

SENATE BILL NO. 236

INTRODUCED BY CONOVER, BOYLAN, LANE, YELLOWTAIL,
MANNING, HIRSCH, B. WILLIAMS, HALLIGAN, LYBECK

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE SENATE

January 24, 1985	Introduced and referred to Committee on Natural Resources.
February 2, 1985	Committee recommend bill do pass. Report adopted.
February 4, 1985	Bill printed and placed on members' desks.
February 5, 1985	Second reading, do pass.
February 6, 1985	Considered correctly engrossed.
February 7, 1985	Third reading, passed. Ayes, 48; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
March 19, 1985	Committee recommend bill be concurrent in. Report adopted.
March 22, 1985	Second reading, concurred in as amended.
March 25, 1985	Third reading, concurred in. Returned to Senate with amendments.

IN THE SENATE

March 25, 1985	Received from House.
April 2, 1985	Second reading, amendments not concurred in. Ayes, 50; Noes, 0.
April 4, 1985	On motion, Conference Committee requested and appointed.
April 16, 1985	Conference Committee dissolved. On motion, Free Conference Committee requested and appointed.
April 17, 1985	Free Conference Committee reported.
April 18, 1985	Second reading, Free Conference Committee report adopted. Third reading, Free Conference Committee report adopted. Free Conference Committee report adopted by House.
April 24, 1985	Sent to enrolling. Reported correctly enrolled.

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Senate BILL NO. *236*

INTRODUCED BY *Conner Boyer* *LANE Uphol*

BY REQUEST OF THE DEPARTMENT OF STATE LANDS
Richard Harmon *Hirsch* *11/11/01* *Scotty Sykes*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A RENEWED STATE LEASE MAY BE CANCELED FOR VIOLATIONS BY THE SAME LESSEE DURING THE PRIOR LEASE TERM; AMENDING SECTION 77-6-205, MCA."

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

Section 1. Section 77-6-205, MCA, is amended to read:
"77-6-205. Renewal leases. (1) A lessee of state land classed as agricultural, grazing, town lot or city lot who has paid all rentals due from him to the state is entitled to have his lease renewed for a 5- or 10-year period at any time within 30 days prior to its expiration if no other applications for lease of the land have been received 30 days prior to the expiration of his lease. The renewal shall be at the rental rate provided by law for the renewal period and subject to any other conditions at the time of the renewal imposed by law as terms of the lease. If other applications have been received, the holder of the lease has the preference right to lease the land covered by his former lease by meeting the highest bid made by any other applicant. Applications for lease of lands in this section

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shall be given preference in the order of their receipt at the office of the department.

(2) The board shall accept the highest bid. If the lessee exercises the preference right and believes the bid to be excessive, he may request an administrative hearing. Such request must contain a statement of reasons why the lessee believes the bid not to be in the state's best interest and must be accompanied by a deposit equal to 20% of the competitive bid in the case of grazing lands and \$1 per acre in the case of agricultural lands. The department shall grant the request for a hearing if it determines that the statement indicates evidence that the bid may not be in the state's best interests. The board may, after the hearing, reduce the rental from the amount bid if the lessee shows that the bid is not in the best interest of the state because it is above community standards for a lease of such land, would cause damage to the tract, or impair its long-term productivity. If the board reduces the bid, it shall set forth its findings and conclusions in writing and so inform the lessee and competitive bidder. It is the duty of the board to secure the best lessees possible, so that the state may receive the maximum return possible with the least injury occurring to the land.

(3) Renewal leases may be canceled pursuant to 77-6-113, 77-6-208, 77-6-209, or 77-6-210 for violations by



INTRODUCED BILL
SB 236

1 the lessee during the previous lease term. Cancellation
2 procedures instituted but not completed before renewal are
3 applicable to the renewal lease."

4 NEW SECTION. Section 2. Extension of authority. Any
5 existing authority of the board or department of state lands
6 to make rules on the subject of the provisions of this act
7 is extended to the provisions of this act.

-End-

APPROVED BY COMM. ON NATURAL RESOURCES

1 Senate BILL NO. 236
2 INTRODUCED BY *Conner Rayla* *LANE Uppelwital*
3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
4 *Richard Armstrong* *Heisch* *Sixtyfour Sybil*

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BY REQUEST OF THE DEPARTMENT OF STATE LANDS
Richard Armstrong *Thiick* *11/11/01* *11/11/01*
Sully *Sybil*

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LC 1331/01

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-End-

COMMITTEE OF THE WHOLE AMENDMENT

3211505b.cw

HOUSE

3-21-85
DATE

3:05
TIME

MR. CHAIRMAN: I MOVE TO AMEND Senate Bill No. 236

3rd reading copy (blue) as follows:
Color

- 1. Page 2, line 24.
- Following: "(3)"
- Strike: "Renewal" through "." on line 1, page 3

ADOPT
REJECT

EA

James R. Bell

Rehberg

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-End-

CONFERENCE COMMITTEE REPORT

Report No. 1

.....APR 17, 1985.....

MR. SPEAKER

We, your FREE Conference Committee on

SENATE BILL NO.236, reference copy,

met and considered , on April 17, 1985, SENATE BILL NO.236 in its

entirety.

We recommend as follows:

That SENATE BILL NO.236, reference copy, be amended as follows:

Page 3, line 2.

Following: "~~term:~~"

Insert: "A renewal lease may be cancelled pursuant to 77-6-113, 77-6-208, 77-6-209, or 77-6-210 for a violation by the lessee that occurred during the previous lease term but no more than 3 years prior to the date on which the notice of cancellation required by 77-6-211 is issued."

FCCSB236

And that this Conference Committee report be adopted.

FOR THE SENATE

Paul Conover
CONOVER, CHM

Leo Lane

LANE
Ed Smith
SMITH

FOR THE HOUSE

F. Bardanoue
BARDANOUE

James R. Reberg
REBERG

Ramirez
RAMIREZ

Demons Bauer

ADOPT REJECT

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3 MAY BE CANCELED PURSUANT TO 77-6-113, 77-6-208, 77-6-209, OR
4 77-6-210 FOR A VIOLATION BY THE LESSEE THAT OCCURRED DURING
5 THE PREVIOUS LEASE TERM BUT NO MORE THAN 3 YEARS PRIOR TO
6 THE DATE ON WHICH THE NOTICE OF CANCELLATION REQUIRED BY
7 77-6-211 IS ISSUED. Cancellation procedures instituted but
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FCCSB236

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SMITH

FOR THE HOUSE

F. Bardanoue
BARDANOUE

Sam R. Reberg
REBERG

Ramirez
RAMIREZ

Ramona G. ...

ADOPT REJECT