

106TH CONGRESS
1ST SESSION

S. 1986

To amend title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, relating to the Canyon Ferry Reservoir, Montana.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 1999

Mr. BAUCUS (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, relating to the Canyon Ferry Reservoir, Montana.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CANYON FERRY RESERVOIR, MONTANA.**

4 (a) DEFINITION OF INDIVIDUAL PROPERTY PUR-
5 CHASER.—Section 1003 of title X of division C of the Om-
6 nibus Consolidated and Emergency Supplemental Appro-
7 priations Act, 1999 (112 Stat. 2681–711) is amended—

1 (1) by redesignating paragraphs (4) through
 2 (12) as paragraphs (5) through (13), respectively;
 3 and

4 (2) by inserting after paragraph (3) the fol-
 5 lowing:

6 “(4) INDIVIDUAL PROPERTY PURCHASER.—The
 7 term ‘individual property purchaser’, with respect to
 8 an individual cabin site described in section 1004(b),
 9 means a person (including CFRA or a lessee) that
 10 purchases that cabin site.

11 (b) SALE OF PROPERTIES.—Section 1004 of title X
 12 of division C of the Omnibus Consolidated and Emergency
 13 Supplemental Appropriations Act, 1999, is amended—

14 (1) in subsection (c)(2) (112 Stat. 2681–
 15 713)—

16 (A) by redesignating subparagraph (B) as
 17 subparagraph (C); and

18 (B) by inserting after subparagraph (A)
 19 the following:

20 “(B) APPRAISAL.—

21 “(i) APPLICABILITY.—In carrying out
 22 this paragraph, the requirements of this
 23 subparagraph shall apply to the greatest
 24 extent practicable and consistent with the

1 Uniform Appraisal Standards for Federal
2 Land Acquisition.

3 “(ii) USE OF EARLIER APPRAISAL.—
4 The appraisal under subparagraph (A)
5 shall use the Canyon Ferry Cabin Site ap-
6 praisal with a completion date of March
7 29, 1999, and amended June 11, 1999,
8 with an effective date of valuation of Octo-
9 ber 15, 1998, for the Bureau of Reclama-
10 tion, on the conditions stated in this sub-
11 paragraph.

12 “(iii) MODIFICATIONS.—The contract
13 appraisers that conducted the original ap-
14 praisal having an effective date of valu-
15 ation of October 15, 1998, for the Bureau
16 of Reclamation shall make appropriate
17 modifications to permit recalculation of the
18 lot values established in the original ap-
19 praisal into an updated appraisal, the
20 function of which shall be to provide mar-
21 ket values for the sale of each of the 265
22 Canyon Ferry Cabin site lots.

23 “(iv) CHANGES IN PROPERTY CHARAC-
24 TERISTICS.—If there are any changes in
25 the characteristic of a property that form

1 part of the basis of the updated appraisal
 2 (including a change in size, easement con-
 3 siderations, or updated analyses of the
 4 physical characteristics of a lot), the con-
 5 tract appraisers shall make an appropriate
 6 adjustment to the updated appraisal.

7 “(v) UPDATING.—Subject to the ap-
 8 proval of CFRA and the Secretary, the fair
 9 market values established by the apprais-
 10 ers under this paragraph may be further
 11 updated periodically by the contract ap-
 12 praisers through appropriate market anal-
 13 yses.

14 “(vi) RECONSIDERATION.—The Bu-
 15 reau of Reclamation and the 265 Canyon
 16 Ferry cabin owners have the right to seek
 17 reconsideration, before commencement of
 18 the updated appraisal, of the assumptions
 19 that the appraisers used in arriving at the
 20 fair market values derived in the original
 21 appraisal.

22 “(vii) CONTINUING VALIDITY.—The
 23 October 15, 1998, Canyon Ferry Cabin
 24 Site original appraisal, as provided for in
 25 this paragraph, shall remain valid for use

by the Bureau of Reclamation in the sale process for a period of not less than 3 years from the date of completion of the updated appraisal, to the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition.”;

(2) in subsection (d) (112 Stat. 2681–713)—

(A) in paragraph (1)(D), by adding at the end the following:

“(iii) REMAINING LEASES.—

“(I) CONTINUATION OF LEASES.—The remaining lessees shall have a right to continue leasing through August 31, 2014.

“(II) RIGHT TO CLOSE.—The remaining lessees shall have the right to close under the terms of the sale at any time before August 31, 2014. On termination of the lease either by expiration under the terms of the lease or by violation of the terms of the lease, all personal property and improvements will be removed, and the cabin site shall remain in Federal ownership.”; and

1 (B) in paragraph (2)—

2 (i) in the matter preceding subpara-
3 graph (A), by inserting “or if no one (in-
4 cluding CFRA) bids,” after “bid”; and

5 (ii) in subparagraph (D)—

6 (I) by striking “12 months” and
7 inserting “36 months”; and

8 (II) by adding at the end the fol-
9 lowing: “If the requirement of the
10 preceding sentence is not met, CFRA
11 may close on all remaining cabin sites
12 or up to the 75 percent requirement.
13 If CFRA does not exercise either such
14 option, the Secretary shall conduct
15 another sale for the remaining cabin
16 sites to close immediately, with pro-
17 ceeds distributed in accordance with
18 section 1008.”;

19 (3) by striking subsection (e) (112 Stat. 2681–
20 714) and inserting the following:

21 “(e) ADMINISTRATIVE COSTS.—

22 “(1) ALLOCATION OF FUNDING.—The Sec-
23 retary shall allocate all funding necessary to conduct
24 the sales process for the sale of property under this
25 title.

1 “(2) REIMBURSEMENT.—Any reasonable ad-
 2 ministrative costs incurred by the Secretary (includ-
 3 ing the costs of survey and appraisals incident to the
 4 conveyance under subsection (a)) shall be propor-
 5 tionately reimbursed by the property owner at the
 6 time of closing.”; and

7 (4) by striking subsection (f) (112 Stat. 2681–
 8 714) and inserting the following:

9 “(f) TIMING.—The Secretary shall—

10 “(1) immediately begin preparing for the sales
 11 process on enactment of this Act; and

12 “(2) not later than 1 year after the date of en-
 13 actment of this Act, and in accordance with all ap-
 14 plicable laws, begin conveying the property described
 15 in subsection (b).”.

16 (c) MONTANA FISH AND WILDLIFE CONSERVATION
 17 TRUST.—Section 1007(b) of title X of division C of the
 18 Omnibus Consolidated and Emergency Supplemental Ap-
 19 propriations Act, 1999 (112 Stat. 2681–715), is
 20 amended—

21 (1) in subsection (c)—

22 (A) in paragraph (1), in the matter pre-
 23 ceding subparagraph (A), by striking “trust
 24 manager” and inserting “trust manager (re-

ferred to in this section as the ‘trust manager’”;

(B) in paragraph (2)(A), in the matter preceding clause (i), by striking “agency Board” and inserting “Agency Board (referred to in this section as the ‘Joint State-Federal Agency Board’)”; and

(C) in paragraph (3)(A), by striking “Advisory Board” and inserting “Advisory Board (referred to in this section as the ‘Citizen Advisory Board’)”; and

(2) by adding at the end the following:

“(f) RECREATION TRUST AGREEMENT.—

“(1) IN GENERAL.—The Trust, acting through the trust manager, in consultation with the Joint State-Federal Agency Board and the Citizen Advisory Board, shall enter into a legally enforceable agreement with CFRA (referred to in this section as the ‘Recreation Trust Agreement’).

“(2) CONTENTS.—The Recreation Trust Agreement shall provide that—

“(A) on receipt of proceeds of the sale of a property under section 1004, the Trust shall loan up to \$3,000,000 of the proceeds to CFRA;

1 “(B) CFRA shall deposit all funds bor-
 2 rowed under subparagraph (A) in the Canyon
 3 Ferry-Broadwater County Trust;

4 “(C) CFRA and the individual purchasers
 5 shall repay the principal of the loan to the
 6 Trust as soon as reasonably practicable in ac-
 7 cordance with a repayment schedule specified in
 8 the loan agreement; and

9 “(D) until such time as the principal is re-
 10 paid in full, CFRA and the individual pur-
 11 chasers shall make an annual interest payment
 12 on the outstanding principal of the loan to the
 13 Trust at an interest rate determined in accord-
 14 ance with paragraph (4)(C).

15 “(3) TREATMENT OF INTEREST PAYMENTS.—
 16 All interest payments received by the Trust under
 17 paragraph (2)(D) shall be treated as earnings under
 18 subsection (d)(2).

19 “(4) FIDUCIARY RESPONSIBILITY.—In negoti-
 20 ating the Recreation Trust Agreement, the trust
 21 manager shall act in the best interests of the Trust
 22 to ensure—

23 “(A) the security of the loan;

24 “(B) timely repayment of the principal;

25 and

1 “(C) payment of a fair interest rate, of not
 2 less than 6 nor more than 8 percent per year,
 3 based on the length of the term of a loan that
 4 is comparable to the term of a traditional home
 5 mortgage.

6 “(g) RESTRICTION ON DISBURSEMENT.—Except as
 7 provided in subsection (f), the trust manager shall not dis-
 8 burse any funds from the Trust until August 1, 2001, as
 9 provided for in the Recreation Trust Agreement, unless
 10 Broadwater County, at an earlier date, certifies that the
 11 Canyon Ferry-Broadwater County Trust has been fully
 12 funded in accordance with this title.

13 “(h) CONDITION TO SALE.—No closing of property
 14 under section 1004 shall be made until the Recreation
 15 Trust Agreement is entered into under subsection (f)”.

16 (d) CANYON FERRY-BROADWATER COUNTY
 17 TRUST.—Section 1008(b) of title X of division C of the
 18 Omnibus Consolidated and Emergency Supplemental Ap-
 19 propriations Act, 1999 (112 Stat. 2681–718), is
 20 amended—

21 (1) by striking paragraph (1) and inserting the
 22 following:

23 “(1) AGREEMENT.—

24 “(A) CONDITION TO SALE.—No closing of
 25 property under section 1004 shall be made until

1 CFRA and Broadwater County enter into a le-
2 gally enforceable agreement (referred to in this
3 paragraph as the ‘Contributions Agreement’)
4 concerning contributions to the Trust.

5 “(B) CONTENTS.—The Contributions
6 Agreement shall require that on or before Au-
7 gust 1, 2001, CFRA shall ensure that
8 \$3,000,000 in value is deposited in the Canyon
9 Ferry-Broadwater County Trust from 1 or
10 more of the following sources:

11 “(i) Direct contributions made by the
12 purchasers on the sale of each cabin site.

13 “(ii) Annual contributions made by
14 the purchasers.

15 “(iii) All other monetary contribu-
16 tions.

17 “(iv) In-kind contributions, subject to
18 the approval of the County.

19 “(v) All funds borrowed by CFRA
20 under section 1007(f).

21 “(vi) Assessments made against the
22 cabin sites made under a county park dis-
23 trict or any similar form of local govern-
24 ment under the laws of the State of Mon-
25 tana.

1 “(vii) Any other contribution, subject
2 to the approval of the County.”;

3 (2) striking paragraph (3);

4 (3) by redesignating paragraph (2) as para-
5 graph (3); and

6 (4) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) ALTERNATIVE FUNDING SOURCE.—If
9 CFRA agrees to form a county park district under
10 section 7–16–2401 et seq., of the Montana Code An-
11 notated, or any other similar form of local govern-
12 ment under the laws of the State of Montana, for
13 the purpose of providing funding for the Trust pur-
14 suant to the Contributions Agreement, CFRA and
15 Broadwater County may amend the Contributions
16 Agreement as appropriate, so long as the monetary
17 obligations of individual property purchases under
18 the Contributions Agreement as amended are sub-
19 stantially similar to those specified in paragraph
20 (1).”.

21 (e) TECHNICAL CORRECTIONS.—Title X of division
22 C of the Omnibus Consolidated and Emergency Supple-
23 mental Appropriations Act, 1999 is amended—

1 (1) in section 1001 (112 Stat. 2681–710), by
 2 striking “section 4(b)” and inserting “section
 3 1004(b)”;

4 (2) in section 1003 (112 Stat. 2681–711)—

5 (A) in paragraph (1), by striking “section
 6 8” and inserting “section 1008”;

7 (B) in paragraph (6), by striking “section
 8 7” and inserting “section 1007”;

9 (C) in paragraph (8)—

10 (i) in subparagraph (A), by striking
 11 “section 4(b)” and inserting “1004(b)”;
 12 and

13 (ii) in subparagraph (B), by striking
 14 “section 4(b)(1)(B)” and inserting “sec-
 15 tion 1004(b)(1)(B)”;

16 (D) in paragraph (9), by striking “section
 17 4” and inserting “section 104”; and

18 (3) in section 1004 (112 Stat. 2681–712)—

19 (A) in subsection (b)(3)(B)(ii)(II), by
 20 striking “section 4(a)” and inserting “section
 21 1004(a)”;

22 (B) in subsection (d)(2)(G), by striking
 23 “section 6” and inserting “section 1006”.

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