

SB 316 INTRODUCED BY HIRSCH
REVISING REQUIREMENTS FOR SALE OR EXCHANGE OF STATE
LAND

2/11	INTRODUCED		
2/11	REFERRED TO LOCAL GOVERNMENT		
2/17	HEARING		
2/20	FISCAL NOTE REQUESTED		
2/20	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	48	0
2/23	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/24	REFERRED TO LOCAL GOVERNMENT		
3/05	FISCAL NOTE RECEIVED		
3/11	HEARING		
3/11	TABLED IN COMMITTEE		

1 Senate BILL NO. 316
2 INTRODUCED BY Hirsch

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
5 REQUIREMENTS FOR SALE OR EXCHANGE OF STATE LAND WITHIN A
6 MUNICIPALITY OR WITHIN 4 1/2 MILES OF THE MUNICIPALITY;
7 REQUIRING SUBDIVISION BEFORE SUCH LAND MAY BE EXCHANGED;
8 AMENDING SECTIONS 76-3-205, 77-2-205, 77-2-309, AND
9 77-2-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 77-2-205, MCA, is amended to read:

13 "77-2-205. Restriction on exchange for private land.

14 (1) No exchange under 77-2-203 shall be made which will
15 induce or encourage large-scale commercial, industrial, or
16 residential development unless the value of such development
17 is considered in determining the fair market value and
18 unless the proposed development will not adversely affect
19 the resources of the existing state tracts or those tracts
20 which the state would receive under the proposed exchange.

21 (2) No exchange under 77-2-203 of state land within
22 the limits of any municipality or within 4 1/2 miles of such
23 limits may occur unless the land is first subdivided into
24 lots or tracts of not more than 5 acres each, in accordance
25 with the ordinances of such municipality."

1 Section 2. Section 77-2-309, MCA, is amended to read:

2 "77-2-309. Discretion of board with respect to
3 surveying and platting. Except as provided in 77-2-205 and
4 77-2-312, it shall be entirely optional with the board
5 whether or not state lands or any part thereof shall be
6 surveyed, platted, and laid off into blocks and lots as
7 herein provided, as may appear to be for the best interests
8 of the state."

9 Section 3. Section 77-2-312, MCA, is amended to read:

10 "77-2-312. Subdivision of lands in or near
11 municipalities. (1) All lands within the limits of any town
12 or city or within 3 4 1/2 miles of such limits shall be
13 subdivided into lots or tracts of not more than 5 acres each
14 before being offered for sale and the lots must then be sold
15 alternately at regular sales of state lands.

16 (2) When such tracts of 5 acres or less have been
17 sold, the board shall, whenever deemed necessary, cause the
18 plat thereof to be filed for record with the county clerk
19 and recorder of the county in which the land is situated,
20 but if the same purchaser bids in two or more adjoining lots
21 or tracts, all the lots so purchased shall at the option of
22 the purchaser be included in one certificate of purchase."

23 Section 4. Section 76-3-205, MCA, is amended to read:

24 "76-3-205. Exemption for state-owned lands --
25 exception. The provisions of this chapter shall not apply to



1 the division of state-owned land unless the division creates
2 a second or subsequent parcel from a single tract for sale,
3 exchange, rent, or lease for residential purposes after July
4 1, 1974."

5 NEW SECTION. Section 5. Extension of authority. Any
6 existing authority of the board of land commissioners to
7 make rules on the subject of the provisions of this act is
8 extended to the provisions of this act.

9 NEW SECTION. Section 6. Effective date. This act is
10 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB316, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill proposes to amend Section 77-2-205, MCA. Exchange for private land. This section presently allows for the exchange of State land for private land provided that the private land is of equal or greater value and that the State land and private land are as closely as possible equal in area. The proposed law would require the land to be exchanged to be subdivided into lots or tracts of no more than 5 acres each if the land lies within the limits of any municipalities or within 4-1/2 miles of the limits of the municipality. The proposed bill also would require that the subdivision be done in accordance with ordinances of that municipality.

The bill also proposes to amend Section 77-2-312, MCA -- Subdivision of lands in or near municipalities. This section presently requires all land within town or city limits or within a 3 mile radius of such limits to be subdivided into lots or tracts of no more than 5 acres before being sold. The proposed law would change the 3 mile radius to 4-1/2 miles.

Section 76-3-205, MCA is proposed to be amended to include exchange lands by Department of State Lands.

ASSUMPTIONS:

1. The Board of Land Commissioners has the ability to reject a land exchange proposal if it feels that the exchange is not in the best interest of the Trust.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

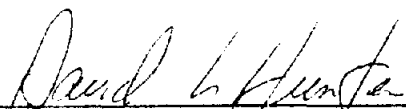
Local impact would be administrative time spent by local government staff to comply with requirements of the municipal ordinances.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None noted.

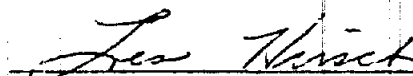
TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

None noted.



DATE 3/2/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning



DATE 3-5-87

LES HIRSCH, PRIMARY SPONSOR

Fiscal Note for SB316, as introduced.

SB 316

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 316

INTRODUCED BY HIRSCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS FOR SALE OR EXCHANGE OF STATE LAND WITHIN A MUNICIPALITY OR WITHIN 4 1/2 MILES OF THE MUNICIPALITY; REQUIRING--SUBDIVISION--BEFORE--SUCH--LAND--MAY--BE--EXCHANGED; AMENDING SECTIONS 76-3-205, 77-2-205, 77-2-309, AND 77-2-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 77-2-205, MCA, is amended to read:

"77-2-205. Restriction on exchange for private land.

(1) No exchange under 77-2-203 shall be made which will induce or encourage large-scale commercial, industrial, or residential development unless the value of such development is considered in determining the fair market value and unless the proposed development will not adversely affect the resources of the existing state tracts or those tracts which the state would receive under the proposed exchange.

(2) No exchange under 77-2-203 of state land within the limits of any municipality or within 4 1/2 miles of such limits may occur unless the land is first APPRAISED AS IF IT WERE subdivided into lots or tracts of not more than 5 acres each, in accordance with the ordinances of such

municipality."

Section 2. Section 77-2-309, MCA, is amended to read:

"77-2-309. Discretion of board with respect to surveying and platting. Except as provided in 77-2-205 and 77-2-312, it shall be entirely optional with the board whether or not state lands or any part thereof shall be surveyed, platted, and laid off into blocks and lots as herein provided, as may appear to be for the best interests of the state."

Section 3. Section 77-2-312, MCA, is amended to read:

"77-2-312. Subdivision of lands in or near municipalities. (1) All lands within the limits of any town or city or within 3 4 1/2 miles of such limits shall be subdivided into lots or tracts of not more than 5 acres each before being offered for sale and the lots must then be sold alternately at regular sales of state lands.

(2) When such tracts of 5 acres or less have been sold, the board shall, whenever deemed necessary, cause the plat thereof to be filed for record with the county clerk and recorder of the county in which the land is situated, but if the same purchaser bids in two or more adjoining lots or tracts, all the lots so purchased shall at the option of the purchaser be included in one certificate of purchase."

Section 4. Section 76-3-205, MCA, is amended to read:

"76-3-205. Exemption for state-owned lands --



1 exception. The provisions of this chapter shall not apply to
2 the division of state-owned land unless the division creates
3 a second or subsequent parcel from a single tract for sale,
4 exchange, rent, or lease for residential purposes after July
5 1, 1974."

6 NEW SECTION. Section 5. Extension of authority. Any
7 existing authority of the board of land commissioners to
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