



1 (ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise  
2 provided in this title, including that portion of the land ~~upon~~on which the improvements are located and that is  
3 reasonably required for the use of the improvements.

4 (iii) Nonproductive patented mining claim property must be valued as if the land were devoted to  
5 agricultural grazing use.

6 (c) contiguous parcels of land of ~~20~~ 640 acres or more ~~but less than 160 acres~~ under one  
7 ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(1),  
8 which are considered to be ~~nonqualified agricultural~~ idle land. ~~Nonqualified agricultural~~ Idle land may not be  
9 devoted to a commercial or industrial purpose. ~~Nonqualified agricultural~~ Idle land is valued at the average  
10 productive capacity value of grazing land.

11 (2) Subject to subsection (3), class three property is taxed at 2.16% of its productive capacity  
12 value.

13 (3) The taxable value of idle land described in subsection (1)(c) is computed by multiplying the  
14 value of the land by ~~seven~~ 20 times the taxable percentage rate for agricultural land."  
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16 **Section 2.** Section 15-7-202, MCA, is amended to read:

17 **"15-7-202. Eligibility of land for valuation as agricultural -- exclusions -- rulemaking.** (1) (a)

18 ~~Contiguous parcels of land totaling 160 acres or more under one ownership are eligible for valuation,~~  
19 ~~assessment, and taxation as agricultural land each year that none of the parcels is devoted to a residential,~~  
20 ~~commercial, or industrial use.~~

21 (b) ~~(i)~~ Contiguous parcels of land of ~~20 acres or more but less than 160 acres~~ under one ownership  
22 that are actively devoted to agricultural use are eligible for valuation, assessment, and taxation as agricultural  
23 land if:

24 (i) the land is used primarily for raising and marketing, ~~as defined in subsection (1)(c),~~ products  
25 that meet the definition of agricultural provided in 15-1-101 and if, except as for grazing land as provided in  
26 subsection (3) (4), the owner or the owner's immediate family members, agent, employee, or lessee markets  
27 not less than \$1,500 in annual gross income from the raising of agricultural products produced by the land not  
28 less than \$4,000 in annual gross income for contiguous parcels of less than 640 acres or \$4,000 plus \$6 an

1 acre for each acre above 640 acres in annual gross income for contiguous parcels of 640 acres or more; or

2 (ii) the parcels would have met the qualification set out in subsection (1)(b)(i)(A) (1)(a)(i) were it  
3 not for independent, intervening causes of production failure beyond the control of the producer or a marketing  
4 delay for economic advantage, in which case proof of qualification in a prior year will suffice suffices.

5 (ii) ~~Noncontiguous parcels of land that meet the income requirement of subsection (1)(b)(i) are~~  
6 ~~eligible for valuation, assessment, and taxation as agricultural land under subsection (1)(b)(i) if:~~

7 (A) ~~the land is an integral part of a bona fide agricultural operation undertaken by the persons set~~  
8 ~~forth in subsection (1)(b)(i) as defined in this section; and~~

9 (B) ~~the land is not devoted to a residential, commercial, or industrial use.~~

10 (b) Noncontiguous parcels of land under one ownership that are actively devoted to agricultural  
11 use are eligible for valuation, assessment, and taxation as agricultural land if each noncontiguous parcel is  
12 actively devoted to agricultural use and the noncontiguous parcels collectively meet the annual gross income  
13 requirements for contiguous parcels in subsection (1)(a).

14 (c) For the purposes of determining annual gross income under this subsection (1), "marketing":

15 (i) means the selling of agricultural products produced by the land; and

16 (ii) for parcels of land of 20 acres or more, includes:

17 (A) rental or lease of the land if the land is actively used for grazing livestock or for other  
18 agricultural purposes; and

19 (B) rental payments made under the federal conservation reserve program or a successor to that  
20 program.

21 (2) Parcels of land that are part of a family-operated farm, family corporation, family partnership,  
22 family limited liability company, sole proprietorship, or family trust that is involved in Montana agricultural  
23 production consisting of 20 acres or more but less than 160 acres that do not meet the income requirement of  
24 subsection (1)(b)(i) may also be valued, assessed, and taxed as agricultural land (1)(a)(i) are eligible for  
25 valuation, assessment, and taxation as agricultural land if the owner:

26 (a) applies to the department requesting classification of the parcel as agricultural;

27 (b) verifies that the parcel of land is greater than 20 acres but less than 160 acres and that the  
28 parcel is located within 15 air miles of the family-operated farming entity referred to in this subsection

1 ~~(1)(b)(iii)(C)~~ (2)(c); and

2 (c) verifies that:

3 (i) the owner of the parcel is involved in agricultural production by submitting proof that 51% or  
4 more of the owner's Montana annual gross income is derived from agricultural production; and

5 (ii) (A) property taxes on the property are paid by a family corporation, family partnership, family  
6 limited liability company, sole proprietorship, or family trust that is involved in Montana agricultural production  
7 and 51% of the entity's Montana annual gross income is derived from agricultural production; or

8 (B) the owner is a shareholder, partner, owner, or member of the family corporation, family  
9 partnership, family limited liability company, sole proprietorship, or family trust that is involved in Montana  
10 agricultural production and 51% of the person's or entity's Montana annual gross income is derived from  
11 agricultural production.

12 ~~(c)~~ For the purposes of this subsection ~~(1)~~:

13 ~~(i)~~ "marketing" means the selling of agricultural products produced by the land and includes but is  
14 not limited to:

15 ~~(A)~~ rental or lease of the land as long as the land is actively used for grazing livestock or for other  
16 agricultural purposes; and

17 ~~(B)~~ rental payments made under the federal conservation reserve program or a successor to that  
18 program;

19 (3) land Land that is devoted to residential use or that is used for agricultural buildings and is  
20 included in or is contiguous to land under the same ownership that is classified as agricultural land, other than  
21 ~~nonqualified agricultural idle~~ land described in 15-6-133(1)(c), must be classified as agricultural land, and the  
22 land must be valued as provided in 15-7-206.

23 ~~(2)~~ Contiguous or noncontiguous parcels of land totaling less than 20 acres under one ownership  
24 that are actively devoted to agricultural use are eligible for valuation, assessment, and taxation as agricultural  
25 each year that the parcels meet any of the following qualifications:

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2 (a) — ~~except as provided in subsection (3), the parcels produce and the owner or the owner's agent,~~  
3 ~~employee, or lessee markets not less than \$1,500 in annual gross income from the raising of agricultural~~  
4 ~~products as defined in 15-1-104 ;~~

5 (b) — ~~the parcels would have met the qualification set out in subsection (2)(a) were it not for~~  
6 ~~independent, intervening causes of production failure beyond the control of the producer or marketing delay for~~  
7 ~~economic advantage, in which case proof of qualification in a prior year will suffice; or~~

8 (c) — ~~in a prior year, the parcels totaled 20 acres or more and qualified as agricultural land under this~~  
9 ~~section, but the number of acres was reduced to less than 20 acres for a public use described in 70-30-102 by~~  
10 ~~the federal government, the state, a county, or a municipality, and since that reduction in acres, the parcels~~  
11 ~~have not been further divided.~~

12 (4) For grazing land of less than 640 acres to be eligible for classification as agricultural land under  
13 subsections (1)(b) and (2) subsection (1), the land must be capable of sustaining a minimum number of animal  
14 unit months of carrying capacity. The minimum number of animal unit months of carrying capacity must equate  
15 to \$1,500 in annual gross income as determined by the Montana state university-Bozeman college of  
16 agriculture. Grazing land of more than 640 acres must be capable of sustaining a minimum number of animal  
17 unit months of carrying capacity equal to \$1,500 in annual gross income plus \$6 an acre for each acre above  
18 640 acres.

19 (4) — ~~The grazing on land by a horse or other animals kept as a hobby and not as a part of a bona~~  
20 ~~fide agricultural enterprise is not considered a bona fide agricultural operation.~~

21 (5) (a) Upon application by the property owner, the following parcels of land are eligible for  
22 provisional agricultural classification for 5 years to allow crops to reach salable maturity:

23 (i) a fruit orchard consisting of a minimum of 100 live fruit trees maintained using accepted fruit  
24 tree husbandry practices, including pest and disease management, fencing, and a watering system;

25 (ii) a vineyard containing a minimum of 120 live vines maintained using accepted husbandry  
26 practices, including weed and grass maintenance, pest and disease management, pruning, and trellising and  
27 staking; and

28 (iii) property containing a minimum of 2,000 live Christmas trees cultivated according to accepted

1 husbandry practices, including regular shearing.

2 (b) Following the 5th year of provisional agricultural classification, the property owner shall submit  
3 an application for agricultural classification. The application must include documentation proving that the  
4 property continues to meet the requirements of subsection (5)(a) and that the income requirements of  
5 subsection ~~(2)(a)~~ (1)(a)(i) have been met.

6 (6) The department may not classify land ~~less than 160 acres~~ as agricultural unless the owner has  
7 applied to have land classified as agricultural land. The owner shall periodically reapply for agricultural  
8 classification as provided in subsection (7). Land of 20 ~~640~~ acres or more but less than 160 acres for which no  
9 application for agricultural classification has been made is idle land and is valued as provided in 15-6-133(1)(c)  
10 and is taxed as provided in 15-6-133(3). If land has been valued, assessed, and taxed as agricultural land in  
11 any year, it must continue to be valued, assessed, and taxed as agricultural until the department reclassifies the  
12 property. A reclassification does not mean revaluation pursuant to 15-7-111.

13 (7) The department shall administer a program for the periodic review of property classified as  
14 agricultural land under this section. The department may require reapplication to determine whether land is still  
15 actively devoted to agricultural use and shall notify a property owner who is required to reapply. A property  
16 owner who fails to reapply in the required timeframe may provide the application within 30 days following the  
17 date on the classification and appraisal notice.

18 (8) For the purposes of this part, ~~growing timber is not an agricultural use~~ "agricultural use"  
19 excludes activities related to agriculture that are not generally considered agricultural use, including activities  
20 conducted for commercial purposes as defined in subsection (10) or otherwise conducted for the production of  
21 income. Excluded activities include but are not limited to:

22 (a) hobby farms and personal gardens that involve growing crops or raising animals for personal  
23 enjoyment or consumption;

24 (b) agritourism, including corn mazes, pumpkin patches, farm tours, and petting zoos;

25 (c) equestrian activities, such as keeping horses to ride for personal pleasure or competition.

26 However, the primary use of land for breeding or training horses for sale may be considered agricultural use.

27 (d) commercial activities unrelated to agriculture, such as operating a store, restaurant, or other  
28 business on agricultural land if the business is not directly related to the production of agricultural products;

1 (e) recreational use primarily for leisure, enjoyment, and outdoor activities, including but not limited  
2 to:

3 (i) hiking, nature walks, birdwatching, picnicking, camping, photography, stargazing, fishing,  
4 hunting, boating, swimming, horseback riding, off-road vehicle use, snowmobiling, skiing, and snowboarding;

5 (ii) team sports on designated fields, courts, or facilities; and

6 (iii) commercial recreation opportunities, such as privately operated campgrounds, dude ranches,  
7 resorts, theme parks, or other facilities offering recreational amenities;

8 (f) growing timber; and

9 (g) (i) except as provided in subsection (8)(g)(ii), conservation activities involving the use of land  
10 primarily for protecting and preserving nature, biodiversity, and ecological functions of land. Conservation  
11 activities include but are not limited to:

12 (A) maintaining or restoring diverse ecosystems to support native plants, animals, and  
13 microorganisms;

14 (B) protecting habitats for endangered or threatened species;

15 (C) implementing measures to enhance biodiversity and ecological connectivity, such as creating  
16 wildlife corridors, managing forests for diverse habitats, and restoring wetlands;

17 (D) protecting open space, maintaining large, undeveloped tracts of land for their aesthetic and  
18 ecological value, and preserving scenic viewsheds and natural landscapes;

19 (E) protecting water resources, such as rivers, streams, and watersheds; and

20 (F) acquiring land for public parks or preserves.

21 (iiP) Land enrolled in the federal conservation reserve program is eligible for agricultural  
22 classification.

23 (9) The department may adopt rules to implement the periodic review of property receiving  
24 agricultural classification provided for in this section.

25 (10) For the purposes of this section, "commercial purposes", when used in reference to  
26 "agriculture" as defined in 15-1-101, means the use of land primarily for the production, cultivation, and  
27 harvesting of agricultural products with the primary intent of generating income. This includes activities  
28 undertaken on a scale and with a business model that aims to produce agricultural goods for sale."

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**Section 3.** Section 15-7-206, MCA, is amended to read:

**"15-7-206. Improvements on agricultural land.** (1) In determining the total area of land actively devoted to agricultural use, there is included the area of all land under barns, sheds, silos, cribs, greenhouses, and like structures, lakes, dams, ponds, streams, irrigation ditches, and like facilities.

(2) One acre of land beneath residential improvements on agricultural land, as described in 15-7-202(1)(e)(iii) (3), is valued at the class with the highest productive value and production capacity of agricultural land."

**Section 4.** Section 15-7-307, MCA, is amended to read:

**"15-7-307. Certificate -- exceptions.** The certificate required by this part applies to all transfers.

However, the certificate filed for the following transfers need not disclose the consideration paid or to be paid for the real estate transferred:

- (1) an instrument recorded prior to July 1, 1975;
- (2) the sale of agricultural land totaling 640 acres or more when the land is used for agricultural purposes;
- (3) the sale of timberland totaling 640 acres or more when the land is used for producing timber;
- (4) a transfer by the United States, this state, or any instrumentality, agency, or subdivision of the United States or this state;
- (5) an instrument that (without added consideration) confirms, corrects, modifies, or supplements a previously recorded instrument;
- (6) a transfer pursuant to a court decree;
- (7) a transfer pursuant to mergers, consolidations, or reorganizations of corporations, partnerships, or other business entities;
- (8) a transfer by a subsidiary corporation to its parent corporation without actual consideration or in sole consideration of the cancellation or surrender of subsidiary stock;
- (9) a transfer of decedents' estates;
- (10) a transfer of a gift;

- 1           (11)    a transfer between husband and wife or parent and child with only nominal actual consideration
- 2 for the transfer;
- 3           (12)    an instrument the effect of which is to transfer the property to the same party or parties;
- 4           (13)    a sale for delinquent taxes or assessments, a sheriff's sale, or a sale pursuant to a bankruptcy
- 5 court order;
- 6           (14)    a transfer made in contemplation of death."

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8           **Section 5.** Section 15-10-420, MCA, is amended to read:

9           **"15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a

10 governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount

11 of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3

12 years. The maximum number of mills that a governmental entity may impose is established by calculating the

13 number of mills required to generate the amount of property tax actually assessed in the governmental unit in

14 the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half

15 of the average rate of inflation for the prior 3 years.

16           (b)    A governmental entity that does not impose the maximum number of mills authorized under

17 subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between

18 the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill

19 authority carried forward may be imposed in a subsequent tax year.

20           (c)    For the purposes of subsection (1)(a), the department shall calculate one-half of the average

21 rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers,

22 using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of

23 labor.

24           (2)    A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any

25 additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit,

26 including newly taxable property.

27           (3)    (a) For the purposes of this section, newly taxable property includes:

- 28           (i)    annexation of real property and improvements into a taxing unit;

1 (ii) construction, expansion, or remodeling of improvements;

2 (iii) transfer of property into a taxing unit;

3 (iv) subdivision of real property; and

4 (v) transfer of property from tax-exempt to taxable status.

5 (b) Newly taxable property does not include an increase in value that arises because of an  
6 increase in the incremental value within a tax increment financing district.

7 (4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the  
8 release of taxable value from the incremental taxable value of a tax increment financing district because of:

9 (i) a change in the boundary of a tax increment financing district;

10 (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

11 (iii) the termination of a tax increment financing district.

12 (b) If a tax increment financing district terminates prior to the certification of taxable values as  
13 required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax  
14 increment financing district terminates. If a tax increment financing district terminates after the certification of  
15 taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the  
16 following tax year.

17 (c) For the ~~purpose~~ purposes of subsection (3)(a)(ii), the value of newly taxable class four property  
18 that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the  
19 current year market value of that property less the previous year market value of that property.

20 (d) For the ~~purpose~~ purposes of subsection (3)(a)(iv), the subdivision of real property includes the  
21 first sale of real property that results in the property being taxable as class four property under 15-6-134 ~~or as~~  
22 ~~nonqualified agricultural land as described in 15-6-133 (1)(c).~~

23 (5) Subject to subsection (8), subsection (1)(a) does not apply to:

24 (a) school district levies established in Title 20; or

25 (b) a mill levy imposed for a newly created regional resource authority.

26 (6) For the purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds  
27 taxes received under 15-6-131 and 15-6-132.

28 (7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

1 (a) may increase the number of mills to account for a decrease in reimbursements; and

2 (b) may not increase the number of mills to account for a loss of tax base because of legislative  
3 action that is reimbursed under the provisions of 15-1-121(7).

4 (8) The department shall calculate, on a statewide basis, the number of mills to be imposed for the  
5 purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated  
6 by the department may not exceed the mill levy limits established in those sections. The mill calculation must  
7 be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the  
8 calculation must be rounded up to the nearest tenth of a mill.

9 (9) (a) The provisions of subsection (1) do not prevent or restrict:

10 (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;

11 (ii) a levy to repay taxes paid under protest as provided in 15-1-402;

12 (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;

13 (iv) a levy for the support of a study commission under 7-3-184;

14 (v) a levy for the support of a newly established regional resource authority;

15 (vi) the portion that is the amount in excess of the base contribution of a governmental entity's  
16 property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

17 (vii) a levy for reimbursing a county for costs incurred in transferring property records to an  
18 adjoining county under 7-2-2807 upon relocation of a county boundary;

19 (viii) a levy used to fund the sheriffs' retirement system under 19-7-404(3)(b); or

20 (ix) a governmental entity from levying mills for the support of an airport authority in existence prior  
21 to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past.  
22 The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.

23 (b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes  
24 actually assessed in a subsequent year.

25 (10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-  
26 11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport  
27 authority in either of the previous 2 years and the airport or airport authority has not been appropriated  
28 operating funds by a county or municipality during that time.

1           (11)    The department may adopt rules to implement this section. The rules may include a method for  
 2   calculating the percentage of change in valuation for the purposes of determining the elimination of property,  
 3   new improvements, or newly taxable value in a governmental unit."

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5           **Section 6.** Section 15-30-2660, MCA, is amended to read:

6           **"15-30-2660. (Temporary) Taxpayer integrity fees.** (1) (a) The department shall assess a fee as  
 7   provided in subsection (2) for a taxpayer who is a participant in the Montana Health and Economic Livelihood  
 8   Partnership Act provided for in Title 53, chapter 6, part 13, and Title 39, chapter 12, and owns:

9           (i)       equity in real property or improvements to real property, or both, that exceeds the limit  
 10   established for homesteads under 70-32-104 by \$5,000 or more, if the real property is not agricultural land;

11          (ii)       more than one light vehicle when the combined depreciated value of the manufacturer's  
 12   suggested retail price totals \$20,000 or more and the participant's equity in the vehicles exceeds that combined  
 13   depreciated value by \$5,000 or more; or

14          (iii)      agricultural land with a taxable value in excess of \$1,500 a year.

15          (b)       For the purposes of subsection (1)(a):

16          (i)       "real property or improvements to real property" does not include property held in trust by the  
 17   United States for the benefit of a Montana federally recognized Indian tribe; and

18          (ii)       the depreciated value of the manufacturer's suggested retail price must be computed as  
 19   provided in 61-3-503(2).

20          (2)       The fee is \$100 a month plus an amount equal to an additional \$4 a month for:

21          (a)       each \$1,000 in equity value above the limits established in subsections (1)(a)(i) and (1)(a)(ii);  
 22   and

23          (b)       each \$100 of taxable value in agricultural land above \$1,500.

24          (3)       (a) The department shall assess a fee for an entity organized under 26 U.S.C. 501(d) and  
 25   subject to taxes as provided in Title 15, chapter 31, if the entity has members who are receiving medicaid  
 26   coverage under Title 53, chapter 6, part 13.

27          (b)       The fee is equal to the state's share of the average annual cost per program participant, as  
 28   defined in 53-6-1303, multiplied by the number of individuals in the 26 U.S.C. 501(d) organization who are

1 receiving medicaid coverage because they are eligible under 53-6-1304, less the total annual amount the  
2 entity's members have paid in premiums.

3 (4) (a) For the purposes of calculating the fee required under subsection (3), the department of  
4 public health and human services shall provide the department of revenue by February 1 of each year with:

5 (i) the percentage of medicaid claims costs of program participants for which the state was  
6 responsible in the previous calendar year; and

7 (ii) the average annual cost of medical claims for program participants in the previous calendar  
8 year.

9 (b) The department of public health and human services shall post the average annual cost for a  
10 program participant on the department's website by February 15 of each year.

11 (5) An organization shall pay the fee provided for in subsection (3) as follows:

12 (a) on or before the last day of each month, the organization shall pay an estimated fee equal to  
13 one-twelfth of the most recently published annual cost per program participant; and

14 (b) on or before April 15 of each year, the organization shall report and pay any additional amount  
15 owed for the prior year or request a refund of any overpayment made in the prior year.

16 (6) (a) The department of public health and human services shall provide the department of  
17 revenue with the names of program participants and other necessary information to assist the department of  
18 revenue in administering and enforcing this section.

19 (b) The department of justice shall provide the department of revenue with vehicle registration  
20 information for the administration of this section.

21 (7) Fees collected pursuant to this section must be deposited in the Montana HELP Act special  
22 revenue account provided for in 53-6-1315.

23 (8) A fee remains until paid and may be collected through assessments against future income tax  
24 returns or through a civil action initiated by the state.

25 (9) For the purposes of this section, the following definitions apply:

26 (a) (i) "Agricultural land" means agricultural land as described in 15-7-202 that is taxed as class  
27 three property at the rate provided in 15-6-133.

28 (ii) The term does not include:

- 1 (A) parcels of land that are considered ~~nonqualified agricultural~~ idle land as provided in 15-6-
- 2 133(1)(c);
- 3 (B) improvements to real property; or
- 4 (C) land held in trust by the United States for the benefit of a Montana federally recognized Indian
- 5 tribe.
- 6 (b) "Light vehicle" has the meaning provided in 61-1-101.
- 7 (c) "Manufacturer's suggested retail price" has the meaning provided in 61-3-503(3). (Terminates
- 8 June 30, 2025--secs. 38, 48, Ch. 415, L. 2019.)"

9

10 NEW SECTION. Section 7. Effective date. [This act] is effective January 1, 2027.

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12 NEW SECTION. Section 8. Applicability. [This act] applies to property tax years beginning after  
13 December 31, 2026.

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- END -