# HOUSE BILL NO. 404

INTRODUCED BY GRINDE, MENAHAN, HARPER, J. RICE, WATERMAN, WILLIAMS, GRADY, JACOBSON, DEVLIN, NATHE, MAZUREK, MERCER

### IN THE HOUSE

	IN THE HOUSE
JANUARY 25, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 26, 1991	FIRST READING.
FEBRUARY 11, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 12, 1991	PRINTING REPORT.
FEBRUARY 13, 1991	SECOND READING, DO PASS.
FEBRUARY 14, 1991	ENGROSSING REPORT.
FEBRUARY 15, 1991	THIRD READING, PASSED. AYES, 91; NOES, 7.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
·	FIRST READING.
MARCH 27, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 3, 1991	SECOND READING, CONCURRED IN.
APRIL 4, 1991	THIRD READING, CONCURRED IN. AYES, 44; NOES, 6.
	RETURNED TO HOUSE.
	IN THE HOUSE

RECEIVED FROM SENATE.

REPORTED CORRECTLY ENROLLED.

SENT TO ENROLLING.

APRIL 4, 1991

#### CONSTITUTIONAL AMENDMENT

1	House BILL NO. 404
2	INTRODUCED BY LARRY the Course - Menakan John Mile
3	Alignor Water Welliam Dried Jacobson
4	A BILL FOR AN ACT ENTITLED "AN ACT TO SUBMIT TO THE
5	QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X,
6	SECTION 11, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE
7	STATE MAY TRANSFER PUBLIC LANDS OF THE STATE THAT ARE NOT
8	SUBJECT TO RESTRICTION BY A GRANT FROM THE UNITED STATES TO
9	A LOCAL GOVERNMENT FOR LESS THAN FULL MARKET VALUE AS
10	PROVIDED BY GENERAL LAWS; AND PROVIDING AN EFFECTIVE DATE."
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12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Article X, section 11, of The Constitution
14	of the State of Montana is amended to read:
15	"Section 11. Public land trust, disposition. (1) All
16	lands of the state that have been or may be granted by
17	congress, or acquired by gift or grant or devise from any
18	person or corporation, shall be public lands of the state.
19	They shall be held in trust for the people, to be disposed
20	of as hereafter provided, for the respective purposes for
21	which they have been or may be granted, donated or devised.
22	(2) No Except as provided in subsection (4), no such
23	land or any estate or interest therein shall ever be
24	disposed of except in pursuance of general laws providing
26	for such disposition, or until the full market value of the

1	estate or interest disposed of, to be ascertained in such
2	manner as may be provided by law, has been paid or safely
3	secured to the state.
4	(3) No land which the state holds by grant from the

- (3) No land which the state holds by grant from the United States which prescribes the manner of disposal and minimum price shall be disposed of except in the manner and for at least the price prescribed without the consent of the United States.
- 9 (4) All public land shall be classified by the board of 10 land commissioners in a manner provided by law. Any public 11 land may be exchanged for other land, public or private, 12 which is equal in value and, as closely as possible, equal 13 in area. Any public land that is not subject to the 14 restrictions of a grant from the United States may be 15 transferred to a political subdivision of the state for less 16 than full market value in pursuance of general laws 17 providing for such disposition."
- NEW SECTION. Section 2. Effective date. This amendment is effective on approval by the electorate.
  - NEW SECTION. Section 3. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1992 by printing on the ballot the full title of this act and the following:
- FOR allowing the state to transfer public land to

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LC 0253/01

local governments for less than full market value.

AGAINST allowing the state to transfer public land to local governments for less than full market value.

-End-

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# CONSTITUTIONAL AMENDMENT APPROVED BY COMMITTEE ON STATE ADMINISTRATION

House BILL NO. 404 1 INTRODUCED BY Laxay Has Cowne - Menchan Tong-2 William "AN ACT TO SUBMIT TO THE A BILL FOR AN ACT ENTITLED QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X, 5 SECTION 11, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE STATE MAY TRANSFER PUBLIC LANDS OF THE STATE THAT ARE NOT 7 SUBJECT TO RESTRICTION BY A GRANT FROM THE UNITED STATES TO 8 A LOCAL GOVERNMENT FOR LESS THAN FULL MARKET VALUE AS 9 PROVIDED BY GENERAL LAWS; AND PROVIDING AN EFFECTIVE DATE." 10

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

Section 1. Article X, section 11, of The Constitution

of the State of Montana is amended to read:

"Section 11. Public land trust, disposition. (1) All lands of the state that have been or may be granted by congress, or acquired by gift or grant or devise from any person or corporation, shall be public lands of the state. They shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised.

122 (2) No Except as provided in subsection (4), no such
123 land or any estate or interest therein shall ever be
124 disposed of except in pursuance of general laws providing
125 for such disposition, or until the full market value of the

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2	manner	as n	may be	prov	ided	рà	law,	has	bee	en j	paid	or	<b>9</b> a	fely
3	secured	l to	the s	tate.										

- 4 (3) No land which the state holds by grant from the
  5 United States which prescribes the manner of disposal and
  6 minimum price shall be disposed of except in the manner and
  7 for at least the price prescribed without the consent of the
  8 United States.
- 9 (4) All public land shall be classified by the board of land commissioners in a manner provided by law. Any public 10 11 land may be exchanged for other land, public or private, 12 which is equal in value and, as closely as possible, equal 13 in area. Any public land that is not subject to the 14 restrictions of a grant from the United States may be 15 transferred to a political subdivision of the state for less 16 than full market value in pursuance of general laws 17 providing for such disposition."

NEW SECTION. Section 2. Effective date. This amendment is effective on approval by the electorate.

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25 FOR allowing the state to transfer public land to

LC 0253/01

local governments for less than full market value.

AGAINST allowing the state to transfer public land to local governments for less than full market value.

-End-

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,	House BILL NO. 404
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(2) No Except as provided in subsection (4), no such land or any estate or interest therein shall ever be disposed of except in pursuance of general laws providing for such disposition, or until the full market value of the

estate or interest disposed of, to be ascertained in such
manner as may be provided by law, has been paid or safely
secured to the state.

(3) No land which the state holds by grant from the United States which prescribes the manner of disposal and minimum price shall be disposed of except in the manner and for at least the price prescribed without the consent of the United States.

(4) All public land shall be classified by the board of

- 10 land commissioners in a manner provided by law. Any public 11 land may be exchanged for other land, public or private, 12 which is equal in value and, as closely as possible, equal 13 in area. Any public land that is not subject to the restrictions of a grant from the United States may be 14 15 transferred to a political subdivision of the state for less 16 full market value in pursuance of general laws 17 providing for such disposition."
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  22 Montana at the general election to be held in November 1992
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- 24 following:

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25 FOR allowing the state to transfer public land to

THIRD READING

LC 0253/01

local governments for less than full market value.

AGAINST allowing the state to transfer public land
to local governments for less than full market
value.

-End-

## HB 0404/02 CONSTITUTIONAL AMENDMENT

1	HOUSE BILL NO. 404
2	INTRODUCED BY GRINDE, MENAHAN, HARPER, J. RICE, WATERMAN,
3	WILLIAMS, GRADY, JACOBSON, DEVLIN, NATHE, MAZUREK, MERCER
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
6	QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE X,
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- 9 United States. (4) All public land shall be classified by the board of 10 land commissioners in a manner provided by law. Any public 11 land may be exchanged for other land, public or private, 12 which is equal in value and, as closely as possible, equal 13 in area. Any public land that is not subject to the 14 15 restrictions of a grant from the United States may be transferred to a political subdivision of the state for less 16 than full market value in pursuance of general laws 17 providing for such disposition." 18
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- 25 following:

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### HB 0404/02

FOR allowing the state to transfer public land to local governments for less than full market value.

AGAINST allowing the state to transfer public land to local governments for less than full market value.

-End-