AND
16 CONSTRUCTION OF THE FACILITY DURING CONSTRUCTION PERIOD.
17 IN THE EVENT OF A PREPAYMENT OF TAXES, THE MAXIMUM
18 AMOUNT OR PREPAYMENT SHALL BE THE AMOUNT WITHOUT THE
19 APPLICATION OF THE CLASS 7 (A) TO SUCH PROPERTY.
20 IF A MAJOR NEW INDUSTRIAL FACILITY QUALIFIES UNDER
21 CLASS 7 (A) THE REDUCTION OF ITS YEARLY PAYMENT OF PROPERTY
22 TAXES FOR REIMBURSEMENT OF ITS PREPAID TAXES AS PROVIDED FOR
23 IN SECTION 84-41-105, R.C.M. 1947, SHALL NOT BEGIN UNTIL THE
24 CLASS 7 QUALIFICATION EXPIRES. And provided further, that
25 new industrial property shall not be included to mean

1 property which is used or employed in any industrial plant
2 which has been in operation in this state for three (3)
3 years or longer. Any person, corporation, firm,
4 partnership, association or other group seeking to qualify
5 its property for inclusion in this class shall make
6 application to the state department of revenue in such
7 manner and form as may be required by said department.
8 (B) AIR POLLUTION CONTROL EQUIPMENT AS DEFINED IN
9 SECTION 69-3923.
10 Class Eight. Any improvement on real property,
11 trailers affixed to land or mobile home belonging to any
12 person who qualifies under any one or more of the
13 hereinafter set forth categories, valued at not more than
14 seventeen thousand five hundred dollars (\$17,500), which is
15 owned or under a contract for deed, and which is actually
16 occupied by:
17 (1) a widow sixty-two (62) years of age or older,
18 whether with or without minor dependent children, who
19 qualifies under the income limitations of (4), or
20 (2) a widower sixty-five (65) years of age or older,
21 whether with or without minor dependent children, who
22 qualifies under the income limitations of (4), or
23 (3) a widow with minor or dependent children regardless
24 of age, who qualifies under the income limitations of (4),
25 or

1 (4) a recipient of retirement benefits whose income
 2 from all sources is not more than four thousand dollars
 3 (\$4,000) for a single person and five thousand two hundred
 4 dollars (\$5,200) for a married couple per annum. Provided,
 5 further, that one who applies for classification of property
 6 under this class must make an affidavit to the state
 7 department of revenue on a form as may be provided by the
 8 state department of revenue supplied without cost to the
 9 applicant, as to his income, if applicable, as to his
 10 retirement benefits, if applicable, or, as to his marital
 11 status, if applicable, and to the fact that he or she
 12 actually occupies such improvements with right of the county
 13 welfare board to investigate the applicant, on the
 14 completion of the form, as to answers given on the form.
 15 Provided, further, that the value of said property shall not
 16 increase during the life of the recipient of retirement
 17 benefits or widow or widower covered under this class. For
 18 purposes of the affidavit required for classification of
 19 property under this class, it shall be sufficient if the
 20 applicant signs a statement swearing to or affirming the
 21 correctness of the information supplied, whether or not the
 22 statement is signed before a person authorized to administer
 23 oaths, and mails the application and statement to the
 24 department of revenue. This signed statement shall be
 25 treated as a statement under oath or equivalent affirmation

1 for purposes of section 94-7-203, R.C.M. 1947, relating to
 2 the criminal offense of false swearing.

3 Class Nine. All property not included in the eight (8)
 4 preceding classes."

-End-