

1 SENATE BILL NO. 11

2 INTRODUCED BY FOSTER

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE REQUIREMENT THAT UPON THE DEMAND
6 OF THE PREVIOUS OWNER OR THE PREVIOUS OWNER'S SUCCESSOR, THE DEPARTMENT OF
7 TRANSPORTATION SELL RATHER THAN EXCHANGE AN INTEREST IN REAL PROPERTY; AMENDING
8 SECTION 60-4-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 60-4-201, MCA, is amended to read:

13 **"60-4-201. Exchange of interest in real property.** ~~(1)~~ The department may determine that an
14 interest in real property, however acquired by it, is no longer necessary to the laying out, altering,
15 construction, improvement, or maintenance of a highway. It may then exchange the interest, either as
16 entire or partial consideration, for any other interest in real property needed for highway purposes. The
17 department may establish the manner and terms and conditions for the exchange.

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

23
24 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

25 -END-

APPROVED BY COM ON
HIGHWAYS & TRANSPORTATION

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8 APPARENT EASEMENT TO REMAIN WITH THE PROPERTY; AMENDING SECTION 60-4-201, MCA; AND
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13 **Section 1.** Section 60-4-201, MCA, is amended to read:

14 "60-4-201. **Exchange of interest in real property.** ~~(4)~~ (1) The department may determine that an
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23 ~~within 10 days after receipt of notice from the department.~~

24 (2) IF THERE IS AN APPARENT EASEMENT ON THE REAL PROPERTY TO BE EXCHANGED, THE
25 DEPARTMENT SHALL INCLUDE THE EASEMENT IN THE TERMS AND CONDITIONS OF THE EXCHANGE."

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

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