

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*
 2 INTRODUCED BY *Sen. Ardy Demberly Whalen Raming*
 3 *Rehberg*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE MONTANA *Keller*
 5 DEPARTMENT OF *Bishop* HIGHWAYS TO TRANSFER CERTAIN LANDS TO *Bradley*
 6 YELLOWSTONE COUNTY SO THAT YELLOWSTONE COUNTY MAY MAKE THE *Hagen*
 7 LAND AVAILABLE FOR DEVELOPMENT OF A ZOO AND BOTANICAL *Bengton*
 8 GARDENS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." *Sevenson*
 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
 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*
2 INTRODUCED BY *Donna Adley Kimbrey Whalen Raming*
3 *ehberg Paul Carlisle Mpetish*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE MONTANA *Adley*
5 DEPARTMENT OF *Bush* HIGHWAYS TO TRANSFER CERTAIN LANDS TO *Adley*

6 YELLOWSTONE COUNTY SO THAT YELLOWSTONE COUNTY MAY MAKE THE *Hagen*
7 LAND AVAILABLE FOR DEVELOPMENT OF A ZOO AND BOTANICAL *Bengtan*
8 GARDENS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." *Edwards*
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
10 recreational opportunities while at the same time infusing
11 money into the state's economy.

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

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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.

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INTRODUCED BY SIMON, ADDY, KIMBERLEY, WHALEN, RAMIREZ,
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 BRADLEY, HAGER, BENGTSON, CRIPPEN, SEVERSON,
 B. BROWN, BLAYLOCK, VINCENT

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~~, THE CITY
OF BILLINGS, OR ZOOMONTANA, INC., TO MAKE THE LAND AVAILABLE
 FOR DEVELOPMENT OF A ZOO AND BOTANICAL GARDENS; AND
 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

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

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

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

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

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

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

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

(4) The department of highways may establish
 appropriate conditions to protect the interest of the state

on the transfer of the property, including a provision for
 reversion should the property cease to be used for zoo and
 botanical garden purposes. THE COMMITMENT TO EXPEND SUMS OF
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AND BOTANICAL GARDENS AND THE DEDICATION OF THE PROPERTY AS
SO DEVELOPED FOR PUBLIC USE FOR THE BENEFIT OF ALL MONTANANS
MAY BE CONSIDERED AS A PART OR ALL OF THE CONSIDERATION
NECESSARY TO CONSTITUTE FULL MARKET VALUE IF IT IS
DETERMINED THAT THE STATE CANNOT TRANSFER THE PROPERTY
WITHOUT OBTAINING FULL MARKET VALUE FOR IT.

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

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