

## 1 SENATE BILL NO. 169

2 INTRODUCED BY J. BRENDEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PAYMENTS BY THE DEPARTMENT OF FISH,  
5 WILDLIFE, AND PARKS TO COUNTIES FOR LAND OWNED OR HELD UNDER EASEMENT BY THE  
6 DEPARTMENT; EXEMPTING LANDOWNERS FROM PROPERTY TAXES FOR THE PORTION OF LAND HELD  
7 UNDER EASEMENT; AND AMENDING SECTIONS 87-1-218 AND 87-1-603, MCA."

8

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

10

11 NEW SECTION. **Section 1. Exemption for land held under easement by department of fish,**  
12 **wildlife, and parks.** (1) For tax years beginning after December 31, 2013, there is allowed an exemption from  
13 property taxes for an owner whose land is held under easement by the department of fish, wildlife, and parks.  
14 The exemption is allowed only for the portion of the owner's land that is included in the easement.

15 (2) (a) The owner shall apply to the department for an exemption under this section on a form provided  
16 by the department. Except as provided in subsection (2)(b), the application must include a copy of the easement  
17 agreement including a legal description of the property held under easement.

18 (b) For land that is held under a conservation easement, the department shall use the legal description  
19 of the easement provided pursuant to 76-6-207 to determine the portion of the land that is eligible for the  
20 exemption.

21 (c) An application for an exemption that would be in effect for the tax year and subsequent tax years  
22 must be filed with the department by March 1 in the tax year that the exemption is sought.

23 (3) The owner of the land shall inform the department of any change in ownership or other circumstances  
24 that may affect the eligibility of the land for the exemption. The department shall determine whether any changes  
25 have occurred that affect the eligibility of the land for the exemption.

26

27 **Section 2.** Section 87-1-218, MCA, is amended to read:

28 **"87-1-218. Notice of proposed land acquisitions.** (1) For all land acquisitions proposed pursuant to  
29 87-1-209, the department shall provide notice to the board of county commissioners in the county where the  
30 proposed acquisition is located.

1 (2) The notice must be provided at least 30 days before the proposed acquisition appears before the  
2 commission for its consent.

3 (3) The notice must include:

4 (a) a description of the proposed acquisition, including acreage and the use proposed by the department;

5 (b) an estimate of the measures and costs the department plans to undertake in furtherance of the  
6 proposed use, including operating, staffing, and maintenance costs;

7 (c) an estimate of the property taxes payable on the proposed acquisition and a statement that if the  
8 department acquires the land pursuant to 87-1-603, the department would pay a sum equal to the amount of  
9 taxes that would be payable on the county assessment of the property if it was taxable to a private citizen  
10 pursuant to 87-1-603; and

11 (d) a draft agenda of the meeting at which the proposed acquisition will be presented to the commission  
12 and information on how the board of county commissioners may provide comment."

13

14 **Section 3.** Section 87-1-603, MCA, is amended to read:

15 **"87-1-603. Payments to counties for department-owned land -- exceptions.** (1) Except as provided  
16 in subsection (3) Subject to the provisions of subsections (2) and (3), before November 30 of each year, the  
17 treasurer of each county in which the department owns any land shall describe the land, state the number of  
18 acres in each parcel, and request the drawing of a warrant to the county in a sum equal to the amount of taxes  
19 that would be payable on county assessment of the property if it was taxable to a private citizen. The director shall  
20 approve or disapprove the request. The director may disapprove a request only if the director finds it to be  
21 inconsistent with this section. If the director disapproves a request, the director shall return it with an explanation  
22 detailing the reasons for the disapproval to the appropriate county treasurer for correction. If the director approves  
23 a request, the director shall transmit it to the department of administration, which shall draw a warrant payable  
24 to the county in the amount shown on the request and shall send the warrant to the county treasurer. The warrant  
25 is payable out of any funds to the credit of the department of fish, wildlife, and parks. A payment may not be made  
26 to a county in which the department owns less than ~~400~~ 5 acres. A payment may not be made to a county for  
27 lands owned by the department for game or bird farms or for fish hatchery purposes ~~or lands acquired and~~  
28 ~~managed for the purposes of Title 23, chapter 1.~~

29 ~~—————(2) After May 10, 2009, for every department purchase of land, the department shall notify the treasurer~~  
30 ~~in the county where land was purchased.~~

1 ~~—— (3) (a) After May 10, 2009, and before November 30 of each subsequent year, the treasurer of each~~  
2 ~~county in which the department owns land purchased after May 10, 2009, shall describe the land, state the~~  
3 ~~number of acres in each parcel, and request the drawing of a warrant to the county in a sum equal to the amount~~  
4 ~~of taxes that would be payable on county assessment of the property if it was taxable to a private citizen.~~

5 ~~—— (b) The director shall approve or disapprove the request. The director may disapprove a request only~~  
6 ~~if the director finds it to be inconsistent with this subsection (3). If the director disapproves a request, the director~~  
7 ~~shall return it with an explanation detailing the reasons for the disapproval to the appropriate county treasurer for~~  
8 ~~correction. If the director approves a request, the director shall transmit it to the department of administration,~~  
9 ~~which shall draw a warrant payable to the county in the amount shown on the request and shall send the warrant~~  
10 ~~to the county treasurer. The warrant is payable out of any funds to the credit of the department of fish, wildlife,~~  
11 ~~and parks.~~

12 ~~—— (c) All land purchased by the department after May 10, 2009, is subject to this subsection (3).~~

13 (2) If the county assessment on which the amount to be paid by the department pursuant to subsection  
14 (1) is based is less than the purchase price of the parcel, then the amount to be paid by the department must be  
15 calculated in the same manner as class four residential property in 15-6-134(1)(f). For the purpose of the  
16 calculation, the purchase price is substituted for market value and the exemptions under 15-6-222(1)(a) are  
17 utilized.

18 (3) For land held under easement by the department, the department shall pay an amount equal to the  
19 amount of property taxes the owner of the land would have paid in that tax year for the portion of the owner's land  
20 included in the easement. The owner of the land is exempt pursuant to [section 1].

21 (4) The amount to be paid to each county pursuant to this section is statutorily appropriated, as provided  
22 in 17-7-502."

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24 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
25 integral part of Title 15, chapter 6, part 2, and the provisions of Title 15, chapter 6, part 2, apply to [section 1].

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