

HOUSE BILL 353

Introduced by Wanzenried

1/26	Introduced
1/26	Referred to Taxation
1/26	First Reading
1/26	Fiscal Note Requested
1/30	Fiscal Note Received
1/30	Fiscal Note Printed
2/05	Hearing
2/05	Tabled in Committee

1 House BILL NO. 353
2 INTRODUCED BY ~~SEN. [REDACTED]~~
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE FEE TO
5 BE CHARGED BY THE DEPARTMENT OF STATE LANDS FOR CERTAIN
6 RECREATIONAL LEASES."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 NEW SECTION. Section 1. Valuation of certain
10 recreational leases. (1) The board shall establish an annual
11 fee for each lease or license that is:
12 (a) held by a private nonprofit organization; and
13 (b) for land or land and fixtures used by the general
14 public for recreational purposes with the permission of the
15 lessee or licensee for no more than a nominal charge.
16 (2) The maximum fee for the lease or license is 1.75%
17 of the appraised value of the land, as determined by the
18 department of revenue, or \$150, whichever is more.
19 (3) The lease must be paid for, its value must be
20 increased or decreased, appeals must be taken, and the lease
21 or license must otherwise be administered as provided for
22 cabin site leases in 77-1-208.
23 NEW SECTION. Section 2. Codification instruction.
24 [Section 1] is intended to be codified as an integral part
25 of Title 77, chapter 1, and the provisions of Title 77,

1 chapter 1, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0353, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill that directs the State Board of Land Commissioners to limit annual fees for leases and licenses on state lands held by private nonprofit organizations to 1.75% of appraised value or \$150, whichever is greater. These leases and licenses can only be for land and fixtures used by the general public for recreational purposes by permission of the lessee or licensee and at a nominal fee.

ASSUMPTIONS:

1. The state land board, as established by the Constitution of Montana (Article X, Section 4) "has the authority to control lease, exchange and sell school lands" and other lands granted for the support of education.
2. The board is required to administer the school trust lands to secure the largest measure of legitimate and reasonable advantage to the trust (77-1-202, MCA).
3. Under the general direction of the board, the Department of State Lands (DSL) has the authority to issue leases for agriculture, grazing, mineral production, cabinsites, and other uses under such terms and conditions as best meet the duties of the board to various trusts and the State of Montana.
4. The DSL's current policy is to issue special use licenses of state land to private nonprofit organizations at 3.5% of appraised value or \$150, whichever is greater. This policy would apply at renewal to all special use licenses held by private nonprofit organizations.
5. The proposed rate of 1.75% or \$150, whichever is greater, would be applied to all new and renewed leases or licenses on school trust lands held by private, non-profit organizations.
6. Appraised values will increase 5% by time of renewal.
7. All existing licenses to private, nonprofit organizations will be renewed but no new licenses will be issued.

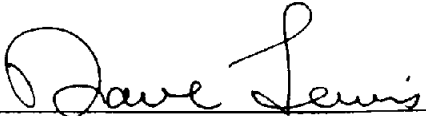
FISCAL IMPACT:

Expenditures: No impact.

Revenues: A loss of \$1,555 in revenues to the school trust for the 1995 biennium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Revenue losses will compound over time as property values increase.

 1-29-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

DAVID WANZENRIED, PRIMARY SPONSOR DATE

Fiscal Note for HB0353, as introduced

HB353