

CHAPTER NO. 144

SENATE BILL NO. 146

INTRODUCED BY THIESSEN, LOCKREM, HIMSL, JERGESON,
GERKE, TROPILA, ELLERD, ELLIS

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE SENATE

January 17, 1979	Introduced and referred to Committee on State Administration.
January 18, 1979	Fiscal note requested.
January 23, 1979	Fiscal note returned.
January 26, 1979	Committee recommend bill do pass. Report adopted.
January 27, 1979	Printed and placed on members' desks.
January 29, 1979	Second reading, pass consideration.
January 30, 1979	Motion pass consideration.
January 31, 1979	Second reading, do pass as amended.
February 2, 1979	Correctly engrossed.
February 3, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 5, 1979	Introduced and referred to Committee on State Administration.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 5, 1979	Second reading, concurred in.
March 7, 1979	Third reading, concurred in.

IN THE SENATE

March 8, 1979

Returned from second house.
Concurred in. Sent to
enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. *146*
 2 INTRODUCED BY *Theresa Lockrem* *Theresa Lockrem*
 3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS *Ferguson*
 4 *Steve Graple - Elliot - Elliot*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF
 6 LAND COMMISSIONERS TO MAINTAIN A CENTRAL INDEX OF ALL REAL
 7 PROPERTY AND INTERESTS IN REAL PROPERTY HELD, ACQUIRED, OR
 8 DISPOSED OF BY STATE AGENCIES."

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

11 Section 1. Purpose. In order that the members of the
 12 public and the public officers and agencies may obtain
 13 information concerning the nature, location, and extent of
 14 the real property or interests therein acquired by the state
 15 and the manner and method of the disposal of real property
 16 or interests therein by the state, a central filing system
 17 and index is necessary. Therefore, it is the intent of the
 18 legislature to provide that the board of land commissioners
 19 shall maintain a central filing system and central index of
 20 all real property held by state agencies and that all state
 21 agencies shall provide the board of land commissioners with
 22 the information necessary to establish and maintain such a
 23 central filing system and index.

24 Section 2. Definitions. When used in [this act],
 25 unless a different meaning clearly appears from the context,

1 the following definitions apply:
 2 (1) "Holding real property" means possessing real
 3 property by virtue of title.
 4 (2) "Person" means a natural person or a firm,
 5 association, partnership, cooperative, corporation, or other
 6 business entity; any agency of the state; any government
 7 subdivision; or any other entity whatever.
 8 (3) "Real property" means land surface or subsurface
 9 and property attached or affixed to land.
 10 (4) "State agency" means any agency, department,
 11 board, or commission of the state.
 12 Section 3. Duty of state agencies to furnish
 13 information on land holdings and acquisitions. Except as
 14 provided in [section 5], every state agency holding any real
 15 property shall, immediately after such real property is
 16 acquired or within 180 days after [the effective date of
 17 this act] for real property now used or held, furnish to the
 18 board of land commissioners the following information:
 19 (1) legal description of the real property;
 20 (2) when the real property was acquired;
 21 (3) where the abstracts, deeds, or other indicia of
 22 ownership to the real property may be found;
 23 (4) name of the state agency holding the real
 24 property;
 25 (5) name of the grantor;

1 (6) nature of interest held by the state.

2 Section 4. Duty of state agencies to furnish
3 information concerning land disposal. Except as provided in
4 [section 5], every state agency disposing of any real
5 property to any person shall, immediately after disposal,
6 furnish to the board of land commissioners the following
7 information:

8 (1) legal description of the real property;

9 (2) when the disposition of the real property was
10 made;

11 (3) where the deeds or other indicia of disposal may
12 be found;

13 (4) name of the state agency disposing of the real
14 property;

15 (5) name of the grantee;

16 (6) nature of the interest disposed of by the state.

17 Section 5. Exception from reporting -- treatment of
18 highway lands. (1) A state agency is not required to file
19 information under [sections 3 and 4] with respect to
20 leasehold interests, easements, rights-of-way, and interests
21 of a temporary nature such as licenses or permits.

22 (2) The department of highways is not required to file
23 information under [sections 3 and 4] for land held by the
24 department in connection with highway or road construction,
25 but the department shall file with respect to land held by

1 the department for administrative purposes on a permanent
2 basis.

3 Section 6. Establishment and maintenance of central
4 filing system. The board of land commissioners shall
5 establish and maintain a central filing system and central
6 index of the information which is required to be filed by
7 [sections 3 through 5]. The filing system and index shall be
8 open to the public during regular office hours at the
9 offices of the department of state lands.

-End-

STATE OF MONTANA

REQUEST NO. 35-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 18, 1979, there is hereby submitted a Fiscal Note for Senate Bill 146 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of proposed legislation:

Senate Bill 146 requires the Board of Land Commissioners to maintain a central index of all real property and interests in real property held, acquired, or disposed of by state agencies.

ASSUMPTIONS:

1. Costs are based on an estimate of 1200 tracts to be indexed.
2. Present staff will handle the work load.
3. Increased expenditures will be funded from State General Fund.

FISCAL IMPACT:

	<u>FY 1980</u>	<u>FY 1981</u>
Expenditures Under Proposed Legislation		
Personal Services	\$ -0-	\$ -0-
Operating Expense	<u>600.00</u>	<u>-0-</u>
Total expenditures under proposed legislation	600.00	-0-
Less: Expenditures under current law	<u>-0-</u>	<u>-0-</u>
Increased expenditures under proposed legislation	<u>\$ 600.00</u>	<u>\$ -0-</u>

LOCAL IMPACT:

None

Richard L. Sawyer
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/22/79

Approved by Committee
on State Administration

BILL NO. 146

INTRODUCED BY

Spent
Theresa LOCKREY
Jim Ferguson
John Brubaker - Elmer - Ellis

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF LAND COMMISSIONERS TO MAINTAIN A CENTRAL INDEX OF ALL REAL PROPERTY AND INTERESTS IN REAL PROPERTY HELD, ACQUIRED, OR DISPOSED OF BY STATE AGENCIES."

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

Section 1. Purpose. In order that the members of the public and the public officers and agencies may obtain information concerning the nature, location, and extent of the real property or interests therein acquired by the state and the manner and method of the disposal of real property or interests therein by the state, a central filing system and index is necessary. Therefore, it is the intent of the legislature to provide that the board of land commissioners shall maintain a central filing system and central index of all real property held by state agencies and that all state agencies shall provide the board of land commissioners with the information necessary to establish and maintain such a central filing system and index.

Section 2. Definitions. When used in [this act], unless a different meaning clearly appears from the context,

the following definitions apply:

(1) "Holding real property" means possessing real property by virtue of title.

(2) "Person" means a natural person or a firm, association, partnership, cooperative, corporation, or other business entity; any agency of the state; any government subdivision; or any other entity whatever.

(3) "Real property" means land surface or subsurface and property attached or affixed to land.

(4) "State agency" means any agency, department, board, or commission of the state.

Section 3. Duty of state agencies to furnish information on land holdings and acquisitions. Except as provided in [section 5], every state agency holding any real property shall, immediately after such real property is acquired or within 180 days after [the effective date of this act] for real property now used or held, furnish to the board of land commissioners the following information:

- (1) legal description of the real property;
- (2) when the real property was acquired;
- (3) where the abstracts, deeds, or other indicia of ownership to the real property may be found;
- (4) name of the state agency holding the real property;
- (5) name of the grantor;

1 (6) nature of interest held by the state.

2 Section 4. Duty of state agencies to furnish
3 information concerning land disposal. Except as provided in
4 [section 5], every state agency disposing of any real
5 property to any person shall, immediately after disposal,
6 furnish to the board of land commissioners the following
7 information:

- 8 (1) legal description of the real property;
- 9 (2) when the disposition of the real property was
10 made;
- 11 (3) where the deeds or other indicia of disposal may
12 be found;
- 13 (4) name of the state agency disposing of the real
14 property;
- 15 (5) name of the grantee;
- 16 (6) nature of the interest disposed of by the state.

17 Section 5. Exception from reporting — treatment of
18 highway lands. (1) A state agency is not required to file
19 information under [sections 3 and 4] with respect to
20 leasehold interests, easements, rights-of-way, and interests
21 of a temporary nature such as licenses or permits.

22 (2) The department of highways is not required to file
23 information under [sections 3 and 4] for land held by the
24 department in connection with highway or road construction,
25 but the department shall file with respect to land held by

1 the department for administrative purposes on a permanent
2 basis.

3 Section 6. Establishment and maintenance of central
4 filing system. The board of land commissioners shall
5 establish and maintain a central filing system and central
6 index of the information which is required to be filed by
7 [sections 3 through 5]. The filing system and index shall be
8 open to the public during regular office hours at the
9 offices of the department of state lands.

-End-

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12 Section 1. Purpose. In order that the members of the
13 public and the public officers and agencies may obtain
14 information concerning the nature, location, and extent of
15 the real property or interests therein acquired by the state
16 and the manner and method of the disposal of real property
17 or interests therein by the state, a central filing system
18 and index is necessary. Therefore, it is the intent of the
19 legislature to provide that the board of land commissioners
20 shall maintain a central filing system and central index of
21 all real property held, ACQUIRED, LEASED, ADMINISTERED, OR
22 DISPOSED OF by state agencies and that all state agencies
23 shall provide the board of land commissioners with the
24 information necessary to establish and maintain such a
25 central filing system and index.

1 Section 2. Definitions. When used in [this act],
2 unless a different meaning clearly appears from the context,
3 the following definitions apply:

4 (1) "Holding real property" means possessing real
5 property by virtue of title, LEASE, OR ADMINISTERING REAL
6 PROPERTY.

7 (2) "Person" means a natural person or a firm,
8 association, partnership, cooperative, corporation, or other
9 business entity; any agency of the state; any government
10 subdivision; or any other entity whatever.

11 (3) "Real property" means land surface or subsurface
12 and property attached or affixed to land.

13 (4) "State agency" means any agency, department,
14 board, or commission of the state.

15 Section 3. Duty of state agencies to furnish
16 information on land holdings, LEASES, ADMINISTERED LANDS,
17 and acquisitions. Except as provided in [section 5], every
18 state agency holding, LEASING, OR ADMINISTERING any real
19 property shall, immediately after such real property is
20 acquired or within 180 days after [the effective date of
21 this act] for real property now used or held, furnish to the
22 board of land commissioners the following information, WHEN
23 APPLICABLE:

24 (1) legal description of the real property;

25 (2) when the real property was acquired OR LEASED;

1 (3) where the abstracts, deeds, or other indicia of
2 ownership to the real property may be found;

3 (4) name of the state agency holding the real
4 property;

5 (5) name of the grantor OR LESSOR;

6 (6) nature of interest held by the state OR TERM OF
7 LEASE.

8 Section 4. Duty of state agencies to furnish
9 information concerning land disposal. Except as provided in
10 [section 5], every state agency disposing of any real
11 property to any person shall, immediately after disposal,
12 furnish to the board of land commissioners the following
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4 information under [sections 3 and 4] for land held by the
5 department in connection with highway or road construction,
6 but the department shall file with respect to land held by
7 the department for administrative purposes on a permanent
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