

HOUSE BILL NO. 385

INTRODUCED BY SIMON, ADDY, KIMBERLEY, WHALEN, RAMIREZ,  
KEATING, REHBERG, HANNAH, DAILY, PAVLOVICH, KILPATRICK,  
REGAN, T. NELSON, ROTH, GLASER, MCLANE, BISHOP, KELLER,  
BRADLEY, HAGER, BENGTSON, CRIPPEN, SEVERSON,  
B. BROWN, BLAYLOCK, VINCENT

## IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 25, 1989	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 2, 1989	PRINTING REPORT.
FEBRUARY 3, 1989	PASSED CONSIDERATION FOR THE DAY.
	PASSED CONSIDERATION UNTIL 33RD LEGISLATIVE DAY.
FEBRUARY 9, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 10, 1989	ENGROSSING REPORT.
FEBRUARY 11, 1989	THIRD READING, PASSED. AYES, 69; NOES, 20.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.

MARCH 13, 1989

THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. 385 *Feature*  
 2 INTRODUCED BY *Sen. Abby Kimball* *Whalen Ramirez*  
 3 *Rehberg, Dahl, Carlson, Mays, Johnson, Bales, Bales, Hagen, Benten, Bradley, Hagen, Benten, Bradley, Blaylock, Vincent, Brown*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE MONTANA DEPARTMENT OF HIGHWAYS TO TRANSFER CERTAIN LANDS TO YELLOWSTONE COUNTY SO THAT YELLOWSTONE COUNTY MAY MAKE THE LAND AVAILABLE FOR DEVELOPMENT OF A ZOO AND BOTANICAL GARDENS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

5 WHEREAS, the Montana Department of Highways owns a  
 6 parcel of land near Billings along Interstate 90 near the  
 7 proposed Shiloh interchange for which the department has no  
 8 need; and

9 WHEREAS, Yellowstone County and a private corporation  
 10 known as ZooMontana, Inc. have discussed with the department  
 11 the transfer of the land to Yellowstone County, which in  
 12 turn would make the land available to ZooMontana, Inc. for  
 13 use as a zoo and botanical gardens; and

14 WHEREAS, ZooMontana, Inc. plans to create a  
 15 high-quality regional zoo and botanical gardens to fulfill  
 16 educational, recreational, and research purposes; and

17 WHEREAS, the zoo and botanical gardens will attract  
 18 many visitors from the city of Billings, from around the  
 19 state of Montana, and from out of state; and

20 WHEREAS, the zoo and botanical gardens will become a

1 major tourist attraction and is expected to bring over  
 2 50,000 people into the zoo each year from out of the region  
 3 who will spend in excess of one million each year, which  
 4 will benefit the entire state; and

5 WHEREAS, funds for the construction of the facility are  
 6 being raised locally and regionally, with an expectation  
 7 that \$4.5 million will be raised; and

8 WHEREAS, the ZooMontana development promises to be of  
 9 major benefit to Montana in terms of educational and  
 10 recreational opportunities while at the same time infusing  
 11 money into the state's economy.

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 NEW SECTION. **Section 1.** Disposition of certain  
 15 highway property to Yellowstone County. (1) The department  
 16 of highways is directed to transfer its interest, including  
 17 appurtenant water rights, in the property described in  
 18 subsection (2) to Yellowstone County. Yellowstone County  
 19 shall make the land available to ZooMontana, Inc., a  
 20 corporation, for the development of a zoo, botanical  
 21 gardens, and related facilities.

22 (2) The property is described as the N 1/2 of the SE  
 23 1/4, section 22, township 1 south, range 25 east, M.P.M.,  
 24 Yellowstone County, Montana, lying northwesterly of Canyon  
 25 Creek ditch, containing 63.33 acres, less the easterly 20

1      feet abutting the right-of-way of Shiloh road.

2            (3) The department is authorized to provide an  
3      easement or otherwise grant title to or use of land owned by  
4      the department that is contiguous to the land described in  
5      subsection (2) for the purpose of providing access to the  
6      land described in subsection (2). The additional grant or  
7      easement may be made if the department determines that use  
8      for access will not interfere with highway department use of  
9      the contiguous land.

10           (4) The department of highways may establish  
11      appropriate conditions to protect the interest of the state  
12      on the transfer of the property, including a provision for  
13      reversion should the property cease to be used for zoo and  
14      botanical garden purposes.

15           (5) The provisions of Title 60, chapter 4, part 2, do  
16      not apply to the transfer of land directed by [this act].

17           **NEW SECTION.** **Section 2.** Effective date. [This act] is  
18      effective on passage and approval.

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1 House BILL NO. 385 Bentley  
2 INTRODUCED BY *Hagan* *Adely Kimberley* *Whalen Ramirez*  
3 *David Larson* *Alberto M. Lopez* *Bob M.*  
4 A BILL OR AN ACT ENTITLED: "AN ACT TO DIRECT THE MONTANA DEPARTMENT OF HIGHWAYS TO TRANSFER CERTAIN LANDS TO  
5 *John Wilson* *Bishop* *Bradley*  
6 YELLOWSTONE COUNTY SO THAT YELLOWSTONE COUNTY MAY MAKE THE *Hagan*  
7 LAND AVAILABLE FOR DEVELOPMENT OF A ZOO AND BOTANICAL *Bentley*  
8 GARDENS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." *Seconding*  
9 *Blaylock* *Vincent* *Bob Brown*

10 WHEREAS, the Montana Department of Highways owns a  
11 parcel of land near Billings along Interstate 90 near the  
12 proposed Shiloh interchange for which the department has no  
13 need; and

14           WHEREAS, Yellowstone County and a private corporation  
15       known as ZooMontana, Inc. have discussed with the department  
16       the transfer of the land to Yellowstone County, which in  
17       turn would make the land available to ZooMontana, Inc. for  
18       use as a zoo and botanical gardens; and

19 WHEREAS, ZooMontana, Inc. plans to create a  
20 high-quality regional zoo and botanical gardens to fulfill  
21 educational, recreational, and research purposes; and

22 WHEREAS, the zoo and botanical gardens will attract  
23 many visitors from the city of Billings, from around the  
24 state of Montana, and from out of state; and

25 WHEREAS, the zoo and botanical gardens will become a

1 major tourist attraction and is expected to bring over  
2 50,000 people into the zoo each year from out of the region  
3 who will spend in excess of one million each year, which  
4 will benefit the entire state; and

5 WHEREAS, funds for the construction of the facility are  
6 being raised locally and regionally, with an expectation  
7 that \$4.5 million will be raised; and

8           WHEREAS, the ZooMontana development promises to be of  
9 major benefit to Montana in terms of educational and  
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11 money into the state's economy.

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9      the contiguous land.

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8 A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE MONTANA  
9 DEPARTMENT OF HIGHWAYS TO TRANSFER CERTAIN LANDS TO  
10 YELLOWSTONE COUNTY SO-THAT-YELLOWSTONE-COUNTY-MAY, THE CITY  
11 OF BILLINGS, OR ZOOMONTANA, INC., TO MAKE THE LAND AVAILABLE  
12 FOR DEVELOPMENT OF A ZOO AND BOTANICAL GARDENS; AND  
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15           WHEREAS, the Montana Department of Highways owns a  
16    parcel of land near Billings along Interstate 90 near the  
17    proposed Shiloh interchange for which the department has no  
18    need; and

19 WHEREAS, Yellowstone County and a private corporation  
20 known as ZooMontana, Inc., have discussed with the department  
21 the transfer of the land to Yellowstone County, which in  
22 turn would, THE CITY OF BILLINGS, A PRIVATE NONPROFIT  
23 CORPORATION KNOWN AS ZOOMONTANA, INC., AND THE DEPARTMENT  
24 DESIRE TO make the land available to ZooMontana, Inc. for  
25 use as a zoo and botanical gardens; and

1               WHEREAS,    ZooMontana,    Inc.    plans    to    create    a  
2    high-quality    regional    zoo    and    botanical    gardens    to    fulfill  
3    educational,    recreational,    and    research    purposes    AND    FOR    THE  
4    ENJOYMENT    OF    THE    PUBLIC;    and

5 WHEREAS, the zoo and botanical gardens will attract  
6 many visitors from the City of Billings, from around the  
7 State of Montana, and from out of state; and

8           WHEREAS, the zoo and botanical gardens will become a  
9 major tourist attraction and is expected to bring over  
10 50,000 people into the zoo each year from out of the region  
11 who will spend in excess of one million each year, which  
12 will benefit the entire state; and

13 WHEREAS, funds for the construction of the facility are  
14 being raised locally and regionally, with an expectation  
15 that \$4.5 million will be raised; and

16           WHEREAS, the ZooMontana development promises to be of  
17        major benefit to Montana in terms of educational and  
18        recreational opportunities while at the same time infusing  
19        money into the state's economy.

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

22        NEW SECTION. **Section 1.** Disposition of certain  
23        highway property to Yellowstone County. (1) The department  
24        of highways is directed to transfer its interest,--including  
25        appurtenant--water--rights,--in--the--property--described-in



1 subsection-(2)-to-Yellowstone--County---Yellowstone--County  
 2 shall--make--the-land-available-to BY SALE, LEASE, TRADE, OR  
 3 WHATEVER OTHER LEGAL MEANS MAY BE AVAILABLE SO THAT THE  
 4 PROPERTY DESCRIBED IN SUBSECTION (2) MAY BE MADE AVAILABLE  
 5 TO YELLOWSTONE COUNTY, THE CITY OF BILLINGS, OR ZooMontana,  
 6 Inc., a corporation, for the development of a zoo, botanical  
 7 gardens, and related facilities.

8 (2) The property is described as the N 1/2 of the SE  
 9 1/4, section 22, township 1 south, range 25 east, M.P.M.,  
 10 Yellowstone County, Montana, lying northwesterly of Canyon  
 11 Creek ditch, containing 63.33 acres AND INCLUDING  
 12 APPURTENANT WATER RIGHTS, less the easterly 20 feet abutting  
 13 the right-of-way of Shiloh road.

14 (3) The department is authorized to provide an  
 15 easement or otherwise grant--title--to--or--use--of MAKE  
 16 AVAILABLE TO YELLOWSTONE COUNTY, THE CITY OF BILLINGS, OR  
 17 ZOOMONTANA, INC., land owned by the department that is  
 18 contiguous to the land described in subsection (2) for the  
 19 purpose of providing access to the land described in  
 20 subsection (2). The additional grant or easement may be made  
 21 if the department determines that use for access will not  
 22 interfere with highway department use of the contiguous  
 23 land.

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1 on the transfer of the property, including a provision for  
 2 reversion should the property cease to be used for zoo and  
 3 botanical garden purposes. THE COMMITMENT TO EXPEND SUMS OF  
 4 MONEY IN THE DEVELOPMENT OF THE PROPERTY FOR USE AS A ZOO  
 5 AND BOTANICAL GARDENS AND THE DEDICATION OF THE PROPERTY AS  
 6 SO DEVELOPED FOR PUBLIC USE FOR THE BENEFIT OF ALL MONTANANS  
 7 MAY BE CONSIDERED AS A PART OR ALL OF THE CONSIDERATION  
 8 NECESSARY TO CONSTITUTE FULL MARKET VALUE IF IT IS  
 9 DETERMINED THAT THE STATE CANNOT TRANSFER THE PROPERTY  
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