

House Bill 293

In The House

January 16, 1981	Introduced and referred to Committee on Taxation.
March 4, 1981	Committee recommend bill do pass as amended.
March 5, 1981	Bill printed and placed on members' desks.
March 6, 1981	Second reading do pass as amended.
March 7, 1981	Motion to reconsider. Rereferred to Committee on Taxation.
March 28, 1981	Committee recommend bill do pass as amended.
March 30, 1981	Bill printed and placed on members' desks.
March 31, 1981	Second reading do not pass.

1 HOUSE BILL NO. 293
2 INTRODUCED BY Holliday

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ACREAGE
5 AND ANNUAL GROSS INCOME QUALIFICATIONS FOR AGRICULTURAL LAND
6 ASSESSMENT; TO PROVIDE ELIGIBILITY CRITERIA FOR ASSESSMENT
7 OF RECREATIONAL LAND AS AGRICULTURAL; AMENDING SECTION
8 15-7-202, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 15-7-202, MCA, is amended to read:

12 "15-7-202. Eligibility of land for valuation as
13 agricultural. (1) Land which is actively devoted to
14 agricultural use shall be eligible for valuation,
15 assessment, and taxation as herein provided each year it
16 meets any of the following qualifications:

17 (a) the area of such land is not less than 5 ~~40~~
18 contiguous acres when measured in accordance with provisions
19 of 15-7-206, and it has been actively devoted to agriculture
20 during the last growing season, and it continues to be
21 actively devoted to agricultural use, which means:

22 (i) it is used to produce field crops including but
23 not limited to grains, feed crops, fruits, vegetables; or

24 (ii) it is used for grazing; or

25 (iii) it is used for growing timber, or

1 (iv) it is in a cropland retirement program; or

2 (b) it agriculturally produces for sale or home
3 consumption the equivalent of ~~15%~~ 50% or more of the owners'
4 annual gross income regardless of the number of contiguous
5 acres in the ownership; or

6 (c) it is used to raise animals in confined areas for
7 the production of food or fiber, including but not limited
8 to livestock, feedlots, dairies, fish hatcheries, and
9 poultry farms.

10 (2) Land shall not be classified or valued as
11 agricultural if it is subdivided with stated restrictions
12 prohibiting its use for agricultural purposes.

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

17 ~~(4) Land purchased for recreational use is not~~
18 ~~eligible for valuation as agricultural land unless it is~~
19 ~~actively devoted to agricultural use and a dwelling that is~~
20 ~~occupied during the entire year exists on the property."~~

-End-

Approved by Committee
on Taxation

HOUSE BILL NO. 293

INTRODUCED BY HOLLIDAY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ACREAGE AND ANNUAL GROSS INCOME QUALIFICATIONS FOR AGRICULTURAL LAND ASSESSMENT; TO PROVIDE ELIGIBILITY CRITERIA FOR ASSESSMENT OF RECREATIONAL LAND AS AGRICULTURAL; AMENDING SECTION 15-7-202, MCA."

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

Section 1. Section 15-7-202, MCA, is amended to read:

"15-7-202. Eligibility of land for valuation as agricultural. (1) Land which is actively devoted to agricultural use shall be eligible for valuation, assessment, and taxation as herein provided each year it meets any of the following qualifications:

(a) the area of such land is not less than 5 ~~40~~ 20 contiguous acres when measured in accordance with provisions of 15-7-206, and it has been actively devoted to agriculture during the last growing season, and it continues to be actively devoted to agricultural use, which means:

- (i) it is used to produce field crops including but not limited to grains, feed crops, fruits, vegetables; or
- (ii) it is used for grazing; or
- (iii) it is used for growing timber, or

- (iv) it is in a cropland retirement program; or
- (b) it agriculturally produces for sale or home consumption the equivalent of ~~15% 50%~~ 20% or more of the owners' annual gross income regardless of the number of contiguous acres in the ownership; or

(c) it is used to raise animals in confined areas for the production of food or fiber, including but not limited to livestock, feedlots, dairies, fish hatcheries, and poultry farms.

(2) Land shall not be classified or valued as agricultural if it is subdivided with stated restrictions prohibiting its use for agricultural purposes.

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

(4) Land purchased for recreational use is not eligible for valuation as agricultural land unless it is actively devoted to agricultural use, AS DETERMINED IN SECTION 1, and a dwelling that is occupied during the entire year exists on the property."

-End-

Approved by Committee
on Taxation

1 HOUSE BILL NO. 293
 2 INTRODUCED BY HOLLIDAY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE ACREAGE
 5 AND ANNUAL GROSS INCOME QUALIFICATIONS FOR AGRICULTURAL LAND
 6 ASSESSMENT; TO PROVIDE ELIGIBILITY CRITERIA FOR ASSESSMENT
 7 OF RECREATIONAL-LAND-AS AGRICULTURAL LAND; AMENDING SECTION
 8 15-7-202, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 15-7-202, MCA, is amended to read:

12 "15-7-202. Eligibility of land for valuation as
 13 agricultural. (1) Land which is actively devoted to
 14 agricultural use shall be eligible for valuation,
 15 assessment, and taxation as herein provided each year it
 16 meets any of the following qualifications:

17 (a) the area of such land is not less than 5 ~~40~~ 20
 18 contiguous acres when measured in accordance with provisions
 19 of 15-7-206, and it has been actively devoted to agriculture
 20 during the last growing season, and it continues to be
 21 actively devoted to agricultural use-which-means*

22 ~~(i)-it-is-used-to-produce-field-crops-including-but~~
 23 ~~not-limited-to-grains-feed-crops-fruits-vegetables-or~~

24 ~~(ii)-it-is-used-for-grazing-or~~

25 ~~(iii)-it-is-used-for-growing-timber-or~~

1 ~~(iv)-it-is-in-a-cropland-retirement-program; or~~
 2 (b) it agriculturally produces for sale or home
 3 consumption the equivalent of \$3,300 OR ~~±5% 50% 20%~~ or more
 4 of the owners' annual gross income regardless of the number
 5 of contiguous acres in the ownership AND THE OWNER OF RECORD
 6 MUST SUPPLY:

7 (I) PROOF OF THE PREVIOUS OR CURRENT YEAR'S FILING OF
 8 A FEDERAL FARM AND RANCH INCOME TAX STATEMENT; AND

9 (II) A COPY OF THE PREVIOUS OR CURRENT YEAR'S COMPLETED
 10 COUNTY FARM AND RANCH ASSESSMENT FORM; or

11 (c) it is used to raise animals in confined areas for
 12 the production of food or fiber, including but not limited
 13 to livestock, feedlots, dairies, fish hatcheries, and
 14 poultry farms AND THE OWNER OF RECORD MUST PROVIDE A COPY OF
 15 THE PREVIOUS OR CURRENT YEAR'S COUNTY FARM AND RANCH
 16 ASSESSMENT FORM THAT SHOWS THAT THE AVERAGE YEARLY NUMBER OF
 17 ANIMALS RAISED IN CONFINED AREAS FOR THE PRODUCTION OF FOOD
 18 OR FIBER EQUALS 20 OR MORE ANIMALS; OR

19 (D) OTHER CLEAR AND CONVINCING EVIDENCE.

20 ~~(2) land-shall-not-be-classified-or-valued-as~~
 21 ~~agricultural-if-it-is-subdivided-with-stated-restrictions~~
 22 ~~prohibiting-its-use-for-agricultural-purposes. ANY LAND~~
 23 ACCEPTED AND APPROVED AS A DIVISION OF LAND BY THE LOCAL
 24 TAXING AUTHORITY OR APPROVED AND ACCEPTED BY THE LOCAL
 25 TAXING AUTHORITY IN CONFORMITY WITH LOCAL ZONING ORDINANCES

-2- SECOND READING
 HB 293

SECOND PRINTING

1 FOR A USE OTHER THAN AGRICULTURAL SHALL NOT BE VALUED OR
2 CLASSIFIED AS AGRICULTURAL.

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

7 ~~(4) Land purchased for recreational use is not~~
8 ~~eligible for valuation as agricultural land unless it is~~
9 ~~actively devoted to agricultural use AS DETERMINED IN~~
10 ~~SECTION 1 SUBSECTION (1) and a dwelling that is occupied~~
11 ~~during the entire year exists on the property."~~

-End-