

1 HOUSE BILL NO. 75

2 INTRODUCED BY B. PUTNAM

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO
6 CONDUCT ONLINE SALES OF REAL PROPERTY; PROVIDING NOTICE REQUIREMENTS; AND
7 AMENDING SECTIONS 60-4-202 AND 60-4-203, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 60-4-202, MCA, is amended to read:

12 **"60-4-202. Sale of interest in real property.** (1) The department may sell an interest in real property
13 if the department determines that the property is not necessary to the laying out, altering, construction,
14 improvement, or maintenance of a highway. Except as provided in 60-4-213 through 60-4-218 and subsection
15 (2) of this section, if the interest is reasonably of a value in excess of \$10,000, sale must be made to the
16 highest bidder at public auction. The sale of an interest at auction must be conducted as provided in ~~77-2-324~~
17 60-4-203.

18 (2) (a) The department may sell an interest in real property without a public auction directly to:

19 (i) a federal, state, tribal, or local government;

20 (ii) an agency of government;

21 (iii) a school district; or

22 (iv) a unit of the Montana university system.

23 (b) The department shall obtain fair market value for the property.

24 (3) Except as provided in 60-4-213 through 60-4-218, before the department sells an interest in real
25 property as provided in subsection (2), the department shall notify all landowners whose property is adjacent to
26 the land proposed for sale. If any of the landowners are interested in buying the land proposed for sale, the
27 landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the
28 notice of sale from the department. Upon receipt of a notice of interest, the department shall offer the land for

1 sale as provided in 60-4-203 and this section."

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3 **Section 2.** Section 60-4-203, MCA, is amended to read:

4 **"60-4-203. Conduct of sale.** (1) Except as provided in 60-4-213 through 60-4-218, the department
5 shall publish notice of the sale ~~once a week~~ ONCE A WEEK for 4 successive weeks ~~in a newspaper published in~~
6 ~~the county in which the interest is located~~ IN A NEWSPAPER PUBLISHED IN THE COUNTY IN WHICH THE INTEREST IS
7 LOCATED AND on the department's website. ~~The notice of sale must contain the information required by 77-2-~~
8 ~~322-Sale~~ The sale must may be held in person in the county where the property is located or through an online
9 auction.

10 (2) The notice of sale must contain:

11 (a) the day, date, and time of beginning of the sale;

12 (b) a list of all the tracts to be offered for sale with the legal description, which includes the township
13 and range, section number, and subdivision, or reference to the block and lot if surveyed;

14 (c) number of acres in unplatted lands;

15 (d) appraised value per acre and appraised value of each lot;

16 (e) quarter section listing of nonirrigable farm lands, with grazing lands listed in larger tracts not
17 exceeding one section;

18 (f) a consecutive series of sales numbers for advertised tracts, if appropriate; and

19 (g) terms and conditions of the sale and any additional information the department considers useful.

20 ~~(2)(3)~~ Except as provided in 60-4-213 through 60-4-218, before the sale of an interest having a value
21 in excess of \$10,000, the department must have the interest appraised at a price representing a fair market
22 value. The appraised value must be stated in the published notice.

23 ~~(3)(4)~~ Except as provided in 60-4-213 through 60-4-218, a sale of an interest may not be made unless
24 it has been appraised within 6 months prior to the date of the sale. A sale may not be made for less than 90%
25 of the appraised value.

26 ~~(4)(5)~~ Except as provided in 60-4-213 through 60-4-218, title to an interest may not pass from the
27 state until the purchaser has paid the full amount of the purchase price into the state treasury to the credit of the
28 department."

