

HOUSE BILL NO. 523

INTRODUCED BY RANEY, ELLISON, HARPER, ADDY, ASAY, BRADLEY,
BACHINI, NATHE, DARKO, HARBIN, IVERSON, REAM, COHEN,
MILES, RAPP-SVRCEK, BRANDEWIE, QUILICI, KEENAN

IN THE HOUSE

January 28, 1985	Introduced and referred to Committee on State Administration.
January 30, 1985	Fiscal Note requested.
February 4, 1985	Fiscal Note returned.
February 11, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 12, 1985	Second reading, do pass. Considered correctly engrossed.
February 13, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 14, 1985	Introduced and referred to Committee on Natural Resources.
March 12, 1985	Committee recommend bill be concurrent in. Report adopted.
March 14, 1985	Second reading, pass consideration.
March 16, 1985	Second reading, concurred in. Segregated from the Committee of the Whole report.

March 18, 1985

Second reading, concurred in as amended.

March 20, 1985

Third reading, concurred in.
Ayes, 34; Noes, 16.

Returned to House with amendments.

IN THE HOUSE

March 21, 1985

Received from Senate.

April 8, 1985

Second reading, amendments concurred in.

On motion, rules suspended and bill placed on third reading this day.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 523
 2 INTRODUCED BY Raney Ellison Hager Ally Day
 3 Boopis NATH Mark Harlan John Ream Boyle
 4 Boyle Boyle Boyle Boyle Boyle Boyle
 5 A BILL FOR AN ACT ENTITLED "AN ACT PROVIDING AUTHORITY FOR
 6 STATE ACQUISITION OF ABANDONED RAILROAD RIGHTS-OF-WAY OR
 7 EASEMENTS THEREIN FOR FUTURE TRANSPORTATION CORRIDORS;
 8 AMENDING SECTION 60-11-111, MCA."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 60-11-111, MCA, is amended to read:
 11 "60-11-111. Identification and acquisition of railroad
 12 rights-of-way. (1) Identification of those railroad lines
 13 proposed for abandonment in the state of Montana that may
 14 have potential for local transportation service or future
 15 use as transportation corridors is necessary to determine
 16 the feasibility of acquisition by the state and to allow the
 17 state to negotiate for acquisition of those railroad lines
 18 or easements therein.

19 (2) The department of commerce:
 20 (a) shall identify railroad rights-of-way in this
 21 state that may be abandoned and research the feasibility of
 22 acquisition by the state of Montana of those rights-of-way
 23 that may be abandoned;
 24 (b) shall report periodically to the legislative
 25 finance committee, created in 5-12-201, on the progress of

1 the duties imposed upon it pursuant to subsection (2)(a);
 2 and
 3 (c) may negotiate for and acquire easements in the
 4 rights-of-way or the railroad rights-of-way and attendant
 5 facilities identified pursuant to subsection (2)(a) and
 6 either:

7 (i) hold all such acquired lands in trust for
 8 transportation purposes; and or
 9 (ii) upon creation of an appropriate local
 10 authority, other than an agency of state government, shall
 11 transfer to such local authority all attendant facilities
 12 and all rights and responsibility to operate and maintain
 13 transportation services over the lands acquired in
 14 subsection (2)(c).

15 (3) Abandoned rights-of-way acquired and held in trust
 16 pursuant to subsection (2)(c)(i) must be administered by the
 17 department of state lands as prescribed in Title 77, until
 18 such time as the land is needed for transportation
 19 purposes."

20 NEW SECTION. Section 2. Extension of authority. Any
 21 existing authority of the department of commerce to make
 22 rules on the subject of the provisions of this act is
 23 extended to the provisions of this act.

-End-



-2- INTRODUCED BILL
 HB 523

FISCAL NOTE

In compliance with a written request received January 30, 19 85, there is hereby submitted a Fiscal Note for H.B. 523 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:

House Bill 523 provides authority for state acquisition of railroad rights of way or easements for future transportation corridors.

ASSUMPTIONS:

1. The costs of reporting branchline corridor developments required can be absorbed within the current level budget.
2. It is anticipated that there will be 229 miles of branchline abandoned in the 1986-87 biennium.

FISCAL IMPACT:

As written, this bill has no fiscal impact because although the state is authorized to purchase rights of way or easements, no appropriation is provided.

LOCAL IMPACT:

Acquisition of easements may prevent construction in urban areas. For example, easements could prevent construction which would block current access to railroad yards in urban areas.

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 4, 1985

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 523

INTRODUCED BY

Raney Ellison Hager Kelly Gray
NATH: Marko Hovhanisyan Ryan Bradley

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORITY FOR
STATE ACQUISITION OF ABANDONED RAILROAD RIGHTS-OF-WAY OR
EASEMENTS THEREIN FOR FUTURE TRANSPORTATION CORRIDORS;
AMENDING SECTION 50-11-111, MCA."

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

Section 1. Section 60-11-111, MCA, is amended to read:

"60-11-111. Identification and acquisition of railroad
rights-of-way. (1) Identification of those railroad lines
proposed for abandonment in the state of Montana that may
have potential for local transportation service or future
use as transportation corridors is necessary to determine
the feasibility of acquisition by the state and to allow the
state to negotiate for acquisition of those railroad lines
or easements therein.

(2) The department of commerce:

(a) shall identify railroad rights-of-way in this
state that may be abandoned and research the feasibility of
acquisition by the state of Montana of those rights-of-way
that may be abandoned;

(b) shall report periodically to the legislative
finance committee, created in 5-12-201, on the progress of

the duties imposed upon it pursuant to subsection (2)(a);
and

(c) may negotiate for and acquire easements in the
rights-of-way or the railroad rights-of-way and attendant
facilities identified pursuant to subsection (2)(a) and
either:

(i) hold all such acquired lands in trust for
transportation purposes; and or

(ii) upon creation of an appropriate local
authority, other than an agency of state government, shall
transfer to such local authority all attendant facilities
and all rights and responsibility to operate and maintain
transportation services over the lands acquired in
subsection (2)(c).

(3) Abandoned rights-of-way acquired and held in trust
pursuant to subsection (2)(c)(i) must be administered by the
department of state lands as prescribed in Title 77, until
such time as the land is needed for transportation
purposes."

NEW SECTION. Section 2. Extension of authority. Any
existing authority of the department of commerce to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

-End-

HOUSE BILL NO. 523

INTRODUCED BY

Raney *Collison* *Hager* *Ally* *Ray*
NATH *Mark* *Harlan* *Jub* *Ream* *Bradley*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORITY FOR STATE ACQUISITION OF ABANDONED RAILROAD RIGHTS-OF-WAY OR EASEMENTS THEREIN FOR FUTURE TRANSPORTATION CORRIDORS; AMENDING SECTION 60-11-111, MCA."

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

Section 1. Section 60-11-111, MCA, is amended to read:

"60-11-111. Identification and acquisition of railroad rights-of-way. (1) Identification of those railroad lines proposed for abandonment in the state of Montana that may have potential for local transportation service or future use as transportation corridors is necessary to determine the feasibility of acquisition by the state and to allow the state to negotiate for acquisition of those railroad lines or easements therein.

(2) The department of commerce:

(a) shall identify railroad rights-of-way in this state that may be abandoned and research the feasibility of acquisition by the state of Montana of those rights-of-way that may be abandoned;

(b) shall report periodically to the legislative finance committee, created in 5-12-201, on the progress of

the duties imposed upon it pursuant to subsection (2)(a); and

(c) may negotiate for and acquire easements in the rights-of-way or the railroad rights-of-way and attendant facilities identified pursuant to subsection (2)(a) and either:

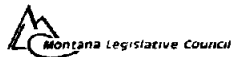
(i) hold all such acquired lands in trust for transportation purposes; and or

(d)(ii) upon creation of an appropriate local authority, other than an agency of state government, shall transfer to such local authority all attendant facilities and all rights and responsibility to operate and maintain transportation services over the lands acquired in subsection (2)(c).

(3) Abandoned rights-of-way acquired and held in trust pursuant to subsection (2)(c)(i) must be administered by the department of state lands as prescribed in Title 77, until such time as the land is needed for transportation purposes."

NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of commerce to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-



COMMITTEE OF THE WHOLE AMENDMENT

SENATE

Mar 18, 1985
DATE

3:00
TIME


MR. CHAIRMAN: I MOVE TO AMEND _____ HOUSE BILL _____ No. 523 _____

third reading copy (blue) as follows:
Color

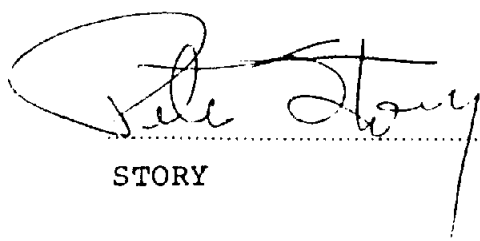
1. Page 2, line 6.
Following: line 5
Strike: "either"

2. Page 2, line 8.
Following: "and"
Strike: "or"
Insert: "and"

3. Page 2, line 10.
Following: "shalt"
Insert: "shall"

 PC3HB523.581

ADOPT
REJECT


STORY

HOUSE BILL NO. 523

INTRODUCED BY RANEY, ELLISON, HARPER, ADDY, ASAY,
BRADLEY, BACHINI, NATHE, DARKO, HARBIN, IVERSON,
REAM, COHEN, MILES, RAPP-SVRCEK, BRANDEWIE,
QUILICI, KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORITY FOR
STATE ACQUISITION OF ABANDONED RAILROAD RIGHTS-OF-WAY OR
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Section 1. Section 60-11-111, MCA, is amended to read:

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rights-of-way. (1) Identification of those railroad lines
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use as transportation corridors is necessary to determine
the feasibility of acquisition by the state and to allow the
state to negotiate for acquisition of those railroad lines
or easements therein.

(2) The department of commerce:

(a) shall identify railroad rights-of-way in this
state that may be abandoned and research the feasibility of
acquisition by the state of Montana of those rights-of-way

that may be abandoned;

(b) shall report periodically to the legislative
finance committee, created in 5-12-201, on the progress of
the duties imposed upon it pursuant to subsection (2)(a);
and

(c) may negotiate for and acquire easements in the
rights-of-way or the railroad rights-of-way and attendant
facilities identified pursuant to subsection (2)(a) and
either:

(i) hold all such acquired lands in trust for
transportation purposes; and or AND

~~(d)~~(ii) upon creation of an appropriate local
authority, other than an agency of state government, shall
SHALL transfer to such local authority all attendant
facilities and all rights and responsibility to operate and
maintain transportation services over the lands acquired in
subsection (2)(c).

(3) Abandoned rights-of-way acquired and held in trust
pursuant to subsection (2)(c)(i) must be administered by the
department of state lands as prescribed in Title 77, until
such time as the land is needed for transportation
purposes."

NEW SECTION. Section 2. Extension of authority. Any
existing authority of the department of commerce to make
rules on the subject of the provisions of this act is



HB 0523/02

1 extended to the provisions of this act.

-End-