## IN THE SENATE

January 17. 1983

February 8, 1983

Fobruary 9, 1983

February 10, 1983

February 11, 1983

February 21, 1983

February 22. 1983

February 23, 1983

February 28, 1983

March 15, 1983

Introduced and referred to Committes on state Administration.

Comittee recomraend bill do pass as amended. Report adopted.

Bill printed and placed on members' desks.

Second reading, pass considaration.

On motion, taken from second reading and rereferred to Comaltee on Judiciary.

Committee recommend that bill be printed and placed on aecond reading.

Second reading, do pass as amended.

Correctly engrossed.
Third reading, passed. Ayes, 49; Noes, 0. Transmitted to Housa.

IN THE HOUSE
Introduced and referred to Comaittee on Judiciary.

Committee racommend bili be concurred in as anended. Report adoptad.

March 22, 1983
March 23, 1983

March 24, 1983

Aprix 7, 1993

April 8, 1983

April 14, 1983

Apri1 15, 1983

April 20, 1983

Apri1 21. 1983

Second reading, concurred in.
Third reading, concurred in.

## IN THE GENATE

Returnad to Senate with amendraents.

Sscond reading, amendments not concurred in. Ayes, 44; Noes, 0.

On motion, Conference Comittee reguested and appointed.

Conference Comittee dissolved.

On motion, Free Conference Comittee requested.

Free Conference Comittee appointed.

Free Conference Comaittee reported.

Second reading, Free Conferance Conmittea report adopted.

On motion, taken fron third reading and returred to second reading.

On motion, new Eree Conference Committee raquested, appointed, and reported.

Second reading, new Fram Conference Comalttee report adopted.

Third reading, new free Conference Comaittee report adopted.

Apri1 21, 1983
New Free Conference Comitte report adopted by souse.

Sant to enrolling.
Reportad correctly enrolled.

Approved by Committee on State Administration

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SENATE BILL NO. 170
INTRODUCED BY BOYLAN
A BILL FOR AN ACT ENTITLED: MAN ACT EtFMIN*FFNG IO_RROYIOE
EQR__BEYERSION__IO__IHE_EQBMER_OHNER_DE_CERIAIN_LMIERESIS_IM
BEAL_PBQPERIY_ACOUIBED_EQR_A_PUBLIC_USE_AND_LAIER_ABANDONER:
LIMIIING THE RIGHT OF FIRST REFUSAL OF THE FORMER OWNER EF-A
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ABANEBNEOT---REPEAEING IO___RURCHASE__CERIAIN___ABANDOMED
LNIERESIS:_AGENQING SECTIONS 70-30-321 AND 70-30-322, MCA.*
be it enacted by the legislature of the state of montana:
    Seetion-ł:--Repeatero-------5ections----78-30-3Zt----and
70-30-3ZZp-MEAr-are-repea7edr
    SECIION_1:__SECILQN_70_30=321e_HCAS_IS_ABENQER_IQ_BEAD:
    m70-30-321. Sale of property acquired for public use
when use abandoned -- procedure. (1) Whenever a person who
has acquired a reat-property fee__simple interest in__real
pronerty for a public use, whether stbermthan by right of
eminent domain or-otherwise, abandons such public use and
places such interest for sale, the seller may sell the
interest to the highest bidder at public auction.
    (2) In the event the seller decides to sell an
    interest in real property as set forth In subsection {1), he
    shall publish notice of the publlc sale in a newspaper
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#### Abstract

\section*{SENATE BiLl NO. 170}

\section*{INTRODUCED BY BOYLAN}

A BILL FOR AN ACT ENTITLED: wAN ACT EEIMINAFFNG IO__PROVIDE EQB__BEYERSION__IO__IHE_EQBMER_OHNER_DE_CERIALM_LMIERESIS_IM BEAL_PRQRERTY_ACOUIBED_EQR_A_RUBLIC_USE_ANR_LAIER_ABANDONERI LIUIIING THE RIGHT OF FIRST REFUSAL OF THE FORMER OWNER EF-A  LNIERESIS: AUENRING SECTIONS 70-30-321 AND 70-30-322, MCA.* be it enacted by the legislature of the state of montana:  7ө-3日-3ZZ-MEAr-are-repeatedr

\section*{SECIION_1:_-SECIIQN_70=30=321e_HCAz_IS_ABENQED_IQ_BEAR:} when use abandoned -- procedure. (1) Whenever a person who has acquired a reat-property fee._simple interest in__real progecty for a public use, whether other than by right of eminent domain or-otherwise, abandons such public use and places such interest for sale, the seller may sell the interest to the highest bidder at public auction. (2) In the event the seller decides to sell an interest in real property as set forth In subsection (1), he shall publish notice of the publlc sale in a newspaper


published in the county in which the real property interest
is located once a week for 4 successive weeks. Sale shall be
held in the county where the real property interest is
located. The notice of sale shall contain the information
required oy $77-2-322 . "$ required by 77-2-322."

SECIION_2R - SECIIDN_IQ=30-322__UCAع_IS_AMENRED_ID_BEAR:
"70-30-322. Option of original owner or successor in interest to purchase at sale price. (1) The owner from whom the real property interest described_in_- $10=30=321$ was originally acquired by-eminent-domatn-or--otherwtse or, if there is a successor in interest, the successor in interest shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at a sale provided for in 70-30-321. If more than one person claims an equal entitlement, the option may not be exercised.
(2) If no bids are recelved by the seller and the ootionholder indicates in writing to the seller that he wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest at that orice to the optionholder."

IUEBE_IS_A_NEH_UCA_SECIION_IHAI_READS:
Section 3. Reversion of fee interest. When property, in which a fee simple interest has been acquired by right of eminent domain, is abandoned or the purpose for which it was

1 acquired is terminated, the property reverts to the original 2 owner or his successor in interest.
SENATE BILL NO． 170INTRODUCED BY BOYLANA BILL FQR AN ACT ENTITLED：＂AN ACT EEFMINAFING IO PROVIDFEQB＿＿－BEYERSION＿＿IO＿＿IHE＿EORHER＿DHNER＿OE＿CERIAIN＿INIERESIS＿IHEAL＿PRORERIY＿ACGULBED＿EQR＿A＿PUBLIE＿USE＿AND＿LAIER＿ABANDONED：LIMIIING THE RIGHT OF FIRST REFUSAL OF THE FORHER ONNER GF－AREAE－PR日PERFY－INFERESF－＊ЄQU¥RE日－F日R－A－PUBEFE－USE－AN日－－EAFERABANBENEGナ－－－REPEATING ID＿－＿PUBCHASE＿CERIALN ARANDONEDINIERESISE＿AMENDLNG SECTIONS 70－30－321 AND 70－30－322，MCA．N
be it enacted by the lerislature of the state df montana

70-34-322,-HEMv-are-repeateds
SECIION_1e_SECIION_70-30-32heMCA』_IS_AMENDED_IO_BEAD:
"70-30-321. Sale of property acquired for pubiic use
when use abandoned -- procedure. (1) Whenever a person who
has acquired a reat-property fee_sinple interest in_ceal
property for a public usey-whether atiec=than by-right-of
eminent-domein-or-otherwise, abandons such public use and
places such interest for salep the seller may sell the
interest to the nighest bidder at public auction.
(2) In the event the seller decides to sell an
interest in real property as set forth in subsection (1), he
shall publish notice of the public sale in a newspaper
published in the county in which the real property interest is located once a week for 4 successive weeks．Sale shall be held in the county where the real property interest is located．The notice of sale shall contain the information required by 77－2－322．＂

SECIIOM＿2\＆＿SEEIION＿70＝30＝322e＿MCAュ＿LS＿AMENDED＿IO＿READ：
＂70－30－322．Option of original owner or successor in interest to purchase at sale price．（i）The owner from whom the real property interest described＿in＿－ $10=30=321$ was originally acquired by－eminent－domain－or－－otherwise or，if there is a successor in interest，the successor in interest shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at a sale provided for in 70－30－321．If more than one person clains an equal entitlement，the option may not be exercised．
（2）If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option，the seller shall have the real property interest appraised and sell the interest at that jrice to the optionholder．＂

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Settion－Эv－－Reverston－ef－fee－interestw－－When－－property in－wnich－a－fee－simpte－interest－has－been－aequifed－by－rtght－of eminent－domainy－is－abandoned－or－the－parpose－for－whteh－it－was

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## IDEAE_IS_A_NEH_HCA_SECIIOM_IHAI_READS:

Section 3. Reversion of less than fee interest. When an interest ather than a fee simple interest in property. which has been acquired for a public purpose by right of eminent domain, is abandioned or the purpose for which it was acquired is terminated, the property reverts to the original awner or his successor in interest.
-End-

## NEW FREE CONFERENCE COMNITTEE

ON SENATE BILL NO. 170
(Report No. 1, April 21, 1983

MR. PRESIDENT:
We, your Free Conference Committee on Senate Bill No. 170 met April 21, 1983, and considered:

House Judiciary Committee Amendments to the third reading, blue copy, dated March 14, 1983, and recomend as follows:

That the Senate accede to House Judiciary Committee amendment 2;

That the House recede from House Judiciary Comittee amendments numbers 1 and 3

That Senate Bill No. 170 be further amended as specified in LERICAL INSTRUCTION NO. 1.

That the reference copy of senate Bill No. 170 read as specified in the CLERTCAL INSTRUCTIONS:

And, that the Conference Committee Report on Senate Bill No. 170 be adopted.

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CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)
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1. Title, line 7.
trike: "ELIMINATING"
Insert: "AND TO MODIFY"
2. Title, line 12.
trike: "REPEALING
Insert: "AMENDING"
3. Page 1 , line 15 . following the enacting clause

Strike: al Section 1. Section 70-30-321, MCA, is amended to read:
"70-30-321. Sale of property acquired for public use when use abandoned -- procedure. (1) Whenever Except as provided in subsection (3), a person who has acquired a real of eminent domain or otherwise, abandons such public use and

[^0]age
places such interest for sale, the seller may sell the interest to the highest bidder at public auction.
(2) In the event the seller decides to sell an shall publish notice of the public sale in a newspaper shall publish notice of the public sale in a newspaper is located once a week for 4 successive weeks. Sale shall be is located once a week for 4 successive weeks. Sale shall be
heid in the county where the real property interest is located. The notice of sale shall contain the information required by 77-2-322.
(3) When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, or otherwise, is abandoned or the purpose for which it was acquired is terminated, the

Section 2. Section 70-30-322, MCA, is amended to read:
n70-30-322. Option of original owner or successor in interest to purchase at sale price. (1) The Except as provided in subsection 131 , the owner from whom the real domain or otherwise or, if there is a successor in domain or otherwise or, if there is a successor in interest, the successor in interest shall have the option to purchase the interest by offering therefor an amount of a sale provided for in $70-30-321$. If more than one person claims an equal entitlement, the option may not be exercised.
(2) If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest at that price to the optionholder..
(3) When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, or otherwise, is abandoned or the roperty reverts to the original owner or his successor in roperty reverts to the original.owner or his successor in interest."

New Free Conference Committee On Senate Bill No. 170
Report No. 1, April 21, 1983
Page 3
19

Section 3. Saving clause. This act does not affect rights and duties that matured, property that was acquired, penalties that were incurred, or proceedings that were begun before the effective date of this act."


SENATE BLLI NO． 170
INTRODUCED GY BIIYLAN

 REAL＿2GDEEAIY＿ACQUIRED＿LQB＿A＿PURLIL＿USE＿AND＿LAIER＿ABANDONEDE



 LNIEBESI＿ALQUIBEQ＿EDR＿A＿＿RUBLIC＿USE＿AND＿LAIEB＿ABANDONED： KEREALLMG SECTIONS TO－30－321 AND 7O－30－322．MCA．＂

8E If ENACTHO iY THE LEGISLATURF If THF STAFL DF MONTANA：



 winen－－sse－abandoned－－－－proeedarer－－fti－Hnenever－a－person－who nes－acquired－e－reat－property fee＝－simate－～interest－ina＝－reat prgRec：y－－for－－a－－pubtre－nser－whether geteratana by－right－of empnent－dominin－or－oth－rwiser－obendons－such－－pubtte－－use－－and ptsesp－－suen－－interest－－for－－suter－－the－－setfer－may－sett－the ＋nterest－to－the－mighest－bidder－nt－publte－sactiont
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interest－in－reat－property－as set－farth－tn－subseetion－ttty－he ghatt－oubttsh－notiee－－of－－the－oubtie－－satm－tm－n～newspaner pubtrahea－in－the－eaunty－tn－whteh－the－meat－property－－interest rs－toeated－ance－a－week－for－4－suceestive－weekg－sate－shatt－me neta－－in－－the－－county－－where－－the－－reat－propertr－interest－ts toeatedv－－Fhe－notice－of－sate－shatt－centern－－the－－information


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 oriqinatty－－aequired－－by－－eminent－dombin－or－atherwise－ory－if there－is－o－sucessor－tn－interesty－the－suceessor－in－tnterest shott－－tiave－－the－aption－te－parchase－the－tnterest－by－offertng ther三for－an－－amount－－of－－maner－－equet－－to－－the－－highest－－bit
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tZł－－まf－－no－－bids－－are－－recetyed－－by－the－setter－and－the ostronnotder－indicates－tn－writing－－to－－tne－－setter－－thot－－he whimes－－to－－exererse－－the－－optionv－the－setter－shazt－have－that reat－preperty－tnterest－appritsed－and－seft－－the－－rnterest－－at that－griee－to－the－optionhotder：＂

Section－3＊－－Reversion－－of－fee－interestw－－when－property
in-which-a-fee-stipple-interest-hes-been-aequired-by-riqht-of aminent-dometnv-rg-enendoned-or-the-parpose-for-whtem-it-wos ecquiped-79-terminntedy-the-property-peverts-to-the-ariginet ownep- or-hts-9uctessop-in-interesty

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Section le Reversion of less than fee interest. When an interest nther than a fee simple interest in property; which has been acquired for a public purpose by right of emaneit domaing is abandoned or the purpose for which it was acquires is terminated, the property reverts to the original owner $\boldsymbol{i r}$ his successor in interest.
 10=30=322ュ_MEA\&_ARE_REREALEQa
-nd-

AMENDMENTS TO SENATE BILL 170
March 14, 1983
Third Reading Copy (blue)
BE AMENDED AS FOLLOWS:

1. Title, line 7.

Strike: "LIMITING"
Insert: "ELIMINATING"
2. Title, line 9. Strike: "TO PURCHASE CERTAIN ABANDONED INTERESTS; AMENDING" Insert: "OF A REAL PROPERTY INTEREST ACQUIRED FOR A PUBLIC USE AND LATER ABANDONED; REPEALING"
3. Page l, line 15.

Strike: Sections 1 and 2 in their entirety.
Insert: "Section 1. Repealer. Sections 70-30-321 and 70-30-322, MCA, are repealed."
Renumber subsequent sections.

AND AS AMENDED
BE CONCURRED IN

SENATE BiLl NO． 170 INTRODUCED BY BOYLAN

A BILL FOR AN ACT ENTITLED：MAN ACT EEIMINAFING ID＿RBOYIDE EQR＿＿REYERSION＿TO＿IHE＿ERRMER＿OHER＿OE＿CERIAIN＿INIERESIS＿IN BEAL＿PRORERTY＿ACQUIRED＿EOR＿A＿RUBLIC＿USE＿AND＿LATER＿ABANDONED：
 REFUSAL OF THE FORMER OWNER EF－A－REAE－PREPERFY－TNFERESF

 PRORERTY＿INIERESI＿ACOUIBED＿EQR＿A＿PUALIC＿USE＿AND＿LAIER AEANDQAELI REPEAEFNG AMENDING SECTIONS 70－30－321 AND 70－30－322，MCA．＂
be if evacted by the legislature of the state of montana：



 when－mse－abandoned－－－－procedurer－－ttt－ithenever－a－person－－who
 graperty－for－a－pubtie－usev－whether ather＝timan hy－wiqht－of emtnent－－domein－or－－otherwisey－abandens－sueh－pubtit－use－and phness－suen－interest－for－－sntep－－the－－sether－－mat－－aet＋－－the interest－te－the－ntahest－bidder－ot－pubtre－nctions
tZけ－－In－－the－－event－the－－retter－－deeides－－to－sett－－an interest－in－reat－property－as－set－forth－in－subsection－tity－he shott－pubtish－notiee－of－the－－pubtte－－sate－－tn－－a－－newspaper pubłished－－in－the－county－in－whieh－the－reat－property－interest ＋s－7ocoted－once－a－week－for－4－sueeessive－weeksw－5ate－shat7－be hetd－in－the－county－－where－－the－－reat－－property－interest－－is toestedv－－－Fhe－－notice－of－sate－shatt－contain－the－tinformation required－by－77－z－3zき＊＊

 interest－to－purchase－ot－sałe－pricev－－fłt－Fhe－owner－from－whom
 originntly－sequired－by－eminent－donatn－or－otherwise－ort－if there－is－a－suceessor－in－interestv－the－suceessor－in－interest shaft－have－the－option－to－parchose－the－interest－by－－offering therefor－－－an－amount－－of－－noney－－equat－－to－－the－－highest－bid received－－for－－the－－interest－－gt－a－－sate－－provided－－for－－tn
 entittementr－the－option－may－not－be－exercisedv
tマi－ 4 － optinnhotder－－inatieates－－in－－writing－－to－－the－setter－that－he wishes－to－exereise－the－optionv－the－－sełter－－inott－－hove－the reat－－property－－interest－－appraised－and－set7－the－interest－at that－mpice－to－the－optionhotder ${ }^{n}$


Section-3w--Peversfon-of-fee-interestw--When--propertyp in-whith-a-fee-simpie-interest-has-been-aequired-by-right-of eminent-domeiny-is-nbandoned-or-the-purpose-for-whteh-it-was equired-is-termtnatedy-the-property-reverts-te-the-eriginat owner-or-hts-suceessor-in-+nterest.

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Seetion-k--Reverston--of-tess-than-fee-interesto--When on-Fnterest-other-then-a-fee- $\rightarrow$ +mpte--interest--in--propertyy whieh-has--been--aequir ed--for-a-pubtie-purpuse-by-right-of eminent-domeiny-is-abentoned-or-the-purpose-for-whreh-it-was aequired-is-terminatedr-the-property-reverts-to-the-originot owner-or-his-suceessor-7n-ineerest.



SECIIOQ_Le_SECTION_IO-3D=321. MCAR_IS_AMENDED_IO_READE
m0-30-321. Sale of property acquired for public use when use abandoned -- procedure. (1) Hherever Exceat_as praxided_in_subsection_13k a persan who has acquired a real property interest for a public usen whether by right of eminent domain or otherwise, abandons such public use and places such interest for sale, the seller may sell the interest to the highest bidder at public auctione
$(2)$ In the event the seller decides to sell an interest in real property as set forth in subsection (1): he shall publish notice of the public sale in a newspaper
published in the county in which the real property interest
is located once a week for 4 successive weeks. Sale shall be
held in the county where the real property interest is
located. The notice of sale shall contain the information
required by 77-2-322.
13)_Hhen_an_iaterest_otber_than_a_fes_simple_interest
in_prapertyz_which_has_been_acquired_for a_gublic_pucoose_by
right_gf_eminent_domaine_or_othervisen_is_abandoned_or_the
pucpose_for_which_it_was_acquired__is_terminatede_fbe
property_reverts_to_the_original_owner_or_his_successor_in
interesta"
SECIION_2n_SECTIOU_70-30=322e_MCA__IS_AMENDED_IO_READ:
m70-30-322. Option of original owner or successor in
interest to purchase at sale grice. (1) The Except_as
proyided_-in_subsection_13le_the owner from whom the real
property interest was originally acquired by eminent domain
or otherwise or, if there is a,successor in interest, the
successor in interest shall have the option to purchase the
interest by offering therefor an amount of money equal to
the highest bid received for the interest at a sale provided
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(2) If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option the seller shall have the

1 real property interest appraised and sell the interest at 2 that price to the optiontolder.

4 in_ocovertys which_has_been_acquired_for_a_oublic pucpose_by
5 right_of eminent_domaine_or_othermises_is_abandoned_or_the
6 pucpose_for_whicb__it_was_acquired_is_tecminatede_the
, property reverts_to_the_ociginal_ovner_or_his_successor_io 9 Latereste"

SECILON_3e_SAXING_CLAUSE__IHIS_ACI DOES NOI_AEFECI ELCHIS_ANQ_DUTLES_IHAI_MAIUSEDE_PRQRERIY_IUAI HAS_ACOUIRED2 PEUSLILES_IHAI_HERE_LNCURREDE OR_RROCEEDINGS_THAI_HERE BEGUN BEEDRE IHE_EEEECIIXE_DAIE OF IHIS_ACI:
-End-

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SENATE EILL NO. }42
    INTRUDUCED bY STATE ADMINISTRATIUN COMMITTEE, STJRY
A bill for an act emtitled: "an act tu require state aivo
LOCAL GOVERNMENT AGEINGIES TO COMPLY WITH GONOITIONS AND
LIMITATIUNS CONIAINED IN APPROPRIATIOA GitES ACIS; AND
PRDVIOING AN EFFECTIVE DATE."*
WHEREAS, Article VIII, Section 12 , Constitution of montana requires the legislature to insure by law the strict sccountability of all revenue received and money syent by state and local governments; and
WiEREAS, Article VIII, Section 14, Constitution of rontana prohisits the payment of money, except for interest an the public debt, from the treasury unless upon an appropriation nade by law and a warrant dramn by the proper fficer.
GE It enacted by the legislature of the state df muntana:
    NE,d SECTIOM. Section 1. Conditions and limitations in
appropriation bitts acIS. Hotwitnstanding---any--other
=onftieting a statutory-provisianv conditionv or limitationv
Cu&IALMEQ__ly an appropriation bitz---enacted--mby---ne
tegistatufe ACI shall govern the administration and
expenditure of the appropriation until the appropriation tos
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beeq expended for the purpose set forth in the bit+ ACI or
until such provis+eat conditionv or limitation is changed by
a subsequent tegistati*e-emaetment APPROPRIAIIDN_ACI. IN_MO
EYENL_DOES _ _ COUDLIION_OR_LIMIIALION_CONIALNED_IN_AN
ARPRORRIAILON__-ACL___AMEND__ANY_OIdER__SIAIUIE. AnY--3UCh
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Nas-been-expended-for-the-purpese-set-forth--i+-the-bitt--or
untit--theq-afe-ehanged-oy-sobs equent-legistative-enactmenty
shaf+-have-the-fot+-foree-and-effeet-of-on-amendment-to--any
othif-statute-te-minieh-they-may-hove-applieebit+ty=
    NEW SECTIGA. Section 2. Codification instruction.
Section l is to be codified as an integral part of Title 17,
Chaster 8.
    NEW SECTIUN. Section 3. Effective date. This act is
effective on passage and approval.
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-2- 33426 AMENDMENTS DATED $y-14-83$


[^0]:    w Free Conference conitite
    on senate Bill No. 170
    Report No. 1, April 21, 198

