

SENATE BILL NO. 265

INTRODUCED BY MOHAR

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE SENATE

January 29, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do pass. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Local Government.
March 27, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in.
	Returned to Senate with amendments.

IN THE SENATE

April 1, 1985	Received from House.
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April 3, 1985

Second reading, amendments  
concurrent in.

April 5, 1985

Third reading, amendments  
concurrent in.

Ayes, 45; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
 6 LAW REGARDING LEASING OF STATE-OWNED CITY AND TOWN LOTS AND  
 7 LAND VALUABLE FOR COMMERCIAL DEVELOPMENT; ELIMINATING THE  
 8 REQUIREMENT THAT CITY AND TOWN LOTS AND COMMERCIAL LANDS BE  
 9 SUBJECT TO SALE; CLARIFYING THAT COMMERCIAL PROPERTY MAY BE  
 10 LEASED FOR THE SAME PERIOD AS CITY AND TOWN LOTS; EXTENDING  
 11 THE MAXIMUM LEASE PERIOD FROM 25 TO 40 YEARS; AND AMENDING  
 12 SECTIONS 77-1-204, 77-6-102, 77-6-106, 77-6-109, 77-6-205,  
 13 AND 77-6-503, MCA."

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

16 Section 1. Section 77-1-204, MCA, is amended to read:  
 17 "77-1-204. Power to sell, lease, or exchange certain  
 18 state lands. (1) The board is authorized to lease state  
 19 lands for uses other than agriculture, grazing, timber  
 20 harvest, or mineral production under such terms and  
 21 conditions which best meet the duties of the board as  
 22 specified in 77-1-202 and 77-1-203(1). The lease period for  
 23 such leases, except for power and school site leases, may  
 24 not be for longer than 25 40 years.

25 (2) The board shall have full power and authority to

1 sell, exchange or lease lands under its jurisdiction by  
 2 virtue of 77-1-214 when, in its judgment, it is advantageous  
 3 to the state to do so in the highest orderly development and  
 4 management of state forests and state parks. Said sale,  
 5 lease, or exchange shall not be contrary to the terms of any  
 6 contract which it has entered into."

7 Section 2. Section 77-6-102, MCA, is amended to read:  
 8 "77-6-102. ~~Leases of agricultural and grazing lands~~  
 9 ~~and city lots~~ Surface leases authorized. Under the general  
 10 direction and control of the board, the department shall  
 11 lease all agricultural and grazing lands and all town lots,  
 12 and city lots, and lands valuable for commercial development  
 13 open to leasing upon proper application."

14 Section 3. Section 77-6-106, MCA, is amended to read:  
 15 "77-6-106. Leased lands subject to later sale. All  
 16 leases of agricultural or grazing lands ~~or town or city lots~~  
 17 shall be upon condition that the board may, in its  
 18 discretion, offer the land for sale at any regular public  
 19 sale of state lands held in the county where the land is  
 20 situated, upon the same terms and in the same manner as land  
 21 not under lease."

22 Section 4. Section 77-6-109, MCA, is amended to read:  
 23 "77-6-109. Duration of lease. No lease to agricultural  
 24 or grazing lands may be for a period other than 5 or 10  
 25 years. Leases for city lots, and town lots, and lands



1 valuable for commercial development may not exceed 25 40  
2 years."

3 Section 5. Section 77-6-205, MCA, is amended to read:

4 "77-6-205. Renewal leases. (1) A lessee of state land  
5 classed as agricultural, grazing, town lot, or city lot, or  
6 land valuable for commercial development who has paid all  
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23 to be excessive, he may request an administrative hearing.  
24 Such request must contain a statement of reasons why the  
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1 interest and must be accompanied by a deposit equal to 20%  
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2 NEW SECTION. Section 7. Extension of authority. Any  
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LC 1425/01

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6 this act.

-End-

March 26, 1985

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 265

THIRD reading copy (BLUE color)

REVISES LAW RELATING TO LEASING OF CERTAIN STATE-OWNED LAND.

Respectfully report as follows: That SENATE Bill No. 265

BE AMENDED AS FOLLOWS:

- 1. Title, line 8.  
Strike: "CITY AND TOWN LOTS AND COMMERCIAL LANDS BE"  
Insert: "STATE LEASES OF LAND ARE"
- 2. Title, line 12.  
Strike: "77-6-106,"
- 3. Title, line 13.  
Following: "MCA"  
Insert: "; REPEALING SECTION 77-6-106, MCA"

CONTINUED

Chairman.

March 26, 1985

4. Page 2, line 14 through 21.  
Strike: section 3 in its entirety  
Renumber: subsequent sections

5. Page 5.  
Following: line 1  
Insert: "NEW SECTION. Section 6. Repealer. Section 77-6-106, MCA, is repealed."

AND, AS SO AMENDED,  
BE CONCURRED IN

Paula Darko

PAULA DARKO,

Chairman.

AS

Handwritten initials and numbers: AS, 9, 307

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