

HOUSE BILL NO. 474
INTRODUCED BY W. STAHL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PROPERTY TAX EXEMPTION, UNDER CERTAIN CONDITIONS, FOR LAND OWNED BY THE TAXPAYER THAT INCLUDES A COUNTY ROAD AND ASSOCIATED EASEMENT; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Exemption for land that includes county road and easement -- application -- limitations. (1) Subject to the conditions of this section, for tax years beginning after December 31, 2010, there is allowed an exemption from property taxes for the portion of contiguous or noncontiguous parcels of land under one ownership that is attributable to a county road and associated easement. The road must have been opened, established, constructed, or maintained by a county and must be open to public travel. The portion of contiguous or noncontiguous land attributable to the road and associated easement must be 1 acre or more in the county for which an exemption is sought.

(2) The exemption allowed under this section does not apply to:

(a) a road or associated easement located within:

(i) the boundaries of an incorporated or unincorporated city or town; or

(ii) a platted and filed subdivision;

(b) that part of an easement that is more than 30 feet from the centerline of the road; or

(c) any right-of-way.

(3) (a) A person applying for an exemption under this section shall make an application to the department, on a form provided by the department. The application must include a legal description of the property in the county for which the exemption is sought and other information required by the department. A separate application must be made for each county in which an exemption is sought.

(b) An application for an exemption that would be in effect for tax year 2011 and subsequent tax years must be filed with the department by March 15, 2009.

(c) An application for an exemption that would be in effect for tax year 2012 and subsequent tax years must be filed with the department by March 15 of the tax year immediately preceding the tax year for which the exemption is sought.

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

(5) An exemption under this section terminates January 1 of the tax year following a change in ownership of the land. The new owner of the land may apply for the exemption allowed under this section as provided in subsection (3).

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

NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2008.

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