

SENATE BILL NO. 138

INTRODUCED BY S. HINEBAUCH

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRITERIA FOR DETERMINING THE VALUE OF EASEMENTS IN EMINENT DOMAIN PROCEEDINGS; PROVIDING THAT THE PRICE PAID FOR OTHER COMPARABLE EASEMENTS OR LEASES BE CONSIDERED IN VALUATION; AMENDING SECTION 70-30-313, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 70-30-313, MCA, is amended to read:

"70-30-313. Current fair market value. Current fair market value is the price that would be agreed to by a willing and informed seller and buyer, taking into consideration, but not limited to, the following factors:

(1) the highest and best reasonably available use and its value for such use, provided current use may not be presumed to be the highest and best use;

(2) the price paid for other comparable easements or leases of comparable type, size, and location on the same or similar property;

~~(2)~~(3) the machinery, equipment, and fixtures forming part of the real estate taken; and

~~(3)~~(4) any other relevant factors ~~as to~~ for which evidence is offered."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Applicability.** [This act] applies to eminent domain proceedings initiated on or after [the effective date of this act].

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