

HOUSE BILL 149

Introduced by Stang, et al.

1/13	Introduced
1/13	Referred to Highways & Transportation
1/19	Hearing
1/26	Committee Report--Bill Passed as Amended
1/28	2nd Reading Passed
1/31	3rd Reading Passed

Transmitted to Senate

2/02	Referred to Highways & Transportation
2/16	Hearing
	Died in Committee

1 House BILL NO. 149
 2 INTRODUCED BY Stacy HARR
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE
 6 REQUIREMENT THAT THE DEPARTMENT OF HIGHWAYS OFFER LAND FOR
 7 SALE TO THE ORIGINAL OWNER OR SUCCESSOR IN INTEREST BEFORE
 8 EXCHANGING IT FOR OTHER PROPERTY; TO ELIMINATE THE OPTION
 9 THAT THE ORIGINAL OWNER OR SUCCESSOR IN INTEREST HAS TO
 10 PURCHASE PROPERTY OFFERED FOR SALE BY THE DEPARTMENT OF
 11 HIGHWAYS; TO REQUIRE THAT ADVANCE NOTICE OF THE SALE BE
 12 GIVEN TO THE ORIGINAL OWNER; AMENDING SECTIONS 60-4-201,
 13 60-4-202, AND 60-4-205, MCA; AND REPEALING SECTION 60-4-204,
 14 MCA."
 15

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

17 **Section 1.** Section 60-4-201, MCA, is amended to read:

18 **"60-4-201. Exchange of interest in real property. (1)**

19 The department may determine that an interest in real
 20 property, however acquired by it, is no longer necessary to
 21 the laying out, altering, construction, improvement, or
 22 maintenance of a highway. It may then exchange the interest,
 23 either as entire or partial consideration, for any other
 24 interest in real property needed for highway purposes. The
 25 department may establish the manner and terms and conditions

1 for the exchange.

2 ~~(2) The owner from whom the interest was originally~~
 3 ~~acquired by the state or his successor in interest has the~~
 4 ~~right to require the department to offer the land for sale~~
 5 ~~in the manner set forth in 60-4-202 and 60-4-203. The~~
 6 ~~department shall notify the owner or successor in interest~~
 7 ~~of its intention to exchange the interest. The owner shall~~
 8 ~~make his demand for sale by registered or certified mail to~~
 9 ~~the department within 10 days after receipt of notice from~~
 10 ~~the department.~~"

11 **Section 2.** Section 60-4-202, MCA, is amended to read:

12 **"60-4-202. Sale of interest in real property.** The
 13 department may sell an interest in real property, however
 14 acquired by it, which it determines is not necessary to the
 15 laying out, altering, construction, improvement, or
 16 maintenance of a highway. At least 10 days before a sale,
 17 the department shall send written notice of the sale to the
 18 owner from whom the property was acquired. If the interest
 19 is reasonably of a value in excess of \$100, sale ~~shall~~ must
 20 be made to the highest bidder at public auction. The sale
 21 ~~shall~~ must be conducted as provided in 77-2-321."
 22

22 **Section 3.** Section 60-4-205, MCA, is amended to read:

23 **"60-4-205. Private sale if no bid or offer. (1)** If,
 24 after proper notice is published, the department receives
 25 neither no bid at public sale nor ~~offer from the original~~

1 ~~owner-or-his-successor-in--interest~~, it may at any time
2 thereafter sell the interest at private sale. At the sale,
3 the department may accept as the purchase price an amount of
4 money not less than 90% of the appraised value.

5 (2) Title to an interest may not pass from the state
6 until the purchaser has paid the full amount of the purchase
7 price into the state treasury to the credit of the
8 department."

9 NEW SECTION. **Section 4.** Repealer. Section 60-4-204,
10 MCA, is repealed.

11 NEW SECTION. **Section 5.** Extension of authority. Any
12 existing authority to make rules on the subject of the
13 provisions of [this act] is extended to the provisions of
14 [this act].

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 149

INTRODUCED BY STANG, HARP

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE REQUIREMENT THAT THE DEPARTMENT OF HIGHWAYS OFFER LAND FOR SALE TO THE ORIGINAL OWNER OR SUCCESSOR IN INTEREST BEFORE EXCHANGING IT FOR OTHER PROPERTY; TO ELIMINATE THE OPTION THAT THE ORIGINAL OWNER OR SUCCESSOR IN INTEREST HAS TO PURCHASE PROPERTY OF 5 ACRES OR LESS OFFERED FOR SALE BY THE DEPARTMENT OF HIGHWAYS; TO REQUIRE THAT ADVANCE NOTICE OF THE A SALE BE GIVEN TO THE ORIGINAL OWNER; AND AMENDING SECTIONS 60-4-201, 60-4-202, AND 60-4-205 60-4-204, MCA; AND REPEALING SECTION 60-4-204, MCA."

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

Section 1. Section 60-4-201, MCA, is amended to read:

"60-4-201. Exchange of interest in real property. (1) The department may determine that an interest in real property, however acquired by it, is no longer necessary to the laying out, altering, construction, improvement, or maintenance of a highway. It may then exchange the interest, either as entire or partial consideration, for any other interest in real property needed for highway purposes. The department may establish the manner and terms and conditions

for the exchange.

(2) The owner from whom the interest was originally acquired by the state or his successor in interest has the right to require the department to offer the land for sale in the manner set forth in 60-4-202 and 60-4-203. The department shall notify the owner or successor in interest of its intention to exchange the interest. The owner shall make his demand for sale by registered or certified mail to the department within 10 days after receipt of notice from the department."

Section 2. Section 60-4-202, MCA, is amended to read:

"60-4-202. Sale of interest in real property. The department may sell an interest in real property, however acquired by it, which it determines is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway. At least 10 days before a sale, the department shall send written notice of the sale to the owner from whom the property was acquired. If the interest is reasonably of a value in excess of \$100, sale shall must be made to the highest bidder at public auction. The sale shall must be conducted as provided in 77-2-321."

Section 3. ~~Section 60-4-205, MCA, is amended to read:~~

~~"60-4-205. Private sale if no bid or offer: (1) If, after proper notice is published, the department receives neither no bid at public sale nor offer from the original~~

owner-or-his-successor-in-interest, it may at any time thereafter sell the interest at private sale. At the sale, the department may accept as the purchase price an amount of money not less than 98% of the appraised value.

(2) Title to an interest may not pass from the state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the department."

~~NEW SECTION. Section 4. Repealer. Section 60-4-204, MCA, is repealed.~~

SECTION 3. SECTION 60-4-204, MCA, IS AMENDED TO READ:

"60-4-204. Option of original owner or successor in interest to purchase at sale price. The When the department sells an interest in a parcel of real property greater than 5 acres in size, the owner from whom the interest was originally acquired or his successor in interest shall have has the option to purchase the interest by offering therefor for the interest an amount of money equal to the highest bid received for the interest at the sale. The offer shall must be sent to the department by registered or certified mail within 10 days from the date of the sale."

NEW SECTION. Section 4. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

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for the exchange.

~~{2}--The owner from whom the interest was originally acquired by the state or his successor in interest has the right to require the department to offer the land for sale in the manner set forth in 60-4-202 and 60-4-203. The department shall notify the owner or successor in interest of its intention to exchange the interest. The owner shall make his demand for sale by registered or certified mail to the department within 10 days after receipt of notice from the department."~~

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