

HOUSE BILL NO. 572

INTRODUCED BY S. SALES

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR JUST COMPENSATION WHEN LAWS RESTRICT THE USE OF AND DEVALUE LAND; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Compensation when law restricts use of and devalues land.** (1) If the enactment or enforcement of a statute, state government agency administrative rule, or local government ordinance restricts the use of and reduces the fair market value of land, the enacting or enforcing government shall compensate the landowner for the resulting loss in the fair market value of the land. A person owning land on [the effective date of this act] is entitled to compensation with respect to any statute, administrative rule, or ordinance enacted between the date that the person purchased the land and [the effective date of this act]. A person is also entitled to the person's costs and reasonable attorney fees paid to obtain the compensation.

(2) This section does not apply to the regulation of a public nuisance or to zoning ordinances relating to the sale of sexually explicit material or the performance of sexually explicit dancing or other acts.

NEW SECTION. **Section 2. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to restrictions and devaluations that occurred prior to [the effective date of this act].

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