

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION  
COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman William E. Farrell, on January 16, 1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman William E. Farrell  
Senator Hubert Abrams  
Senator John Anderson  
Senator Sam Hofman  
Senator Paul Rapp-Svrcek  
Senator Tom Rasmussen  
Senator Eleanor Vaughn

Members Excused: Senator Ethel Harding

Members Absent: Senator Esther Bengtson

Staff Present: Eddy McClure

HEARING ON SB91

Presentation and Opening Statement by Sponsor:

Senator Richard E. Manning reported SB91 is an act providing for sale of state lands comprising leased cabin or home sites or city or town lots upon request of the lessees thereof; exempting sales from subdivision laws; providing for permanent easements; establishing an appraisal review board; and amending sections 77-2-301 and 77-2-303, MCA. Senator Manning indicated that several people are in attendance today regarding this bill, and that 2 or 3 would like to testify in support of SB91.

List of Testifying Proponents and What Group they Represent:

Ken A. Brown, Vice President and Chairman, Legislative Committee, Montana State Leaseholders Association  
Jeff Macon, real estate broker, Seeley Lake  
Dan Mizner, Montana State Land Leaseholders, Cabin Site and Home Site Owners

Testimony:

Mr. Brown reported that the Montana State Leaseholders Association's membership is composed of people who own cabin site/home site leases of school trust fund land. He indicated most of the leases were originally acquired for recreational sites by working people of modest income. Over the past 20 years, many have evolved into retirement homes for people that are now on fixed incomes. In 1983, the land board tripled the fees, but Mr. Brown noted this did not cause a problem for anyone. Again, in 1983, the Legislature established a fee based on the lease value of these lands. The land board determined the lease value to be 70% of the appraised value, thus the current return for the lease fee is set at 3.5% of the appraised value of these properties. In 1988, the new system was implemented by the Department of State Lands, and is to be completed over a 5-year period. As the leases come up for renewal, they will come under this new system. Mr. Brown indicated the department estimates indicate that, in 1992 when the plan is totally implemented, the average return to the school trust fund will be nearly \$200 per acre for these cabin site/home site leases. He noted that, because the average return on timber and agricultural land is near \$4 per acre, they can understand why the state would be reluctant to sell the land. Mr. Brown indicated that SB91 will benefit not only school trust funds, but local school districts and other county taxing authorities, and will benefit all taxpayers in Montana, and certainly the leaseholders who have made all the improvements on these lands.

Mr. Brown reported the school trust fund is currently receiving 3.5% of the appraised value as a return on these lands. If these lands are sold, the income from the sale could be invested at from 8% to 12%, thereby doubling, tripling or quadrupling the income to the school trust fund. Local school districts will receive some benefit in the form of better, more costly improvements on these properties. Right now, many people are hesitant to expand their improvements because they are on leased land. All taxpayers will benefit, to some degree, because of the reduction in administrative costs that are necessary in administering these lands. The leaseholders will gain the ability to plan for the future, which is particularly important to retirees who are on fixed income. It will also increase the value of, and their ability to sell these improvements, and they will gain the ability to use this property for collateral for financing. They will also be given the incentive to improve their quality of life, as people are currently hesitant to put money into the buildings to improve them because their return is so low on re-sale of the improvements.

Mr. Brown indicated the Association does have some concerns about this bill. One of those concerns is the ability of some retirees or handicapped people, who are on fixed incomes, to pay the additional cost of purchase, which would be greater than the lease fee. The bill does contain provisions for people in that situation to wait up to 20 years before they would have to make that purchase. In addition, they do not have to buy the land. Another concern is the sale at public auction. The leaseholder is protected, under this bill, in that he would be able to trigger the sale at his convenience, or when he is in a financial position. Secondly, there is currently a preference right to match the highest bid. This bill does not change that. If the leaseholder can not, or chooses not to match that highest bid, there is a system that assures fair payment for the improvements on the land. One other concern the Association has is restriction of public access to waterways. Their research indicates that no waterway would be cut off from public access through sale of the cabin site/home site leases. The public has the protection that the landlord does not have to sell. They can react to public input, and maintain any leases they feel necessary for public access.

Mr. Brown concluded by saying that SB91 creates a win-win situation. The income to the school trust fund increases, the local school districts gain, all taxpayers don't lose, and the lessees gain stability, increased value of their improvements, financial collateral, and an incentive to improve their quality of life. Mr. Brown asked the committee members to give SB91 their favorable consideration.

Testimony:

Mr. Macon indicated that, during the first 5 years he was in the real estate business in Seeley Lake, a seller of improvements on a state lease was able to get the fair market value of the improvements. At that point, the regulations regarding state leases were fairly stable. Beginning in 1983, even with the modest increases in the fees, and up through the present time, it has become increasingly difficult for sellers to get their property sold, much less at fair market value. The most recent increase, and the uncertainty that exists now, makes it extremely difficult. There have been cases within the last year or so, where sellers put property on the market at what was considered, through appraisal, fair market value, but they were unable to sell their property. When they finally did sell, they did so at discounts from 1/3 to 1/2 of actual value. Sellers can not get fair market value for their improvements, and Mr. Macon indicated that SB91 would provide the kind of stability that work to everyone's benefit.

Testimony:

Mr. Mizner announced that 25-30 people are in attendance in support of the bill and, in the interest of time, he asked those people to raise their hand so that the committee could see who is in support of the bill. He noted that these people are from across the state.

List of Testifying Opponents and What Group They Represent:

Chris Kaufman, Environmental Information Center  
Mona Jamison, Montana Association of Planners  
Don Chance, Montana Wildlife Federation

Testimony:

Ms. Kaufman indicated she is not a strong opponent to SB91, and does not at all object to the sale of the land. She indicated she does, however, think there needs to be some clarification on the exemption from subdivision laws. Ms. Kaufman noted that a lot of people who have signed on this bill are very supportive of environmental issues, and she wonders if they have thought of all the implications that might come from this exemption from the subdivision laws. She stated that, if it means they are exempt from the sanitation and subdivision act as well as the subdivision and planning act, it means there would not be regulation for sewage, water and drainage fields on these sites. She indicated that, if the land is further divided, these kinds of regulations should come into effect for proper environmental protection of these areas. In a situation where there is a cabin in the woods, and they haul in their water and have an out house, it is probably not that important. However, when that land is either re-sold or re-divided, and someone wants to put a more permanent structure on the land, they need to have the assurance that there is a proper drainage field site on that land. Otherwise, when they apply for a permit to build a permanent structure, they may not be able to get it. Ms. Kaufman questioned Mr. Brown's assumption that no one loses in this bill. She stated that, when you do not take into account subdivision laws, landowners stand to lose. They need to know the land they want to build on has certain road access possibilities and good drainage for sewage systems. She noted local government stands to lose if subdivision laws are not taken into account because, eventually, they pay to have things cleaned up that have not been properly taken care of.

Ms. Kaufman stated another question she has about the bill is, does the language open it up for the Department of State Lands to lease an additional 2,000 lots next year, which would not apply to the subdivision regulations. She indicated this is a concern the committee members should be aware of and,

perhaps, consider some amendments that may be needed in that area. The bill currently reads "leased land will be exempt", it does not say "currently leased land", or "land that was leased as of a certain date". Ms. Kaufman asked if this might not be giving a blank check to the Department of State Lands to become unregulated land developers.

Testimony:

Ms. Jamison explained the scope of her opposition to the bill which, she stated, is mild in nature and does not go to the very purpose they feel, under law, is the act, which is to allow the Department of State Lands to take leased lands and put them up for sale, or to allow the current leaseholders to purchase them. She indicated the Montana Association of Planners supports that concept.

Ms. Jamison indicated the issue they are concerned with is the impact that future divisions of land will have on certain services and benefits to the landowners. She noted this relates to the exemption from the subdivision laws on page 3. What concerns them is not the exemption of the existing lease holdings to the owners for sale right now. She suggested that, to protect the existing leaseholders from subdivision review, perhaps there could be a grandfather clause written into the bill to make it clear that those persons are protected. However, Ms. Jamison indicated that what does concern them is, in the case of a current lessee who, down the road, believes they would like to subdivide the land and sell part of it off, the cumulative impact that those divisions around the state, and in some extremely desirable parts of the state, would have on roads, dust control, water quality and other concerns that relate to subdivisions. Ms. Jamison reported she discussed this with Senator Manning, and the Montana Association of Planners would like to work with him on some amendments, if they can reach an agreement that would be acceptable to him, on not exempting future divisions from all aspects of subdivisions law. She noted that what ultimately happens is, down the road, someone purchases a division of land, and there is no water, or the water quality is poor. Or there are oppressive dust conditions. Those are the kinds of concerns the Planners have, and would be interested in working out amendments, as those impacts relate to future divisions.

Testimony:

Mr. Chance indicated that, although the Montana Wildlife Federation is not a strong opponent to the bill, they have 2 concerns, neither of which deal with subdivision issues. Their first concern is that the sale of state leases will create a general reduction in the value of the total school

trust. In other states, where there are school trust plans, the proceeds from those sales do not have to be re-invested into other state assets so that the total asset value continues to exist for planning purposes for public instruction. Mr. Chance indicated the Federation's suggestion would be that the proceeds from the sale of these leases not go back into the school trust, but that it be re-invested into other land purchases, so that the total asset value would continue to exist for future generations. The second concern that the Federation has is the proposed language dealing with Section 3 of the current statute. He noted that language deals with a sensitive issue regarding water access; stream and river access. There is a problem in the state, currently, with this question of stream access. He indicated that, with the amendatory language that is being proposed in Section 3, the access problem could be worsened. They would be quite concerned if current water access, as provided for in Section 3, was eliminated. He noted that, with the amendatory language being proposed, that is precisely what could occur. The Federation's recommendation would be that the amendatory language proposed in Section 3 be eliminated.

Mr. Chance also submitted written testimony from Mr. Ralph Boland, which is attached as Exhibit 19.

Testimony:

Chairman Farrell recognized Mr. John North of the Department of State Lands, and noted that Mr. North is neither a proponent or opponent of SB91.

Mr. North indicated he is appearing as neither a proponent or opponent of the bill, but that there are some questions which need clarification and he has submitted proposed amendments. Mr. North distributed copies of the amendments to the committee members, copy of which is attached as Exhibit 20.

Mr. North indicated the first amendment is to Section 3, sub 4. He noted the language may be vague as to whether or not the Department of State Lands is required to obtain an easement across private or federal lands for a person who purchases a cabin site. The Department would have no authority to obtain that easement, and the intent of the bill is to provide that the Department would provide an easement across state lands. This amendment would clarify that. Mr. North indicated that, in addition, a person who bought a cabin site and obtained an easement from the Department of State Lands for that site, would have to pay full market value for the easement, as the Constitution requires, and would also be subject to the other laws regarding the purchase of state easements. This is the reference to Section 77-3-101 through 77-3-107. The other requirements would be that the person

applying for the easement get a survey and submit that to the Department.

The next amendment to Section 4 regards the Appraisal Review Board. Mr. North indicated the intent is that the Appraisal Review Board review cabin site appraisal questions. The proposed language would clearly indicate that this applies to cabin and home sites, and not to appraisals of all state lands; agricultural, timber, mineral lands. Mr. North further indicated there is no need to have the Appraisal Review Board review the appraisal if the bid for the cabin site is above the appraisal. This amendment is language clarifying that the board has duties only when the bid is below the appraised value so the lessee will be required to pay the appraised value. In that situation, if the lessee disagrees with the appraised value, he would be allowed to appear before the Appraisal Review Board.

Mr. North indicated the final amendment in Section 7, the applicability section, indicates that, from this date forward, all leases must contain a provision allowing the lease to be sold. Section 3 gives a 20 year window of opportunity to purchase these leases. This is clarifying language that indicates any lease entered into after this time must contain a provision implementing Section 3, so there is no conflict.

Mr. North indicated he has discussed these amendments with Ms. McClure, who also drafted the amendments.

Questions From Committee Members:

- Q. Senator Rapp-Svrcek noted that, in the 3rd amendment, cabin or homesite lease is delineated, but this is not so in the 4th amendment. Senator Rapp-Svrcek asked Mr. North if this language should also be included in the 4th amendment.
- A. Mr. North indicated he has no problem with making that amendment. He stated that, currently, all of their other leases, grazing and agricultural leases, do contain that language and perhaps it would be a good idea to put that language in this amendment.
- Q. Senator Rapp-Svrcek further asked Mr. North, regarding page 3, lines 10 through 12, "the orderly development and management of state lands", if his interpretation is correct that the Department would not be required to sell these leases to the leaseholder, if they thought it was not consistent with management of state lands.
- A. Mr. North responded that is a correct interpretation.

- Q. Senator Rapp-Svrcek then asked Mr. North what are the guidelines for when this might or might not be allowed.
- A. Mr. North indicated that he believes this is a management decision for the Board of Land Commissioners to make. He noted this is the way he reads the bill, and he thinks the Board of Land Commissioners exercises that kind of discretion on state lands on a monthly basis.
- Q. Senator Rapp-Svrcek asked Senator Manning why the exemption from subdivision laws was included in this bill.
- A. Senator Manning responded that, currently, existing leaseholders are covered under the subdivision laws.
- Q. Senator Rapp-Svrcek asked Senator Manning why we would then exempt them if they want to buy the land.
- A. Senator Manning responded that he did not know, and suggested that Ms. McClure may have the answer to that question.

Mr. Mizner indicated that one of the provisions is that the state is the only one exempt in the bill. On those lands that have already been subdivided by the state as cabin sites, the lessee has already had approval for what improvements he has. The provision for that is, if the state sells that land to the lessee, the state does not have to go through the subdivision laws. If that lessee decides to make a subdivision of that land, he is subject to the subdivision laws, and must go to the county and get all the approvals. This bill is only exempting the state in selling that lease that is already a designated home site and already has approval for the improvements, within the state's jurisdiction.

- Q. Senator Vaughn indicated there is some concern about easement for other people to have access to the water. She asked how much would be allowed and if, by selling these lands, could they shut people off from water access?
- A. Mr. Brown responded that, on all of the cabin site leases with streams and lakes, there is public access, and it would remain.
- Q. Senator Anderson asked Mr. Chance, regarding funds not going to the school trusts, what he has run in to as far as the legalities in regard to this.



A. Mr. Chance responded that they are not arguing that the funds should not go back into the school trust fund. What they are suggesting is that the funds should be re-invested into the properties, where that income would flow back into the school trust. They are not suggesting that the proceeds go to the general fund. They feel very strongly that the funds should stay in the school trust, but they are suggesting to try and maintain that whole land asset base.

Q. Senator Rasmussen asked Ms. Jamison if the explanation given by Mr. Mizner spoke to her concern, or if she still sees a concern beyond that.

A. Ms. Jamison responded that it sounds like there is an agreement that the exemption would only apply to sales of existing leaseholds to the existing lessees, and that the subdivision law would apply down the road. She noted it looks like an agreement has been reached, and they would be happy, if it suits the Senator, to get the appropriate language included. This would satisfy their concerns.

Senator Manning noted he has no problem with that.

Q. Senator Hofman asked, regarding page 3, line 11, "the board may make available for sale. . ." and, on line 16 "it must be completed no later than 10 years", what this means.

A. Mr. Mizner responded that the intent is that the lessee who owns the land can go to the board and request to purchase the land. He has 10 years in which to do that. If he is 65 years or older, or handicapped, the board may give him an additional 10 years to purchase that land. If the lessee does not come before the board and ask for the sale of that land, the state board does not have to do anything. This is saying that the state board makes it available to that lessee to request to purchase the land. If the lessee does not do that, he has 10 years in which to do that. The additional 10 years is given to a lessee 65 years or older, or who is handicapped.

Q. Senator Hofman asked, if the lessee does not do this, or if no one asks to buy their land within 10 years, after that the state may not sell it any more.

A. Mr. Mizner responded it would be up to the state. They have the opportunity, within the next 10 years, to make that decision.

- Q. Senator Hofman asked if, 12 years from now, someone decides that he would like to buy his land and has not thought about it until that time, he may not do that anymore, and the state may not make this available to him.
- A. Mr. Brown responded that the current law is not changed in that the landlord can sell the land anytime they feel like it, if it is in the best interest of the state. That is not taken away. The life span put on this was an accommodation to the Department of State Lands. They would rather not see this selling program go on for 30 or 40 years. They would like a cut-off date, and for the ease of the lessee to trigger the sale.

Mr. North indicated that existing law, with regard to timber lands, is that the state can not sell timber lands, so this would provide a 10 year, or 20 year period where the state could sell any home sites/cabin sites that are on timber lands. After that, the statute, Section 2, would prohibit the state from selling this land.

- Q. Senator Hofman asked Mr. Brown to clarify the funds.
- A. Mr. Brown responded that some of the lease fees are 60 and 70 years old. Some were \$5 per year, initially. A popular amount was \$35. In 1983, they were tripled to \$105. Under the lease value system, they were more than tripled. Some went to close to \$400. The roughly 300% average which started in 1988 was 300% of the 300% increase 5 years earlier. That is what has disrupted the lives of so many people on fixed incomes. These people don't see relief in the future because, every 5 years under the current system, those properties have to be re-evaluated.
- Q. Senator Hofman asked Mr. North, in case this would not go through, would they have any plans in their department to alleviate some of these problems that Mr. Brown has addressed.
- A. Mr. Brown responded that, historically, the state has been leasing these cabin sites for what they feel was below market value. The Constitution requires them to obtain market value and, in 1983, they began the process of obtaining what they felt was market value. Then the Legislature passed a bill requiring that these leases be appraised, and that is the cycle they are going through now. Mr. Brown indicated he thinks that, with this re-appraisal cycle, the highest jump in prices will occur because they will be re-adjusting the price based on

inflation, the increased price of land, and so forth. This jump they are making now is a big jump because they had not been obtaining full market value in the past.

- Q. Senator Rapp-Svrcek asked Mr. Mizner, if their goal is to have these lease sites made available for sale and the board may, in its discretion, decide not to sell the lease sites, is it purposely worded this way, and do they intend to take their chances.
- A. Mr. Mizner responded that they did not, in drafting the bill, intend to force the state board to sell the land. It is a matter of the board getting together with the lessee and, if that is in the best interest of the state and the best interest of the lessee, then it provides a mechanism for them to make the deal.

Closing by Sponsor:

Senator Manning indicated he has no problem with the amendments that the Department of State Lands would like to adopt. He further indicated this is an opportunity for some of these people to get this property and, if they own the land, it is much easier to improve. Most of these people eventually want to own their own property, and this gives them an opportunity to go before the board and discuss the situation, and probably get something done. This is a people's bill.

Chairman Farrell announced that, because 2 committee members are not in attendance today, the committee would not take executive action on any bills at this meeting.

HEARING ON SB 95

Presentation and Opening Statement by Sponsor:

Senator Tom Rasmussen reported that SB95 can be described as a simple little bill because it has one change. He reported the bill relates to the state travel allowance, or the state rate, which is the dollar amount that employees are allowed for lodging when traveling on state business. Senator Rasmussen pointed out that, on page 1, line 24, the bill will change the amount from the current \$24 to the proposed \$35 per day. He noted this figure became \$24 in 1981, the last time it was raised; from \$21 to \$24. Inflation has changed the value of that \$24 over those years. Senator Rasmussen indicated this is really putting a crunch on state employees trying to get a room for \$24, particularly in the larger cities in Montana. It is also a burden to the motel industry because, often, they accept the state rate and are having to subsidize, by quite an amount, the rooms that they rent to

state employees. As an example, Senator Rasmussen cited the state rate in North Dakota is \$35 per day; in Idaho, actual lodging expenses are reimbursed; Washington has a variable formula ranging between \$35 and \$47, depending on the city the employee is in; Utah is \$40 per day; Wyoming pays up to \$55 per day, per diem; Oregon is \$24 to \$28. Senator Rasmussen pointed out that, other than Oregon, everybody is way above us. Senator Rasmussen reported that the rate for federal employees in Montana is much above this figure, also.

Senator Rasmussen indicated other proponents to this bill are not in attendance.

List of Testifying Proponents and What Group they Represent:

Beverly Gibson, Montana Association of Counties

Testimony:

Ms. Gibson indicated that, although counties are not bound by the state per diem, they mostly follow the state per diem. Every county has adopted a resolution setting reimbursable per diem, and they follow the state for the purposes of conformity. She reported they have found, in recent years, it is becoming harder and harder to find hotels and motels who will allow their people, who must travel on county business, into their facility at the \$24 rate. She noted they understand this will impact county and state budgets, but that other things have to be raised to match inflation, whether it is gasoline or supplies, and the Montana Association of Counties reluctantly supports this bill, as they understand the need for a higher overnight rate.

Questions From Committee Members:

- Q. Chairman Farrell asked if a fiscal note was requested on this bill.
- A. Senator Rasmussen asked Eddy McClure to answer. Ms. McClure responded that she did not recall one being requested, but she would find out since, normally, when a bill will have a monetary impact, one is requested.
- Q. Senator Hofman asked Senator Rasmussen if, to his knowledge, none of this will be reflected in any budgets in any departments of state government.
- A. Senator Rasmussen responded yes, that this has to be paid for and that it will be reflected in all the departments, as their people travel.

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- Q. Senator Hofman clarified he was referring to the budgets that are now being prepared for 1991.
- A. Senator Rasmussen indicated he would assume the current budget is being calculated under the present \$24 rate, so this would be additional.

Closing by Sponsor:

Senator Rasmussen indicated the Montana Innkeepers is the group that requested this bill, and they are under a lot of pressure because of the ramifications of this. He noted they were saying that many other groups pigtail on to this, and it puts pressure on an innkeeper. In the past, they have not minded subsidizing a little bit, but it's a tremendous subsidizing effort now, and Senator Rasmussen indicated he does not think it is right that they should subsidize the state.

Chairman Farrell asked the committee to delay executive action on SB95 until a fiscal note is made available.

ADJOURNMENT

Adjournment At: 11:00 a.m.

  
WILLIAM E. FARRELL, Chairman

WEF/mhu  
SB91.116

ROLL CALL

STATE ADMINISTRATION COMMITTEE

51ST LEGISLATIVE SESSION

DATE: January 16, 1989

NAME	PRESENT	ABSENT	EXCUSED
HUBERT ABRAMS	✓		
JOHN ANDERSON, JR.	✓		
ESTHER BENGTON		✓	
WILLIAM E. FARRELL	✓		
ETHEL HARDING			✓
SAM HOFMAN	✓		
PAUL RAPP-SVRCEK	✓		
TOM RASMUSSEN	✓		
ELEANOR VAUGHN	✓		

EXHIBIT NO. 1

DATE 1/16/89

STATE ADMINISTRATION COMMITTEE

BILL NO. SB91 pg 1

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Kent A. Brown

JAN 16, 1989

Address:

STAR RT Box 420  
Greenough, MT 59836

Phone:

793-5595

Representing whom?

MontANA STATE Leaseholders Assoc.

Appearing on which proposal?

SB 91

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

See Attached Testimony

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

1. Introduction

Kent Brown

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 1/16/89

BILL NO. SB91 192

MONTANA STATE LEASEHOLDERS ASSOC

MEMBERSHIP - PEOPLE WHO HOLD  
CABIN SITE / HOMESITE LEASES OF  
SCHOOL TRUST FUND LAND

(229 members of 620 Total = 37%)

## 2. HISTORY

A. Originally ACQUIRED FOR RECREATIONAL SITES  
BY WORKING PEOPLE OF MODEST INCOME

B. OVER PAST 20 years MANY EVOLVED INTO  
RETIREMENT HOMES FOR PEOPLE W/ FIXED INCOMES

C. 1983 - Fees WERE TRIPLED - No complaints

D. 1983 - LEGISLATURE ESTABLISHED FEE SYSTEM  
BASED ON <sup>Lease</sup> ~~APPRAISED~~ VALUE

1. LAW states Fee will be 5% of Lease  
VALUE

2. Board Determined Lease value to be  
70% of Appraised Value



3. Lease Fee = 3.5% of Appraised Value 1/16/79

BILL NO. SB 91 pg 3

E. 1988 - New system Implemented over  
5 year period

F. DEPARTMENT'S ESTIMATE - IN 1992 UPON  
Total implementation - AVERAGE RETURN  
TO SCHOOL TRUST FUND WILL BE NEAR  
\$200 per ACRE

G. SINCE AVERAGE ~~RE~~ RETURN ON TIMBER  
AND AGRICULTURAL LAND IS NEAR \$4  
per ACRE

WE UNDERSTAND STATE'S Reluctance  
To Sell - HOWEVER:

THIS BILL WILL BENEFIT NOT ONLY

THE SCHOOL TRUST FUND - BUT

Local School DISTRICTS CONTAINING Leases;

ALL Taxpayers of MONTANA; AND

The Lease holders

### 3. BENEFITS

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 1/16/89

BILL NO. SB 91 224

A. School TRUST FUND - currently 3.5%

If SOLD - Proceeds SHOULD BE FROM  
8 to 12%

B. Local School DISTRICTS

MOSTLY FROM INCREASED VALUE  
OF IMPROVEMENTS

C. ALL TAXPAYERS

Reduction OF GENERAL FUND  
EXPENDITURES FOR ADMINISTRATION

D. LEASEHOLDERS

1. ABILITY TO PLAN FOR FUTURE  
Especially FOR Retirees

2. Increase VALUE AND ABILITY TO  
SELL IMPROVEMENTS

3. ABILITY TO USE FOR FINANCING  
collateral

4. INCENTIVE TO IMPROVE  
QUALITY OF LIFE

4  
4. Concerns of ASSOCIATIONA. Ability of Retirees AND HANDICAPPED  
To Pay Purchase costs

1. Have up to 20 years To  
Plan

2. Do Not Have to Buy

B. SALE AT PUBLIC ~~REA~~AUCTION

1. Can Trigger sale AT convenience

2. Protection of LAW

Preference Right to Match High Bid  
Assured Fair Payment For  
improvements

3. Historically - Bid system For  
Leasing caused Few problems

C. Restriction of Public Access to  
waterways

1. None will be cut off

2. LAND Board may Reserve  
ANY lease

5. Conclusion

A. THIS BILL CREATES A WIN-WIN  
SITUATION - NO ONE LOSES

SCHOOL TRUST FUND MORE THAN  
DOUBLES INCOME

LOCAL SCHOOL DISTRICTS GAIN ~~20~~  
A LESSEER AMOUNT

ALL TAXPAYERS GAIN A SMALL  
AMOUNT

LEASEES GAIN  
STABILITY

INCREASED VALUE OF PRESENT  
IMPROVEMENTS

FINANCIAL COLLATERAL

INCENTIVE TO SUBSTANTIALLY  
IMPROVE QUALITY OF LIFE

AGAIN - THIS BILL WILL BENEFIT ALL

CONCERNED - I ASK YOU TO GIVE

FAVORABLE CONSIDERATION TO IT.

EXHIBIT NO. 2

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Stan K. Wagner

DATE: Jan 16, 89

Address: Box 2790 Star Pt  
Seeds Lake, Mt 59868

Phone: 677-2520 Helena 933-5612

Representing whom?  
Mont State Lease/Holden Cabin & Home sites

Appearing on which proposal?  
S.B. 91

Do you: SUPPORT? XXX AMEND?      OPPOSE?     

Comments:  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 3

DATE 1/16/89

BILL NO. 5691

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Leo Guerner

DATE: Jan 16 - 89

Address: 1509-5 am 'way  
Great Falls Mont

Phone: 452-5335

Representing whom?  
\_\_\_\_\_

Appearing on which proposal?  
S-B-91

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 4

DATE 1/16/89

BILL NO. SB 91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Gene W. Starcher

DATE: 16 JAN 89

Address: Box 386 Lincoln Mt, 59639

Phone: 362 4677

Representing whom? Mont. State Lease Holdng Assn.

Appearing on which proposal? SB 91

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 5

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: DAVID OSWALT DATE: 1-16-89

Address: PO Box 625  
SEELEY LAKE, MT 59868

Phone: 677 2028

Representing whom?  
MONTANA STATE LEASEHOLDERS ASSOCIATION

Appearing on which proposal?  
SB 91

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
I WANT TO BUY THE STATE PROPERTY  
THAT I CURRENTLY LEASE. I FEEL  
VERY STRONGLY ABOUT THIS.

I WOULD APPRECIATE YOUR SUPPORT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



EXHIBIT NO. 6

DATE 1/16/89

BILL NO. SB 91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

MRS. Sandra Oswalt

1/16/89

Address:

650 S. PLACID LAKE - PO Box 625

Seeley Lake, MT 59868

Phone:

677-2028

Representing whom?

Montana State Leaseholders Association

Appearing on which proposal?

SB 91

Do you:

SUPPORT?

AMEND?

OPPOSE?

Comments:

I definitely wish to purchase state property that I now lease.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 7

DATE 1/16/89

STATE ADMINISTRATION COMMITTEE

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: Edward W. Winford

DATE: 1-15-89

Address: Box 361  
Seeley bk. MT. 59868

Phone: 6772891

Representing whom?  
Myself & Mont State Leaseholders

Appearing on which proposal?  
Senate Bill #91

Do you: SUPPORT? Yes AMEND? - OPPOSE? -

Comments:  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 8

DATE 1/16/89

STATE ADMINISTRATION COMMITTEE

BILL NO. SB 91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

TIM TANBERG

DATE:

1/16/89

Address:

BOX 224

SEELEY LAKE MT

Phone:

406 677 2841

Representing whom?

MONT. STATE LEASEHOLDERS ASSN.

Appearing on which proposal?

SB 91

Do you:

SUPPORT?

AMEND?

OPOSE?

Comments:

THE CURRENT LEASE PROGRAM  
FALLS SHORT OF THE NEEDS OF THE  
STATE OF MONT. AND THE LEASEHOLDER.  
IF SALE OF LEASES WERE MADE POSSIBLE,  
WE FEEL ALL PARTIES INVOLVED WOULD  
BENEFIT, THROUGH LARGER TAX BASES  
FOR COUNTIES & THROUGH A GUARANTEE  
OF FUTURE ENJOYMENT BY THE LEASEHOLDER

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 9

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Martha M. Wilton

January 16, 1989

Address:

709 Lolo Street  
Missoula, MT 59802

Phone:

549-8871

Representing whom?

Appearing on which proposal?

SB-91

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.

EXHIBIT NO. 10

DATE 1/16/89

BILL NO. 5891

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Dale E. Goodheart

1-16-88

Address:

112-10<sup>th</sup> Ave. No.

67 Falls, Mt., 59401

Phone:

961-3982

Representing whom?

State  
leaseholders Assn.

Appearing on which proposal?

Sen. Bill - 91

Do you:

SUPPORT?

X

AMEND?

      

OPPOSE?

      

Comments:

I feel it would help school funding and  
also be fair to the people

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 11

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Robert A Cameron

Jan 19, 1989

Address:

Power Mt. 59468

Phone:

452 8072

Representing whom?

Self

Appearing on which proposal?

SB 91

Do you:

SUPPORT?

AMEND?

OPPOSE?

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.

EXHIBIT NO. 12

DATE 1/16/89

STATE ADMINISTRATION COMMITTEE

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME: John H Miller

DATE: 1-16-89

Address: 1217 Adobe  
Great Falls mt 59404

Phone: 761-6049

Representing whom?  
Montana State Lease Holders

Appearing on which proposal?  
S. B. - 91

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:  
Would appreciate the passage of  
S-B-91 - It appears that generally  
it would be to the advantage of the  
state to let the leaseholders purchase the  
lots.

Thank you  
John H Miller

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 13

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Ellen Harriet Sparlock

Jan. 16, 1989

Address:

Bt 9, Skyline Ranch  
Missoula, Mt. 59802

Phone:

549-2488

Representing whom?

Montana State Leaseholders

Appearing on which proposal?

Senate Bill 91

Do you:

SUPPORT?

X

AMEND?

  

OPPOSE?

  

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



EXHIBIT NO. 14

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

Inga Ann Shey

DATE:

1-16-89

Address:

2505 Glen Dr.  
Missoula, MT.

Phone:

543-5927

Representing whom?

Montana State Lease Holders -

Appearing on which proposal?

Senate Bill 91

Do you:

SUPPORT?

AMEND?

OPPOSE?

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE STATE ADMIN.

EXHIBIT NO. 15

DATE 1/16/89

STATE ADMINISTRATION COMMITTEE

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Lenny Swartz

1-16-89

Address:

1640 S. 7th St W  
Missoula, Mt. 59801

Phone:

543-4619

Representing whom?

Montana State Leaseholders Assoc.

Appearing on which proposal?

SB 91

Do you:

SUPPORT?

AMEND?

OPPOSE?

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 16

DATE 1/16/89 STATE ADMINISTRATION COMMITTEE

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

CAROL CHRISTENSEN

DATE:

1-16-89

Address:

PO Box 523

WINCOWN, MT 59639

Phone:

362-4643

Representing whom?

LARENCE CHRISTENSEN & MYSELF

Appearing on which proposal?

SB91

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 17

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Lenore J. Grimes

1/16/89

Address:

1509-5<sup>th</sup> Ave NW

Atlanta, GA 30304

Phone:

452-5335

Representing whom?

Appearing on which proposal?

SB91

Do you:

SUPPORT?

AMEND?

OPPOSE?

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

EXHIBIT NO. 18

DATE 1/16/89

BILL NO. SB91

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

Brad Greene

DATE:

1/16/89

Address:

709 Lolo St.

Missoula mt

Phone:

549-8871

Representing whom?

\_\_\_\_\_

Appearing on which proposal?

SB91

Do you: SUPPORT?  AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

Comments:

~~see attached~~ OVER

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I want to point out a problem  
that the State of Montana has  
that SB91 would resolve.

The State is taxing Personal Property  
as Real Property.

It is common knowledge that personal  
property becomes Real Property if and  
only if it is affixed to land with the  
intent to be permanent. The state did  
not allow me a permanent foundation  
yet they tax my cabin  
at Seely Lake as Real Property.

Since I've paid Real Estate taxes  
for the last 12 yrs, I feel I have  
a proprietary interest in the land  
and would therefore like to rightfully  
own it. It would be good for me  
and good for the state.

SB91 would do this. It would also  
resolve this contradiction of Tax law.

Thank you.

TESTIMONY OF RALPH BOLAND REGARDING SENATE BILL 91,  
"Providing for the sale of cabin sites or lots leased  
by the state to lessees."

SENATE STATE ADMIN.

EXHIBIT NO. 19

DATE 1/16/89

BILL NO. SB 91 pg 2

My name is Ralph Boland and I reside at 635 First Street in Helena, Montana. This Testimony represents my view of the proposed ammendments to section 77-2-301 in SB91. As you know access to public water ways for recreational purposes has been a contriversial and court tested subject. The general trend has been to insure that the public does in fact have the right to to access public waterways.

Since the cabin and home sites which are the subject of this bill, one are now in public ownership, it would seem that a transfer of the public right to private ownership would not be in accordance with the best interests of the Montana public who utilize these areas for recreation.

My concern is that this bill may reduce the public right to access Montana waterways. I believe therefore that the amendment would provide that.

- 1) Any existing access should be maintained if in fact my concern is warranted, or
- 2) that if in any case public access is lost that access is restored by purchase or other means that result in

no net loss of access to that particular waterway body of water.

SENATE STATE ADMIN.

EXHIBIT NO. 19

DATE 1/16/89

BILL NO. SB91 pg 2

In summary, the exception provided in a new section 3, seems to override provisions to protect access in section 2 paragraph (3). If this is the case I respectfully request that this amendment be given a "DO NOT PASS" recommendation by this committee.

Thank you for your consideration.

*Ralph W. Boland*



Amendments to Senate Bill No. 91  
First Reading Copy

Requested by Department of State Lands  
For the Committee on Senate State Administration

Prepared by Eddy McClure  
January 14, 1989

1. Page 3, lines 22 and 23.

Following: "shall" on line 22

Strike: "establish"

Insert: ", upon compliance with 77-3-101 through 77-3-107, grant"

Following: "easement" on line 23

Insert: "across state lands"

2. Page 4, line 3.

Following: "appraisal"

Insert: "made for purposes of [section 3] when the appraisal  
value is less than the amount of bid made pursuant to 77-2-  
323"

3. Page 4, line 13.

Following: "Any"

Insert: "cabin or home site"

4. Page 4, line 15..

Following: "provision"

Strike: the remainder of line 15 through "sold"

Insert: "implementing [section 3]"

SENATE STATE ADMIN.

EXHIBIT NO. 20

DATE 1/16/89

BILL NO. SB 91 pg 2

SB91 - EXPLANATION OF DEPARTMENT OF STATE LANDS' PROPOSED AMENDMENTS

Senate State Administration Committee

January 16, 1989

Section 3(4) - To clarify that the Department is not required to obtain easements across private or federal land for the purchaser.

- To clarify that the lessee, in order to obtain an easement across state lands, complies with the statutes with which all persons who obtain easements across state lands must comply. This includes obtaining a survey and paying full market value for the easement.

Section 4 - To clarify that the appraisal review board's duties pertain to sale of cabinsites and homesites and then only when the high bid is below the appraisal value.

Section 7 - Because Section 3 authorizes sale for a 20 year period, the proposed amendment ensures that the Department is not required to insert sales provision on leases after statutory authority to sell has expired.

SENATE STATE ADMIN.

EXHIBIT NO. 21

DATE 1/16/89

BILL NO. SB95

STATE ADMINISTRATION COMMITTEE

WITNESS STATEMENT

To be filled out by a person testifying or a person who would not like to stand up and speak but wants their testimony entered into the record.

NAME:

DATE:

Beverly Gibson

1-16-89

Address:

MT. Assn. of Counties

1802 11<sup>th</sup> Ave - Helena 59601

Phone:

442-5209

Representing whom?

MACS

Appearing on which proposal?

SB95 - per diem

Do you: SUPPORT?  AMEND?  OPPOSE?

Comments:

Although an increased allowance for overnight lodging will impact county budgets - this cost has not risen in recent years to reflect inflation - and we realize the innkeepers cannot continue to offer lodging at \$24

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Amendments to Senate Bill No. 91  
First Reading Copy

For the Committee on Senate State Administration

Prepared by Eddy McClure  
January 17, 1989

1. Title, line 6.

Following: "EXEMPTING"

Insert: "EXISTING"

2. Page 3, line 8.

Following: "Sale of"

Insert: "existing"

3. Page 3, line 12.

Following: "any"

Insert: "existing"

4. Page 3, line 14.

Following: "(2)"

Strike: the remainder of line 14 through "laws"

Insert: "The sale of an existing lease is exempt from the  
subdivision laws. However, any future subdivision is  
subject to review under Title 76, chapters 3 and 4"

5. Page 3, lines 22 and 23.

Following: "shall" on line 22

Strike: "establish"

Insert: ", upon compliance with 77-3-101 through 77-3-107, grant"

Following: "easement" on line 23

Insert: "across state lands"

6. Page 4, line 3.

Following: "appraisal"

Insert: "made for purposes of [section 3] when the appraisal  
value is less than the amount of bid made pursuant to 77-2-  
323"

7. Page 4, line 13.

Following: "Any"

Insert: "cabin or home site"

8. Page 4, line 15..

Following: "provision"

Strike: the remainder of line 15 through "sold"

Insert: "implementing [section 3]"

VISITORS' REGISTER

1062

STATE ADMINISTRATION COMMITTEE

DATE: January 16, 1989

NAME	REPRESENTING	BILL #	Support	Oppose
Beverly Gibson	MACO	SB 95	✓	
E. L. Winford	MSW.	SB 91	✓	
Jim Torberg	MSLA	SB 91	✓	
Hella Swartz	Missouri	SB 91	✓	
Janet S. Sabel	Missouri	SB 91	✓	
Brad Greene	Missouri	SB 91	✓	
Walter Walton	MSLA	SB 91	✓	
Inga Ann Tiley	MSLA	SB 91	✓	
Kenda Brewer	MSLA	SB 91	✓	
John Hamler	St. Falls	SB-91	✓	
Richard E. Manning	Senate Dist 18	SB-91	✓	
Robert A. Cannon	Self	SB-91	✓	
Lenore G. Grimes	Self	SB-91	✓	
Leo Guerin	Self	SB-91	✓	
Carol Krister	Deby	SB-91	✓	
Gene Stuckey	Self	SB 91	✓	
James Trainer	Self	SB 91	✓	
Paula Goodheart	Self	SB 91	✓	
Jeff Miller	Self	SB 91	✓	
David Cassatt	SELF	SB 91	✓	
Sandra M. Duval	SELF	SB 91	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

