

HOUSE BILL NO. 155

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROPERTY TAX LAWS; REDUCING
CLASS THREE AGRICULTURAL PROPERTY TAX RATES; REVISING REDUCING CLASS FOUR
RESIDENTIAL AND COMMERCIAL PROPERTY TAX RATES; PROVIDING AN FOR A HOMESTEAD
EXEMPTION FOR A PORTION OF CLASS FOUR RESIDENTIAL PROPERTY VALUE; REDUCING CLASS
TEN FOREST LAND PROPERTY TAX RATES; PROVIDING HOMESTEAD EXEMPTION ELIGIBILITY AND
APPLICATION REQUIREMENTS; PROVIDING AN APPEAL PROCESS; PROVIDING DEFINITIONS;
PROVIDING RULEMAKING AUTHORITY; PROVIDING AN EXEMPTION FOR A PORTION OF CLASS FOUR
COMMERCIAL PROPERTY VALUE; AMENDING SECTION SECTIONS 15-6-133, 15-6-134, AND 15-6-143,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;
(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational

purposes as described in 70-16-301, or commercial purposes as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

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

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

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

(2) Subject to subsection (3), class three property is taxed at ~~2.16%~~ 2.05% of its productive capacity value.

(3) The taxable value of land described in subsection (1)(c) is computed by multiplying the value of the land by seven times the taxable percentage rate for agricultural land."

Section 2. Section 15-6-134, MCA, is amended to read:

"15-6-134. Class four property -- description -- taxable percentage. (1) Class four property includes:

(a) subject to subsection ~~(4)(e)~~ (1)(f), all land, except that specifically included in another class;

(b) subject to subsection ~~(4)(e)~~ (1)(f):

(i) all improvements, including single-family residences, trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

(iii) vacant residential lots; and

(iv) rental multifamily dwelling units.

(c) all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including;

~~(d) 1 acre of real property beneath residential improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.~~

~~(d)~~ and 1 acre of real property beneath an improvement used as a residence on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The 1 acre must be valued at market value.

~~(e) real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land described in 15-6-133(1)(c) and real property beneath commercial improvements and as much of the surrounding land that is reasonably required to support the commercial improvements on land eligible for valuation, assessment, and taxation as forest land under 15-6-143. The land must be valued at market value.~~

~~(e)(f)~~ all commercial and industrial property, as defined in 15-1-101, and including:

(i) all commercial and industrial property that is used or owned by an individual, a business, a trade, a corporation, a limited liability company, or a partnership and that is used primarily for the production of income;

(ii) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(iii) commercial buildings and parcels of land upon which the buildings are situated; and

(iv) vacant commercial lots.

(2) If a property includes both residential and commercial uses, the property is classified and appraised as follows:

(a) the land use with the highest percentage of total value is the use that is assigned to the property; and

(b) the improvements are apportioned according to the use of the improvements.

(3) (a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and ~~subsection~~ subsections (3)(b) and (3)(c), class four residential property described in subsections (1)(a) through (1)(d) of this section is taxed at 1.11% of market value. ~~1.35% of market value. a graduated rate as follows:~~

<u>Market Value</u>	<u>Tax Rate</u>
<u>first \$50,000</u>	<u>0%</u>
<u>\$50,001 to \$500,000</u>	<u>1%</u>
<u>\$500,001 to \$750,000</u>	<u>1.25%</u>
<u>\$750,001 to \$1 million</u>	<u>1.3%</u>
<u>\$1,000,001 to \$1.5 million</u>	<u>1.4%</u>
<u>\$1,500,001 to \$2 million</u>	<u>1.89%</u>
<u>greater than \$2 million</u>	<u>2%</u>

(b) — The tax rate for the portion of the market value of a single-family residential dwelling in excess of \$1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.

~~(b) — Vacant THE MARKET VALUE OF VACANT residential lots described in subsection (1)(b)(iii) with a market value of \$50,000 or less are taxed at 1% of market value THAT IS LESS THAN \$500,000 IS TAXED AT 1% OF MARKET VALUE.~~

~~(c) — Rental THE MAXIMUM GRADUATED RATE FOR multifamily dwelling units described in subsection (1)(b)(iv) with a market value of GREATER THAN \$2 million or more are taxed at 1.89% of market value if the dwelling units are leased at 150% or less of the county fair market rent. The property owner must annually certify lease rates to the department of revenue.~~

(b) — The first \$50,000 of the market value of class four residential property described in subsections (1)(a), (1)(b)(i), (1)(b)(ii), and (1)(d) that qualifies for the homestead exemption provided for in [section 4] is exempt from taxation and taxed at a rate of 0%.

(c) — The tax rate for the portion of the market value of a single-family residential dwelling in excess of \$1.5 million is the residential property tax rate in subsection (3)(a) multiplied by 1.4.

~~(e)(4) The (a) Except as provided in subsection (4)(c)(4)(b), the tax rate for commercial and industrial property described in subsections (1)(e) and (1)(f) is 1.75% in excess of the exemption amount in subsection (4)(b) \$200,000 \$400,000 is 1.89% the residential property tax rate in subsection (3)(a) multiplied by 1.4.~~

~~(b) — The TAX RATE FOR THE first \$200,000 \$400,000 of market value for commercial and industrial property of a person or business entity is exempt from taxation is 1.4%.~~

(4)(e)(b) Property described in subsection (1)(e)(ii) (1)(f)(ii) is taxed at one-half the tax rate established in subsection (3)(e) (4)(a).

~~(5) As used in this section, "fair market rent" means the fair market rent based on the size of the dwelling as published annually by the U.S. department of housing and urban development.~~

NEW SECTION. Section 3. Definitions. As used in [sections 3 through 7] and 15-6-134, the following definitions apply:

(1) "Homestead exemption" means the tax rate provided for in 15-6-134(3)(b).

(2) "Owner" includes a purchaser under contract for deed as defined in 70-20-115, a grantor of a trust indenture as defined in 71-1-303, and the trustee of a grantor trust that is revocable as defined in 72-38-103.

(3) (a) "Principal residence" means class four residential property:

(i) that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and the parcel on which the principal residence improvements are located but not including any contiguous or adjacent parcels;

(ii) in which an owner can demonstrate the owner owned and lived for at least 7 months of the year for which the homestead exemption for a principal residence is claimed;

(iii) that is the only residence for which the owner claims the homestead exemption for that year; and

(iv) for which the owner made payment of the assessed Montana property taxes.

(b) An owner who cannot meet the requirements of subsection (3)(a)(ii) because the owner's principal residence changed during the tax year to another principal residence may still qualify for the homestead exemption if the owner paid the Montana property taxes while residing in each principal residence for a total of at least 7 consecutive months for each tax year.

(4) "Tax year 2025" means the period from January 1, 2025, through December 31, 2025.

(5) "Tax year 2026" means the period from January 1, 2026, through December 31, 2026.

NEW SECTION. Section 4. Homestead exemption. (1) There is a homestead exemption provided

for in 15-6-134(3)(b) for a principal residence as provided in this section.

(2) (a) Beginning in tax year 2025, the owner of a principal residence who applied for and received the property tax rebate provide for in Title 15, chapter 1, part 23, on the principal residence in 2023 or 2024 automatically qualifies for the homestead exemption for tax year 2025 and subsequent tax years unless subsections (2)(c)(i) through (2)(c)(iii) apply to the principal residence for which the rebate was claimed. If the owner did not receive a property tax rebate on the principal residence for 2023 or 2024, the owner may apply for the homestead exemption electronically or by mail on a form prescribed by the department and postmarked by July 1, 2025. Approved applications received electronically or postmarked after July 1, 2025, apply to the following tax year.

(b) Beginning in tax year 2026, the owner of a principal residence who did not receive a homestead exemption under the provisions of subsection (2)(a) may apply to the department to receive the homestead exemption. To receive the homestead exemption for the tax year in which the application is first made, the owner shall apply electronically or by mail on a form prescribed by the department and postmarked by March 1. Approved applications received electronically or postmarked after March 1 apply to the following tax year.

(c) Once approved, the homestead exemption remains effective until the end of the tax year in which any of the following events occur:

- (i) there is a change in ownership of the property;
- (ii) the owner no longer uses the dwelling as a principal residence; or
- (iii) the owner applies for a homestead exemption for a different principal residence.

(d) If a homestead exemption is terminated pursuant to subsection (2)(c) or [section 6], any remaining property taxes due for the year in which the homestead exemption is terminated must be based on the tax rate in effect on January 1 of the year in which the homestead exemption was terminated.

(e) An application for a homestead exemption must be submitted on a form prescribed by the department and must contain:

(i) a written declaration made under penalty of perjury that the applicant owns and maintains the land and improvements as the principal residence as defined in [section 3]. The application must state the penalty provided for in [section 5].

(ii) the geocode or other property identifier of the principal residence for which the applicant is requesting the homestead exemption;

(iii) the social security number of the applicant; and

(iv) any other information required by the department that is relevant to the applicant's eligibility.

(3) (a) Except as provided in subsection (3)(b), class four residential property owned by an entity is not eligible to receive the homestead exemption.

(b) The trustee of a grantor revocable trust may apply for a homestead exemption for a principal residence on behalf of the trust if the dwelling meets the definition of a principal residence for the grantor.

(4) The department shall notify the owner if the homestead exemption is applied to the property or if the application was denied.

NEW SECTION. Section 5. Homestead exemption -- improper approval -- penalty for false or fraudulent application. (1) Except as provided in subsection (2), if the department determines that an application for a homestead exemption was improperly approved, the department shall revise the assessment for each year the homestead exemption was improperly granted subject to the assessment revision procedure established in 15-8-601.

(2) (a) A person who files a false or fraudulent application for a homestead exemption provided for in [section 4] is subject to criminal prosecution under the provisions of 45-7-202.

(3) (a) If a person is determined to have filed a false or fraudulent application, the department shall revise the assessment of the property subject to the assessment revision procedure established in 15-8-601 and this section and assess a penalty as provided in this subsection (3). The penalty is equal to three times the base penalty amount calculated under subsection (3)(b) plus interest at the rate provided in 15-16-102 calculated from the original due date of the taxes, until paid.

(b) The base penalty amount is equal to the property tax due for each year the homestead exemption was improperly received, determined using the tax rate provided for in 15-6-134(3)(a), the appraised value, and the mill levies in effect for the year, less the actual property taxes paid in the year.

(c) The revised assessment and penalty must be assessed against a person who filed a false or fraudulent application even if the person no longer owns the property.

(4) If the person who filed a false or fraudulent application no longer owns the property associated with the false or fraudulent application, the penalty plus interest provided for in subsection (3) may be recovered as any other tax owed the state. If the penalty plus interest becomes due and owing, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(5) Except as provided in subsection (4), if the department determines that a false or fraudulent application was made, the department shall send the revised assessment with the additional penalty amount as determined under subsection (3) to the county treasurer in the county where the property is located.

(6) The county treasurer shall distribute property taxes, penalty, and interest collected under this section proportionally to the affected taxing jurisdictions.

(7) A revised assessment made under this section must be made within 10 years after the end of the calendar year in which the original application was made.

NEW SECTION. Section 6. Appeal or denial of exemption. (1) (a) If the department denies an application for a homestead exemption, the owner may request an informal review of the denial by submitting an objection on written or electronic forms provided by the department for that purpose in a manner prescribed by the department. The objection must be made no later than 30 days after the date of the denial notification sent pursuant to [section 4(4)].

(b) The property owner may request that the department consider extenuating circumstances to grant an application for the homestead exemption. Extenuating circumstances include but are not limited to extraordinary, unusual, or infrequent events that are material in nature and of a character different from the typical or customary, and that are not expected to recur.

(c) After the informal review, the department shall determine the correct status of the homestead exemption and notify the taxpayer of its determination by mail or electronically. In the notification, the department shall state its reasons for accepting or denying the application.

(2) If a property owner is aggrieved by the determination made by the department after the review provided for in subsection (1), the property owner has the right to first appeal to the county tax appeal board and then to the Montana tax appeal board, whose findings are final subject to the right of review in the courts. An appeal to the county tax appeal board, pursuant to 15-15-102, must be filed within 30 days from the date on

the notice of the department's determination. If the county tax appeal board or the Montana tax appeal board determines that the homestead exemption should apply, the department shall adjust the taxable value of the property in accordance with the board's order

NEW SECTION. **Section 7. Rulemaking authority.** The department shall adopt rules that are necessary to implement and administer [sections 3 through 7].

Section 8. Section 15-6-143, MCA, is amended to read:

"15-6-143. Class ten property -- description -- taxable percentage. (1) Class ten property includes all forest lands, as defined in 15-44-102, and property described in subsection (2).

(2) Any parcel of growing timber totaling less than 15 acres qualifies as class ten property if, in a prior year, the parcel totaled 15 acres or more and qualified as forest land but the number of acres was reduced to less than 15 acres for a public use described in 70-30-102 by the federal government, the state, a county, or a municipality and, since that reduction in acres, the parcel has not been further divided.

(3) Class ten property is taxed at:

~~(a) 0.29% of its forest productivity value in tax year 2023;~~

~~(b) 0.27% of its forest productivity value in tax year 2024; and~~

~~(c) 0.37% 0.36% of its forest productivity value in tax years after 2024."~~

NEW SECTION. **Section 9. Codification instruction.** [Sections 3 through 7] are intended to be codified as an integral part of Title 15, chapter 6, and the provisions of Title 15, chapter 6, apply to [sections 3 through 7].

NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 11. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2024.

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