

1 ^H BILL NO. 550
 2 INTRODUCED BY Vincent Wilby
 3 BY REQUEST OF THE DEPARTMENT OF COMMUNITY AFFAIRS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
 6 SUBDIVIDED LAND MAY NOT BE ASSESSED AS AGRICULTURAL LAND;
 7 PROVIDING FOR APPLICATION FOR CLASSIFICATION OF CERTAIN
 8 PARCELS OF LAND AS AGRICULTURAL; AMENDING SECTION 84-737.2,
 9 R.C.M. 1947; AND REPEALING SECTION 84-437.17, R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 84-437.2, R.C.M. 1947, is amended
 13 to read as follows:

14 "84-437.2. Eligibility of land for valuation as
 15 agricultural. (1) Land which is actively devoted to
 16 agricultural use shall be eligible for valuation,
 17 assessment and taxation as herein provided each year it
 18 meets either of the following qualifications:

19 (a) The area of such land is not less than five (5)
 20 contiguous acres when measured in accordance with provisions
 21 of section 84-437.6, R.C.M. 1947, and it has been actively
 22 devoted to agriculture during the last growing season and it
 23 continues to be actively devoted to agricultural use which
 24 means;

25 (i) it is used to produce field crops including, but

1 not limited to, grains, feed crops, fruits, vegetables; or
 2 (ii) it is used for grazing; or
 3 (iii) it is in a crop-land retirement program; or
 4 (b) It agriculturally produces for sale or home
 5 consumption the equivalent of fifteen percent (15%) or more
 6 of the owners' annual gross income regardless of the number
 7 of contiguous acres in the ownership.

8 ~~(2) Land shall not be classified or valued as~~
 9 ~~agricultural if it is subdivided with stated restrictions~~
 10 ~~prohibiting its use for agricultural purposes for which a~~
 11 ~~subdivision plat has been filed with the county clerk and~~
 12 ~~recorder pursuant to 11-3859 through 11-3876 may not be~~
 13 ~~classified or valued as agricultural, and this land is~~
 14 ~~considered to be applied to a use other than agricultural.~~

15 (3) The grazing on land by a horse or other animals
 16 kept as a hobby and not as a part of a bona fide
 17 agricultural enterprise shall not be considered a bona fide
 18 agricultural operation.

19 ~~(4) (a) Before a parcel of land containing 50 acres or~~
 20 ~~less may be assessed as agricultural land, the owner must,~~
 21 ~~on or before October 1 of each year, apply to the county~~
 22 ~~assessor for agricultural assessment on a form prescribed by~~
 23 ~~the department of revenue. The assessor shall classify the~~
 24 ~~parcel as agricultural if it meets the criteria established~~
 25 ~~by this section.~~

1 ~~(b) The county assessor shall continue to accept~~
2 ~~applications filed within 60 days after October 1 upon~~
3 ~~payment of a late filing fee in the amount of \$25. The late~~
4 ~~filing fee shall be paid to the county treasurer.~~

5 ~~(c) Whenever land which has been assessed as~~
6 ~~agricultural land is divided into parcels, some or all of~~
7 ~~which are 40 acres or less, and the owner of a parcel which~~
8 ~~is 40 acres or less does not apply for agricultural~~
9 ~~assessment as provided in this section, the county assessor~~
10 ~~shall reassess that parcel which is 40 acres or less as~~
11 ~~nonagricultural land.~~

12 ~~(5) A parcel of 40 acres or less which has been~~
13 ~~classified as nonagricultural due to a failure of the owner~~
14 ~~to apply for agricultural assessment pursuant to subsection~~
15 ~~(4) is not subject to the rollback tax until the land is~~
16 ~~applied to a use other than agricultural."~~

17 Section 2. Repealer. Section 84-437.17, R.C.M. 1947,
18 is repealed.

-End-

Approved by Committee
on Natural Resources

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20 contiguous acres when measured in accordance with provisions
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22 devoted to agriculture during the last growing season and it
23 continues to be actively devoted to agricultural use which
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25 (i) it is used to produce field crops including, but

1 not limited to, grains, feed crops, fruits, vegetables; or
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15 (3) The grazing on land by a horse or other animals
16 kept as a hobby and not as a part of a bona fide
17 agricultural enterprise shall not be considered a bona fide
18 agricultural operation.

19 (4) (a) Before a parcel of land containing 40 acres or
20 less may be assessed as agricultural land, the owner must,
21 on or before October 1 of each year, apply to the county
22 assessor for agricultural assessment on a form prescribed by
23 the department of revenue. The assessor shall classify the
24 parcel as agricultural if it meets the criteria established
25 by this section.

1 (b) The county assessor shall continue to accept
2 applications filed within 60 days after October 1 upon
3 payment of a late filing fee in the amount of \$25. The late
4 filing fee shall be paid to the county treasurer.

5 (c) Whenever land which has been assessed as
6 agricultural land is divided into parcels, some or all of
7 which are 40 acres or less, and the owner of a parcel which
8 is 40 acres or less does not apply for agricultural
9 assessment as provided in this section, the county assessor
10 shall reassess that parcel which is 40 acres or less as
11 nonagricultural land.

12 (5) A parcel of 40 acres or less which has been
13 classified as nonagricultural due to a failure of the owner
14 to apply for agricultural assessment pursuant to subsection
15 (4) is not subject to the rollback tax until the land is
16 applied to a use other than agricultural."

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