

SENATE BILL NO. 118

**INTRODUCED BY TOWE, MOHAR, BERG, CONOVER, REGAN, ECK,
BLAYLOCK, HALLIGAN, VAN VALKENBURG, FULLER, CHRISTIAENS**

IN THE SENATE

January 12, 1983	Introduced and referred to Committee on State Administration.
January 13, 1983	Fiscal Note requested.
January 17, 1983	Fiscal Note returned.
January 31, 1983	Committee recommend bill do pass as amended. Report adopted.
February 1, 1983	Bill printed and placed on members' desks.
February 2, 1983	Statement of Intent attached. Second reading, do pass.
February 3, 1983	Correctly engrossed.
February 4, 1983	Third reading, passed. Ayes, 36; Noes, 13. Transmitted to House.

IN THE HOUSE

February 5, 1983	Introduced and referred to Committee on Natural Resources.
March 23, 1983	Committee recommend bill and Statement of Intent be concurrent in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in.

IN THE SENATE

March 28, 1983	Returned to Senate with amendments and Statement of Intent amended.
March 31, 1983	Second reading, amendments not concurrent in. Ayes, 32; Noes, 16.
April 1, 1983	On motion, Free Conference Committee requested and appointed.
April 19, 1983	Free Conference Committee reported.
April 20, 1983	Second reading, report adopted. Free Conference Committee report adopted by House.
April 21, 1983	Third reading, report adopted. Sent to enrolling. Reported correctly enrolled.

1 *Senate* BILL NO. *118*
 2 INTRODUCED BY *Rep. Mark Berg (conceded)*
 3 *Rep. Rick Hillman, Fuller, Christensen*
 4 *Blaylock, V. Volkering*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A PUBLIC
 6 HEARING PRIOR TO THE SALE, EXCHANGE, OR TRANSFER OF CERTAIN
 7 FEDERAL LAND."

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

9 Section 1. Sale, exchange, or transfer of federal land
 10 — when hearing required. (1) Prior to the sale, exchange,
 11 or transfer of land within the boundaries of the state of
 12 Montana that is owned or controlled by an agency of the
 13 United States government, the commissioner of state lands
 14 must determine if there would be any impact on the
 15 management of state lands or the cost of government services
 16 provided by the state, by any school district, or by any
 17 county, city, or other local government unit by reason of
 18 such sale, exchange, or transfer.

19 (2) If the commissioner determines there would be an
 20 adverse impact under subsection (1), he shall hold a public
 21 hearing prior to the occurrence of such sale, exchange, or
 22 transfer in order to provide opportunity for the expression
 23 of public sentiment regarding the proposed disposition of
 24 federal land.

25 Section 2. Hearing requirements. Any hearing required

1 under [section 1] must be held in a county in which the
 2 land involved in the proposed sale, exchange, or transfer
 3 is located and must be held according to procedural rules
 4 which shall be adopted by the commissioner in accordance
 5 with the Montana Administrative Procedure Act.

6 Section 3. Action by commissioner. The commissioner
 7 shall take such action as he may consider appropriate,
 8 consistent with federal jurisdiction, to address concerns
 9 and issues raised during the hearing. Such action may
 10 include but is not limited to:

11 (1) the filing of formal requests for action by the
 12 appropriate federal agency that would alleviate concerns
 13 expressed at the hearing;

14 (2) the filing of a formal protest to the proposed
 15 sale, exchange, or transfer.

16 Section 4. Codification instruction. Sections 1
 17 through 3 are intended to be codified as an integral part of
 18 Title 77, chapter 1, part 2, and the provisions of Title 77
 19 apply to sections 1 through 3.

-End-

STATE OF MONTANA

REQUEST NO. 098-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 13, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 118 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 118 would require the Commissioner of State Lands to determine the impact of the sale of federal lands on the management of state lands or the cost of government services provided by the state or other units of government. The bill also requires that public hearings be held in the county of the proposed sale or exchange.

ASSUMPTIONS:

- 1) The land offered for sale or exchange will be approximately 40 to 3,000 acres in size.
- 2) There will be 150 to 200 separate tracts of land offered for sale in each year of the next biennium.
- 3) Each tract will require an on-site evaluation and preparation of a report.
- 4) Every sale or exchange will require a hearing in the county where the land is located.
- 5) The department will absorb additional clerical costs.

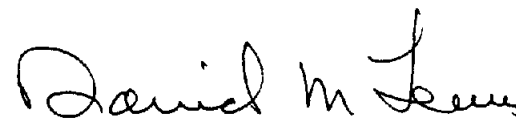
FISCAL IMPACT:

	FY 84	FY 85
Personal Services	\$26,465	\$26,465
Operations	12,375	13,825
Equipment	3,500	2,500
TOTAL COSTS TO GENERAL FUND	<u>\$41,340</u>	<u>\$42,790</u>

COMMENTS:

Total costs reflect the costs of hiring a Resource Economist and the necessary support services to evaluate the tracts that the federal government intends to sell.

FISCAL NOTE 4:H/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-17-83

Approved by Committee
on State Administration

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must determine if there would be any impact on the
management of state lands ~~OR, ON AGRICULTURAL, WILDLIFE, OR~~
~~RECREATIONAL RESOURCES OF THE STATE, OR ON~~ the cost of
government services provided by the state, by any school
district, or by any county, city, or other local government
unit by reason of such sale, exchange, or transfer.

(2) If the commissioner determines there would be an
adverse impact under subsection (1) ~~AND THAT NO HEARING HAS~~
~~BEEN OR WILL BE CONDUCTED BY A FEDERAL AGENCY AFFORDING THE~~
~~OPPORTUNITY FOR EXPRESSION OF PUBLIC OPINION REGARDING THE~~
~~PROPOSED SALE OR TRANSFER~~, he shall hold a public hearing

prior to the occurrence of such sale, exchange, or transfer
in order to provide opportunity for the expression of public
sentiment regarding the proposed disposition of federal
land.

~~(3) THE SALE OR TRANSFER OF EASEMENTS BY AN AGENCY OF~~
~~THE UNITED STATES GOVERNMENT AND THE TRANSFER OF LAND BY THE~~
~~UNITED STATES TO THE STATE OF MONTANA IN SATISFACTION OF~~
~~LAND OWED TO THE STATE PURSUANT TO THE ENABLING ACT IS~~
~~EXEMPT FROM THE OPERATION OF THIS SECTION.~~

Section 2. Hearing requirements. Any hearing required
under [section 1] must be held in a county in which the
land involved in the proposed sale, exchange, or transfer
is located and must be held according to procedural rules
which shall be adopted by the commissioner in accordance
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Section 3. Action by commissioner. The commissioner
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2 through 3 are intended to be codified as an integral part of
3 Title 77, chapter 1, part 2, and the provisions of Title 77
4 apply to sections 1 through 3.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 118

3

4 A statement of intent is required for this bill because
5 section 2 delegates authority to the Commissioner of State
6 Lands to adopt rules governing the procedure for holding
7 public hearings concerning the sale, exchange, or transfer
8 of certain federal land. It is the intent of the Legislature
9 that the content of notice to interested parties be similar
10 to that required under 2-4-601 for contested cases and be
11 published in at least one newspaper generally distributed in
12 the area of the proposed disposition of federal land. Other
13 procedural requirements should be kept as simple as possible
14 in order to provide the maximum opportunity for public
15 response to the proposed federal action.

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must determine if there would be any impact on the
management of state lands ~~or, ON AGRICULTURAL, WILDLIFE, OR
RECREATIONAL RESOURCES OF THE STATE, OR~~ on the cost of
government services provided by the state, by any school
district, or by any county, city, or other local government
unit by reason of such sale, exchange, or transfer.

(2) If the commissioner determines there would be an
adverse impact under subsection (1) ~~AND THAT NO HEARING HAS
BEEN OR WILL BE CONDUCTED BY A FEDERAL AGENCY AFFORDING THE
OPPORTUNITY FOR EXPRESSION OF PUBLIC OPINION REGARDING THE
PROPOSED SALE OR TRANSFER,~~ he shall hold a public hearing

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3 Title 77, chapter 1, part 2, and the provisions of Title 77
4 apply to sections 1 through 3.

-End-

April 18 19 83

JOINT CONFERENCE COMMITTEE ON
HOUSE AMENDMENTS TO SENATE BILL NO. 118
(Report No. 1)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on Senate Bill no. 118 met on April 15, 1983, and considered:

House Natural Resource Committee Amendments, Statement of Intent, third reading copy, dated March 23, 1983, and;

House of Natural Resources Committee amendments to the third reading copy, dated March 23, 1983, and recommend as follows:

That the Senate accede^{to} House Natural Resources amendment, Statement of Intent, no. 1, dated March 23, 1983;

That the Senate accede to House Natural Resources Committee Amendment nos. 1, 2 and 3, dated March 23, 1983;

That the House recede from House Natural Resource Committee amendment no. 4, dated March 23, 1983;

That the reference copy of Senate Bill No. 118 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on Senate Bill No. 118 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 19.

Following: "and"

Strike: "IN THE NEAREST METROPOLITAN AREA (BILLINGS, GREAT FALLS, MISSOULA, HAVRE, BOZEMAN, KALISPELL, BUTTE) IF SUFFICIENT PUBLIC INTEREST IS SHOWN, AND"

FOR THE SENATE:

Story
Story, Chairman

Hammond
Hammond

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Towe

FOR THE HOUSE:

Robert R. Ream
Ream, Chairman

Jim Jensen
Jensen

Mueller
Mueller

HOUSE NATURAL RESOURCES AMENDMENTS
STATEMENT OF INTENT TO SB 118
March 23, 1983

1. Statement of Intent, line 11.
Following: "one"
Insert: "regional"
Following: "newspaper"
Strike: "generally"

HOUSE NATURAL RESOURCES COMMITTEE AMENDMENTS TO SB 118
March 23, 1983

1. Page 1, line 22.
Following: "HEARING"
Insert: "or public meeting"
2. Page 1, line 25.
Following: "TRANSFER,"
Insert: "and that further public input would be desirable,"
3. Page 2, following line 4.
Insert: "(3) If a hearing will be conducted by a federal agency on the proposed sale or transfer of federal land within the state, the commissioner shall require the attendance of a representative of the department of state lands for the purposes of fulfilling the requirements of [section 3]."
Renumber: subsequent subsection
4. Page 2, line 13.
Following: "and"
Insert: "in the nearest metropolitan area (Billings, Great Falls, Missoula, Havre, Bozeman, Kalispell, Butte) if sufficient public interest is shown"

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8 of certain federal land. It is the intent of the Legislature
9 that the content of notice to interested parties be similar
10 to that required under 2-4-601 for contested cases and be
11 published in at least one REGIONAL newspaper ~~generally~~
12 distributed in the area of the proposed disposition of
13 federal land. Other procedural requirements should be kept
14 as simple as possible in order to provide the maximum
15 opportunity for public response to the proposed federal
16 action.

REFERENCE BILL

SB 118

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(2) If the commissioner determines there would be an
adverse impact under subsection (1) ~~AND THAT NO HEARING OR~~
~~PUBLIC MEETING HAS BEEN OR WILL BE CONDUCTED BY A FEDERAL~~
~~AGENCY AFFORDING THE OPPORTUNITY FOR EXPRESSION OF PUBLIC~~
~~OPINION REGARDING THE PROPOSED SALE OR TRANSFER, AND THAT~~

~~FURTHER PUBLIC INPUT WOULD BE DESIREABLE,~~ he shall hold a
public hearing prior to the occurrence of such sale,
exchange, or transfer in order to provide opportunity for
the expression of public sentiment regarding the proposed
disposition of federal land.

~~(3) IF A HEARING WILL BE CONDUCTED BY A FEDERAL AGENCY~~
~~ON THE PROPOSED SALE OR TRANSFER OF FEDERAL LAND WITHIN THE~~
~~STATE, THE COMMISSIONER SHALL REQUIRE THE ATTENDANCE OF A~~
~~REPRESENTATIVE OF THE DEPARTMENT OF STATE LANDS FOR THE~~
~~PURPOSES OF FULFILLING THE REQUIREMENTS OF [SECTION 3].~~

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~~GREAT FALLS, MISSOULA, HAYES, BOZEMAN, KALISPELL, BUTTE)~~ IF
~~SUFFICIENT PUBLIC INTEREST IS SHOWN,~~ AND must be held
according to procedural rules which shall be adopted by the
commissioner in accordance with the Montana Administrative
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Hammond
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Ream, Chairman

Jim Jensen
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Mueller
Mueller

Chairman.

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REFERENCE BILL: Includes Free Joint
Conference Committee Report
Dated 4-12-83

SB 118

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~~PURPOSES OF FULFILLING THE REQUIREMENTS OF [SECTION 3].~~

~~(3)(4) THE SALE OR TRANSFER OF EASEMENTS BY AN AGENCY~~
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