

Amendments to House Bill No. 535
1st Reading Copy

Requested by Representative Gerald (Jerry) Bennett

For the House Natural Resources Committee

Prepared by Todd Everts
March 11, 2013 (1:33pm)

1. Title, page 1, line 11.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "77-1-208"

Insert: "AND 77-6-303"

2. Page 2, line 5.

Strike: "and 4(c)"

3. Page 2, line 14.

Strike: "and" through "appraisal"

4. Page 2, line 21 through page 3, line 5.

Strike: line 21 on page 2 through "landscaping." on page 3, line 5

5. Page 3, line 6.

Insert: "**Section 2.** Section 77-6-303, MCA, is amended to read:

"77-6-303. Determination of compensation. (1) (a) In determining the value of the improvements described in 77-6-302, consideration must be given to their original cost, their present condition, their suitability for the uses ordinarily made of the land on which they are located, and to the general state of cultivation of the land, its productive capacity as affected by former use, and its condition with reference to the infestation of noxious weeds. Consideration must be given to all actual improvements and to all known effects that the use and occupancy of the land have had upon its productive capacity and desirability for the new lessee.

~~(2)~~ (b) However, if any of the improvements consist of the original plowing of the land and 1 year's crops have been raised on the land after the plowing, the compensation for the improvement may not exceed \$2.50 per acre, and if two or more crops have been raised on the land after the original plowing, the original plowing may not be considered as an improvement to the land.

(2) In determining the value and disposition of cabin site improvements described in 77-1-208:

(a) the proceeds of any sale of the cabin site improvements must go to the owner of record of the improvements;

(b) ownership of cabin site improvements on state property that is leased pursuant to 77-1-208 must remain with the owner of record until the cabin site improvements are sold;

(c) ownership of cabin site improvements on state property that is sold pursuant to 77-2-318 must remain with the owner of record until the cabin site improvements or the property and the cabin site improvements are sold to another person; and

(d) an owner of cabin site improvements on an unleased cabin site lot shall submit to the department a market value appraisal on the improvements from a Montana licensed and certified appraiser. If a current market value appraisal is not submitted by the owner of the cabin site improvements, the owner shall pay a fee to the department for the cost of the appraisal. The department shall review the appraisal for compliance with the Uniform Standards of Professional Appraisal Practice. A cabin site improvement owner shall accept the appraised market value or may accept less than the appraised value for the cabin site improvements and may not inhibit the re-leasing or sale of the lot.

(3) For purposes of this section, "cabin site improvements" includes but is not limited to:

- (a) a home or residence;
- (b) outbuildings and structures;
- (c) sleeping cabins;
- (d) utilities;
- (e) water systems;
- (f) septic systems;
- (g) docks; and
- (h) landscaping."

{ Internal References to 77-6-303:

77-1-208x 77-2-206 x 77-2-325 x} "

- END -