HOUSE BILL NO. 606

INTRODUCED BY ELLIS

IN THE HOUSE

FEBRUARY 12, 1993

INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

- FEBRUARY 19, 1993 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 20, 1993 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 22, 1993 ENGROSSING REPORT.

- FEBRUARY 23, 1993 THIRD READING, PASSED. AYES, 92; NOES, 7.
- FEBRUARY 24, 1993 TRANSMITTED TO SENATE.

IN THE SENATE

FIRST READING.

ADOPTED.

MARCH 1, 1993

MARCH 19, 1993

MARCH 20, 1993

MARCH 22, 1993

THIRD READING, CONCURRED IN. AYES, 39; NOES, 9.

RETURNED TO HOUSE WITH AMENDMENTS.

INTRODUCED AND REFERRED TO COMMITTEE

ON HIGHWAYS & TRANSPORTATION.

COMMITTEE RECOMMEND BILL BE

SECOND READING, CONCURRED IN.

CONCURRED IN AS AMENDED. REPORT

IN THE HOUSE

- APRIL 1, 1993 SECOND READING, AMENDMENTS CONCURRED IN.
- APRIL 2, 1993 THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.

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LC 1200/01

House BILL NO. 606 1 INTRODUCED BY 2 3 "AN ACT REVISING THE WIDTH A BILL FOR AN ACT ENTITLED: 4 RESTRICTIONS APPLICABLE TO HAY GRINDERS; AND AMENDING 5 SECTION 61-10-102, MCA.* 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section 61-10-102, MCA, is amended to read: 9 "61-10-102. Width. (1) Except as provided in subsection 10 (2), no a vehicle, including a bus, unloaded or with load, 11 may not have a total outside width in excess of 102 inches. 12 This width for buses is allowed only on paved highways 20 13 feet or more in width. 14 (2) (a) Subsection (1) does not apply to an implement 15 of husbandry or a vehicle used for hauling hay, moved or 16 propelled upon the highway during daylight hours for a 17 distance of not more than 100 miles if the movement is 18 incidental to the farming operations of the owner of the 19 implement of husbandry or the vehicle used for hauling hay. 20 If the implement or vehicle is more than 12 feet wide, it 21 must be preceded by flagman flag vehicle escorts to warn 22 other highway users. This restriction does not apply to 23 dual-wheel tractors under 15 feet overall width that are 24 used in farming operations. Lights which meet the 25

requirements of 61-9-219(4) must be displayed on the rear of
 the implement of husbandry or vehicle used for hauling hay.
 However, if the highway passes through a hazardous area, the
 implements or vehicles must be preceded and followed by
 flagman flag vehicle escorts.

6 (b) A commercial vehicle that is hauling hay but does 7 not qualify under subsection (2)(a) may be granted a permit 8 subject to the provisions of 61-10-121 through 61-10-127 and 9 the following requirements:

(i) travel during daylight hours only for an oversize
shipment of large round bales of hay, whether the vehicle is
loaded or with an empty hay rack, up to 144 inches; when
empty, a square red or orange flag measuring 12 inches on
each side must be attached to each corner of the hay rack;
and

16 (ii) travel day or night for any other shipment of baled
17 hay, whether the vehicle is loaded or with an empty hay
18 rack, up to 114 inches.

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-2-INTRODUCED BILL

LC 1200/01

1	users. Lights that meet the requirements of 61-9-219(4) must
2	be displayed on the rear of the hay grinder. However, if the
3	highway passes through a hazardous area, the hay grinder
4	must be preceded and followed by flag vehicle escorts.
5	Novement of a hay grinder that does not exceed 138 inches in
6	width may occur on any day of the week, including holidays,
7	and is not restricted to movement during daylight hours.
8	Novement of a hay grinder may not exceed the posted speed
9	limit, including the speed limit on an interstate highway.
10	(3) A safety device that the department determines by
11	rule adopted pursuant to 61-9-504 to be necessary for safe
12	and efficient operation of motor vehicles is not included in
13	the calculation of width provided in subsection (1)."

-End-

53rd Legislature

HB 0606/02

APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 606 INTRODUCED BY ELLIS 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE WIDTH RESTRICTIONS APPLICABLE TO COMMERCIAL HAY GRINDERS; AND 5 AMENDING SECTION 61-10-102, MCA." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 61-10-102, MCA, is amended to read: 10 "61-10-102. Width. (1) Except as provided in subsection 11 (2), no a vehicle, including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. 12 13 This width for buses is allowed only on payed highways 20 14 feet or more in width. 15 (2) (a) Subsection (1) does not apply to an implement 16 of husbandry or a vehicle used for hauling hay, moved or 17 propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is 18 19 incidental to the farming operations of the owner of the 20 implement of husbandry or the vehicle used for hauling hay. 21 If the implement or vehicle is more than 12 feet wide, it 22 must be preceded by flagman flag vehicle escorts to warn 23 other highway users. This restriction does not apply to 24 dual-wheel tractors under 15 feet overall width that are 25 used in farming operations. Lights which meet the

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requirements of 61-9-219(4) must be displayed on the rear of 1 2 the implement of husbandry or vehicle used for hauling hay. However, if the highway passes through a hazardous area, the 3 implements or vehicles must be preceded and followed by 4 5 flagman flag vehicle escorts.

(b) A commercial vehicle that is hauling hay but does 6 7 not gualify under subsection (2)(a) may be granted a permit subject to the provisions of 61-10-121 through 61-10-127 and 8 9 the following requirements:

(i) travel during daylight hours only for an oversize 10 shipment of large round bales of hay, whether the vehicle is 11 loaded or with an empty hay rack, up to 144 inches; when 12 13 empty, a square red or orange flag measuring 12 inches on 14 each side must be attached to each corner of the hay rack; 15 and

16 (ii) travel day or night for any other shipment of baled 17 hay, whether the vehicle is loaded or with an empty hay 18 rack, up to 114 inches.

19 (c) Subsection (1) does not apply to a COMMERCIAL hay 20 grinder moved or propelled upon the highway DURING DAYLIGHT 21 HOURS for a distance of not more than 100 miles if the 22 movement is incidental to operations of the COMMERCIAL hav 23 grinder. A COMMERCIAL hay grinder exceeding 102 inches in 24 width must have a permit issued under 61-10-124. If the 25 COMMERCIAL hay grinder is more than 12 feet wide, it must be

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HB 0606/02

HB 606 SECOND READING

1	preceded by flag vehicle escorts to warn other highway
2	users. Lights that meet the requirements of 61-9-219(4) must
3	be displayed on the rear of the COMMERCIAL hay grinder.
4	However, if the highway passes through a hazardous area, the
5	COMMERCIAL hay grinder must be preceded and followed by flag
6	vehicle escorts. Movement of a COMMERCIAL hay grinder that
7	does not exceed 138 inches in width may occur on any day of
8	the week, including holidays, and is not restricted to
9	movement during daylight hours. Movement of a COMMERCIAL hay
10	grinder may not exceed the posted speed limit, including the
11	speed limit on an interstate highway.
12	(3) A safety device that the department determines by
13	rule adopted pursuant to 61-9-504 to be necessary for safe
14	and efficient operation of motor vehicles is not included in

15 the calculation of width provided in subsection (1)."

-End-

1 HOUSE BILL NO. 606 2 INTRODUCED BY ELLIS 3 A BILL FOR AN ACT ENTITLED: 4 "AN ACT REVISING THE WIDTH RESTRICTIONS APPLICABLE TO COMMERCIAL HAY GRINDERS; AND 5 6 AMENDING SECTION 61-10-102, MCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 61-10-102, MCA, is amended to read: 10 *61-10-102. Width. (1) Except as provided in subsection (2), no a vehicle, including a bus, unloaded or with load, 11 12 may not have a total outside width in excess of 102 inches. 13 This width for buses is allowed only on paved highways 20 14 feet or more in width. 15 (2) (a) Subsection (1) does not apply to an implement 16 of husbandry or a vehicle used for hauling hav, moved or 17 propelled upon the highway during daylight hours for a 18 distance of not more than 100 miles if the movement is 19 incidental to the farming operations of the owner of the 20 implement of husbandry or the vehicle used for hauling hav. 21 If the implement or vehicle is more than 12 feet wide, it 22 must be preceded by flagman flag vehicle escorts to warn 23 other highway users. This restriction does not apply to 24 dual-wheel tractors under 15 feet overall width that are 25 used in farming operations. Lights which meet the



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 the implement of husbandry or vehicle used for hauling hay.
 However, if the highway passes through a hazardous area, the
 implements or vehicles must be preceded and followed by
 flagman flag vehicle escorts.

6 (b) A commercial vehicle that is hauling hay but does 7 not qualify under subsection (2)(a) may be granted a permit 8 subject to the provisions of 61-10-121 through 61-10-127 and 9 the following requirements:

(i) travel during daylight hours only for an oversize
shipment of large round bales of hay, whether the vehicle is
loaded or with an empty hay rack, up to 144 inches; when
empty, a square red or orange flag measuring 12 inches on
each side must be attached to each corner of the hay rack;
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16 (ii) travel day or night for any other shipment of baled
17 hay, whether the vehicle is loaded or with an empty hay
18 rack, up to 114 inches.

19 (c) Subsection (1) does not apply to a COMMERCIAL hay 20 grinder moved or propelled upon the highway DURING DAYLIGHT 21 HOURS for a distance of not more than 100 miles if the 22 movement is incidental to operations of the COMMERCIAL hay 23 grinder. A COMMERCIAL hay grinder exceeding 102 inches in 24 width must have a permit issued under 61-10-124. If the 25 COMMERCIAL hay grinder is more than 12 feet wide, it must be

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HB 606

THIRD READING

1 preceded by flag vehicle escorts to warn other highway 2 users. Lights that meet the requirements of 61-9-219(4) must be displayed on the rear of the COMMERCIAL hay grinder. 3 However, if the highway passes through a hazardous area, the 4 5 COMMERCIAL hay grinder must be preceded and followed by flag vehicle escorts. Movement of a COMMERCIAL hay grinder that 6 does not exceed 138 inches in width may occur on any day of 7 the week, including holidays, and is not restricted to 8 9 movement during daylight hours. Movement of a COMMERCIAL hay 10 grinder may not exceed the posted speed limit, including the 11 speed limit on an interstate highway. (3) A safety device that the department determines by 12

rule adopted pursuant to 61-9-504 to be necessary for safe
and efficient operation of motor vehicles is not included in
the calculation of width provided in subsection (1)."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 606 (first reading copy -blue), respectfully report that House Bill No. 606 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding, Chair

That such amendments read:

1. Page 3, lines 4 through 6.
Following: line 3
Strike: line 4 through "escorts." on line 6

-END-

 $\frac{n}{2N}$ Amd. Coord.

McClenan Senator Carrying Bill

SENATE *HB 606* 621016SC.Sma

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1 1 HOUSE BILL NO. 606 2 INTRODUCED BY ELLIS 2 З 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE WIDTH 4 flagman flag vehicle escorts. 5 5 RESTRICTIONS APPLICABLE TO COMMERCIAL HAY GRINDERS: AND 6 AMENDING SECTION 61-10-102, MCA." 6 7 7 8 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 the following requirements: 9 Section 1. Section 61-10-102, MCA, is amended to read: 10 10 "61-10-102. Width. (1) Except as provided in subsection 11 11 (2), no a vehicle, including a bus, unloaded or with load, 12 may not have a total outside width in excess of 102 inches. 12 13 13 This width for buses is allowed only on paved highways 20 14 14 feet or more in width. 15 and 15 (2) (a) Subsection (1) does not apply to an implement 16 16 of husbandry or a vehicle used for hauling hay, moved or 17 17 propelled upon the highway during daylight hours for a 18 rack, up to 114 inches. 18 distance of not more than 100 miles if the movement is 19 incidental to the farming operations of the owner of the 19 20 implement of husbandry or the vehicle used for hauling hay. 20 21 If the implement or vehicle is more than 12 feet wide, it 21 22 22 must be preceded by flagman flag vehicle escorts to warn 23 23 other highway users. This restriction does not apply to 24 dual-wheel tractors under 15 feet overall width that are 24 25 25 used in farming operations. Lights which meet the



HB 0606/03

requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be preceded and followed by

(b) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be granted a permit subject to the provisions of 61-10-121 through 61-10-127 and

(i) travel during daylight hours only for an oversize shipment of large round bales of hay, whether the vehicle is loaded or with an empty hay rack, up to 144 inches; when empty, a square red or orange flag measuring 12 inches on each side must be attached to each corner of the hay rack;

(ii) travel day or night for any other shipment of baled hay, whether the vehicle is loaded or with an empty hay

(c) Subsection (1) does not apply to a COMMERCIAL hay grinder moved or propelled upon the highway DURING DAYLIGHT HOURS for a distance of not more than 100 miles if the movement is incidental to operations of the COMMERCIAL hay grinder. A COMMERCIAL hay grinder exceeding 102 inches in width must have a permit issued under 61-10-124. If the COMMERCIAL hay grinder is more than 12 feet wide, it must be

> -2-HB 606 REFERENCE BILL AS AMENDED

1	preceded by flag vehicle escorts to warn other highway
2	users. Lights that meet the requirements of 61-9-219(4) must
3	be displayed on the rear of the COMMERCIAL hay grinder.
4	Howevery-if-the-highway-passes-through-a-hazardous-areay-the
5	COMMBRCIAb-hay-grinder-must-be-preceded-and-followed-by-flag
6	vehicleescorts. Movement of a COMMERCIAL hay grinder that
7	does not exceed 138 inches in width may occur on any day of
8	the week, including holidays, and is not restricted to
9	movement during daylight hours. Movement of a COMMERCIAL hay
10	grinder may not exceed the posted speed limit, including the
11	speed limit on an interstate highway.
12	(3) A safety device that the department determines by
13	rule adopted pursuant to 61-9-504 to be necessary for safe

-End-

the calculation of width provided in subsection (1)."

and efficient operation of motor vehicles is not included in

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LC 1394/01

DULE BILL NO. 607 INTRODUCED BY A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT

4 OF STATE LANDS TO LEASE CERTAIN STATE LANDS TO THE 5 DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR PUBLIC 6 RECREATION AREAS OR PUBLIC CAMPSITE PURPOSES: SETTING TERMS 7 8 AND CONDITIONS FOR THE LEASE: AMENDING SECTION 77-6-109. MCA; AND PROVIDING AN INMEDIATE SPFECTIVE DATE." 9

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WHEREAS, certain state lands have significant value as 11 public recreation areas or public campsites and, if leased 12 13 for those purposes, could contribute greatly to the highest 14 and best use of state land and result in added benefits to the Montana education system; and 15

WHEREAS, it is in the interest and to the benefit of 16 Montanana that recreation and campsite leases to the 17 Department of Fish, Wildlife, and Parks be allowed in order 18 to provide for long-term investment in public facilities on 19 20 those state lands, to ensure that the public has ongoing and consistent access to public recreation and camping areas 21 22 that are developed on state lands, and to generate maximum 23 revenue for the school trust.

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25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NONTANA:



1 NEW SECTION. Section 1. Lease to department of fish. 2 wildlife, and parks for public recreation area or public campsite authorized -- terms and conditions of lease. (1) з The department may classify as Class 4 lands state lands that are principally valuable for their use as public recreation areas or public campaites and lease those state lands to the department of fish, wildlife, and parks for 7 public recreation and public campsite purposes, consistent 9 with the conditions of this section.

10 (2) To allow for investment in capital improvements and 11 to ensure the maximum return to the school trust, a 12 recreation or campsite lease must be issued for a period of 13 20 years.

14 (3) (a) As payment for the lease, the board shall 15 determine a reasonable amount that the department of fish, 16 wildlife, and parks is required to pay, after taking into 17 consideration:

18 (i) the historic recreational use of the area;

19 (ii) improvements made or to be made by the department 20 of fish, wildlife, and parks during the term of the lease 21 that could enhance the ultimate value of the lease; and

22 (iii) whether a percentage of receipts collected from 23 the public in recreational use and camping fees for the 24 leased lands would constitute a reasonable lease payment. 25

(b) Lease payments made under this section must be

-2-

HO 607 INTRODUCED BILL

invested in the same manner as other revenue received for
 the lease of state lands.

3 (c) Lease payments made under this section constitute
4 fair market value for recreation or campsite leases to the
5 department of fish, wildlife, and parks for public purposes.
6 (4) A lease granted under this section is not subject
7 to competitive bidding requirements, renewal preference,

8 appraisal requirements, or termination in favor of a use 9 purporting to generate a greater monetary return.

10 (5) A lease granted under this section is considered to 11 meet the board's statutory trust responsibility in 77-1-202 12 and 77-1-204 by allowing the board to choose to maintain 13 school trust land through a lease for public purposes, 14 thereby maintaining the land until its value appreciates for 15 future use, and is consistent with the multiple-use 16 management concept mandated in 77-1-203.

Section 2. Section 77-6-109, MCA, is amended to read: 17 18 "77-6-109. Duration of lease. Except as provided in 77-6-116, a lease for agricultural or grazing lands may not 19 20 be for a period other than 5 or 10 years. Leases for city 21 lots, town lots, and lands valuable for commercial 22 development may not exceed 40 years. Leases to the 23 department of fish, wildlife, and parks for public 24 recreation or public campsite purposes must be issued for a period of 20 years." 25

NEW SECTION. Section 3. Codification instruction.
 [Section 1] is intended to be codified as an integral part
 of Title 77, chapter 6, and the provisions of Title 77,
 chapter 6, apply to [section 1].

5 NEW SECTION. Section 4. Effective date. [This act] is

-End-

6 effective on passage and approval.

HB 0607/02

APPROVED BY COMM. On FISH AND GAME

1	HOUSE BILL NO. 607	נ
2	INTRODUCED BY ELLIOTT, MERCER, STANG, HARDING	2
2	INTRODUCED DI EDUCCI, CENERAL	3
4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT	4
- 5	OF STATE LANDS TO LEASE CERTAIN STATE LANDS TO THE	Ę
6	DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR PUBLIC	e
7	RECREATION AREAS OR PUBLIC CAMPSITE PURPOSES; SETTING TERMS	7
8	AND CONDITIONS FOR THE LEASE; AMENDING SECTION 77-6-109,	٤
9	MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	9
10		· 10
11	WHEREAS, certain state lands have significant value as	11
12	public recreation areas or public campsites and, if leased	1:
13	for those purposes, could contribute greatly to the highest	1:
14	and best use of state land and result in added benefits to	1
15	the Montana education system; and	19
16	WHEREAS, it is in the interest and to the benefit of	10
17	Montanans that recreation and campsite leases to the	1
18	Department of Fish, Wildlife, and Parks be allowed in order	1
19	to provide for long-term investment in public facilities on	1
20	those state lands, to ensure that the public has ongoing and	2
21	consistent access to public recreation and camping areas	2
22	that are developed on state lands, and to generate-maximum	2
23	revenue for the FULLY MEET TRUST RESPONSIBILITIES FOR THE	2
24	MANAGEMENT OF school trust LANDS.	2
		2

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

2 NEW SECTION. Section 1. Lease to department of fish, wildlife, and parks for public recreation area or public 3 campsite authorized -- terms and conditions of lease. (1) 4 The department may classify as Class 4 lands state lands 5 6 that are principally valuable for their use as public 7 recreation areas or public campsites and lease those state 8 lands to the department of fish, wildlife, and parks for public recreation and public campsite purposes, consistent 9 0 with the conditions of this section.

11 (2) To allow for investment in capital improvements and 12 to ensure the maximum return to the school trust, a 13 recreation or campsite lease must <u>MAY</u> be issued for a period 14 of 20 years.

(3) (a) As payment for the lease, the board shall
determine a reasonable amount that the department of fish,
wildlife, and parks is required to pay, after taking into
consideration:

.9 (i) the historic recreational use of the area;

20 (ii) improvements made or to be made by the department 21 of fish, wildlife, and parks during the term of the lease 22 that could enhance the ultimate value of the lease; and 23 (ili) whether a percentage of receipts collected from 24 the public in recreational use and camping fees for the

the public in recreational use and camping fees for theleased lands would constitute a reasonable lease payment.

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нв 607 SECOND READING

HB 607

(b) Lease payments made under this section must be
 invested in the same manner as other revenue received for
 the lease of state lands.

4 (c) Lease payments made under this section constitute 5 fair market value for recreation or campsite leases to the 6 department of fish, wildlife, and parks for public purposes. 7 (4) A lease granted under this section is not subject

8 to competitive bidding requirements, renewal preference,
9 appraisal requirements, or termination in favor of a use
10 purporting to generate a greater monetary return.

11 (5) A lease granted under this section is considered to 12 meet the board's statutory trust responsibility in 77-1-202 13 and 77-1-204 by allowing the board to choose to maintain 14 school trust land through a lease for public purposes, 15 thereby maintaining the land until its value appreciates for 16 future use, and is consistent with the multiple-use 17 management concept mandated in 77-1-203.

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-3-

1 period-of MAY NOT EXCEED 20 years."

<u>NEW SECTION.</u> Section 3. Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 77, chapter 6, and the provisions of Title 77,
chapter 6, apply to [section 1].

- 6 NEW SECTION. Section 4. Effective date. [This act] is
- 7 effective on passage and approval.

-End-

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HB 0607/02

HOUSE BILL NO. 607 INTRODUCED BY ELLIOTT, MERCER, STANG, HARDING A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF STATE LANDS TO LEASE CERTAIN STATE LANDS TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR PUBLIC RECREATION AREAS OR PUBLIC CAMPSITE PURPOSES; SETTING TERMS AND CONDITIONS FOR THE LEASE; AMENDING SECTION 77-6-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." WHEREAS, certain state lands have significant value as public recreation areas or public campsites and, if leased for those purposes, could contribute greatly to the highest and best use of state land and result in added benefits to the Montana education system; and WHEREAS, it is in the interest and to the benefit of Montanans that recreation and campsite leases to the Department of Fish, Wildlife, and Parks be allowed in order

19 to provide for long-term investment in public facilities on 20 those state lands, to ensure that the public has ongoing and 21 consistent access to public recreation and camping areas 22 that are developed on state lands, and to generate-maximum 23 revenue-for-the <u>FULLY MEET TRUST RESPONSIBILITIES FOR THE</u> 24 MANAGEMENT OF school trust <u>LANDS</u>. 1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Lease to department of fish, 2 3 wildlife, and parks for public recreation area or public campsite authorized -- terms and conditions of lease. (1) 4 5 The department may classify as Class 4 lands state lands 6 that are principally valuable for their use as public 7 recreation areas or public campsites and lease those state 8 lands to the department of fish, wildlife, and parks for 9 public recreation and public campsite purposes, consistent 10 with the conditions of this section.

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(3) (a) As payment for the lease, the board shall
determine a reasonable amount that the department of fish,
wildlife, and parks is required to pay, after taking into
consideration:

19 (i) the historic recreational use of the area;

(ii) improvements made or to be made by the department
of fish, wildlife, and parks during the term of the lease
that could enhance the ultimate value of the lease; and
(iii) whether a percentage of receipts collected from

24 the public in recreational use and camping fees for the 25 leased lands would constitute a reasonable lease payment.

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THIRD READING

HB 607

HB 0607/02

(b) Lease payments made under this section must be
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-3-

HB 687

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- 6 NEW SECTION. Section 4. Effective date. [This act] is
- 7 effective on passage and approval.

-End-

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HB 0607/02