

SENATE BILL NO. 102

INTRODUCED BY M. COLE

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE EXCHANGE OF STATE TRUST LANDS FOR STATE GOVERNMENT AND LOCAL GOVERNMENT LANDS; AMENDING SECTIONS 77-2-203 AND 77-2-205, MCA; REPEALING SECTION 77-2-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 77-2-203, MCA, is amended to read:

"77-2-203. Exchange for private nongovernment, state government, and other state and local public entity land. (1) ~~The~~ Subject to subsection (2), the board is authorized to exchange state land for ~~private land~~ land owned by:

(a) the state or an agency of the state;

(b) a political subdivision of the state, including a county, city, town, public corporation, or district created pursuant to state law;

(c) any other public body of the state; or

(d) a nongovernmental entity, including but not limited to an individual, association, partnership, or corporation.

(2) The board may exchange the land described in subsection (1) if provided that the private land is of equal or greater value, as determined by the board after appraisal by a qualified land appraiser, than the state land and as closely as possible equal in area. The contents of the appraisal must be made available to any person who makes a written request to the board. The board shall place priority on exchanges which that result in consolidation of state lands into more compact bodies. This section does not apply to exchanges undertaken under 76-12-107.

~~(2)~~(3) If the requirements of subsection 77-2-204 and subsections (1) and (2) of this section and 77-2-204 are met, state lands bordering on navigable lakes and streams or other bodies of water with significant public use value may be exchanged for private nongovernment-owned land if the private



1 nongovernment-owned land borders on similar navigable lakes, streams, or other bodies of water."

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3 **Section 2.** Section 77-2-205, MCA, is amended to read:

4 **"77-2-205. Restriction on exchange for private nongovernment-owned land.** ~~No~~ An exchange for
5 nongovernment-owned land under 77-2-203 ~~shall~~ may not be made ~~which~~ that will induce or encourage
6 large-scale commercial, industrial, or residential development unless the DEVELOPMENT value ~~of such the~~
7 ~~development~~ is considered in determining the fair market value and unless the proposed development will
8 not adversely affect the resources of the existing state tracts or those tracts ~~which~~ that the state would
9 receive under the proposed exchange."

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11 NEW SECTION. **Section 3. Repealer.** Section 77-2-202, MCA, is repealed.

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13 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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