



AN ACT EXEMPTING REPLACEMENT WATER AND SEWER SYSTEMS FROM SUBDIVISION REVIEW FOR THE SALE OF A STATE-OWNED CABIN OR HOME SITE; AMENDING SECTION 77-2-318, MCA; PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Section 77-2-318, MCA, is amended to read:

"77-2-318. Sale of leased cabin or home sites. (1) (a) The board shall, consistent with the board's constitutional fiduciary duty of attaining full market value, make available for sale within a reasonable period of time as provided in this part those lands that were state land cabin or home sites on May 6, 2013, at the request of a lessee or an improvement owner and with the consent of any mortgagee or other owner of an interest in the cabin or home site improvements, only if the requested sale is consistent with the board's constitutional fiduciary duty of attaining full market value and with the provisions of this part and if the sale is approved by the board.

(b) (i) The disposition of proceeds of any sale of state land property pursuant to this section must comply with the provisions of 77-2-337.

(ii) The proceeds of any sale of cabin site improvements pursuant to this part must go to the owner of record of the improvements.

(2) The sale of a cabin or home site is exempt from the subdivision laws, except that the development of any new, replacement, or additional water supply or sewage disposal system on the property must be approved pursuant to the review procedure, fee, and other requirements of Title 76, chapter 4, part 1.

(3) The board may adopt rules to ensure that the sales process authorized pursuant to this section is orderly and consistent with its constitutional fiduciary duties and that the number of leased cabin or home sites made available for sale at any given time is consistent with the board's constitutional duty of attaining full market value.

(4) Upon a sale of a cabin or home site, the board may:

(a) grant a permanent easement across state lands to secure access using current routes; or

- (b) convey an appurtenant, nonexclusive easement to the property from the nearest public road if:
 - (i) the board has authority to grant the easement; and
 - (ii) the conveyance of the easement does not overburden a right-of-way held by the board.
- (5) The appraised value and minimum bid for a cabin or home site must include the value of the easement granted pursuant to subsection (4).
- (6) For purposes of this section, "cabin site improvements" has the meaning provided in 77-2-317."

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Applicability. [This act] applies to the sale of cabin or home sites initiated on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
SB 0224, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 224

INTRODUCED BY S. MALEK

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