

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A COMMERCIAL PURPOSE FOR THE  
5 COMMERCIAL LEASING OF STATE TRUST LAND MAY INCLUDE DEVELOPMENT OF SINGLE-FAMILY  
6 OR MULTIFAMILY RESIDENTIAL DEVELOPMENT UNDER A MASTER LEASE FOR THE PURPOSES OF  
7 ATTAINABLE WORKFORCE HOUSING; REVISING DEFINITIONS; AND AMENDING SECTION 77-1-902,  
8 MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 77-1-902, MCA, is amended to read:

13 **"77-1-902. Definitions.** As used in this part, unless the context requires otherwise, the following  
14 definitions apply:

15 (1) "Attainable workforce housing" has the same meaning as provided in 90-6-143.

16 (2) "Cancellation" means the cessation of a lessee's possessory rights and privileges under a  
17 lease due to the lessee's breach of some term of the lease, applicable statutes, or applicable administrative  
18 rules.

19 ~~(2)~~ (3) "Commercial lease" means a contract to use state trust land for a commercial purpose.

20 ~~(3)~~ (4) (a) "Commercial purpose" means an industrial enterprise, retail sales outlet, business and  
21 professional office building, warehouse, motel, hotel, hospitality enterprise, commercial or concentrated  
22 recreational use, single-family or multifamily residential development authorized under a lease with a master  
23 lessee, including a lease executed with a nonprofit corporation for the purposes of developing attainable  
24 workforce housing, and other similar business.

25 (b) The term does not include the following uses:

26 (i) agriculture;

27 (ii) grazing;

28 (iii) exploration or development of oil and gas, minerals, and resources from geothermal, wind, or

1 solar;

2 (iv) single-family residences, home sites, and cabin sites licensed or leased pursuant to 77-1-208;

3 and

4 (v) utility rights-of-way.

5 ~~(4)~~ (5) "Land value" is the monetary value of the land determined by an appraisal by a certified  
6 general appraiser or a department staff appraiser or by a limited valuation.

7 ~~(5)~~ (6) "Limited valuation" means estimating the land value of commercial lease land by analyzing  
8 comparable land valuations conducted within 2 years of the lease commencement date as provided by real  
9 estate appraisers, local tax assessors, local realtors, an evaluation of local market rents, or a combination of  
10 those methods.

11 ~~(6)~~ (7) "Termination" means the automatic completion or ending of the term of a contract according to  
12 its provisions. Upon termination, the lessee ceases to have any possessory rights or privileges under a lease."

13 - END -