LC 0654

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LC 0654

House BILL D. 165 Househere Julbick Stan 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE Δ

RETENTION OF MONTANA PUBLIC LANDS IN STATE OWNERSHIP;
AMENDING SECTION 81-903, R.C.M. 1947; AND PROVIDING AN
EFFECTIVE DATE."

8

9 WHEREAS, the legislature finds that through the wisdom of past legislatures and administrations, an almost 10 priceless heritage has been passed on to the present 11 generation -- Montana's state owned lands. While other 12 states have dissipated this inheritance, have sold it for a 13 mess of pottage, the state of Montana still owns and 14 controls most of the lands that were granted it along with 15 statehood by the federal government. Where other states now 16 find it necessary, as a result of population growth and 17 cultural pressures, to purchase from the private sector at 18 fantastically inflated cost land needed for the services 19 demanded by the public, for environmental protection, for 20 recreation, and other needs, the state of Montana possesses 21 a treasure house of interest-bearing assets available for 22 future needs. The legislature finds that this fortunate 23 condition must continue on into future generations, not only 24 as a reliable source of income for the school system from 23

grazing, forestry, and mineral development, but also as a
 vital element in promoting wise land use, demonstrating and
 controlling the wise use of renewable natural resources such
 as grass, timber, and water, and providing for the needs of
 a growing population.

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

8 Section 1. Section 81-908, R.C.M. 1947, is amended to 9 read as follows:

10 "81-908. Who may purchase and how much. State lands 11 shall be sold only to citizens of the United States or to persons who have declared their intentions to become 12 13 citizens, or to corporations organized under the laws of 14 this state. No person shall be qualified to purchase state land who has not reached the age of eighteen (18) years. As 15 16 far as possible to determine the lands shall be sold only to 17 actual settlers or to persons who will improve the same, and 18 not to persons who are likely to hold such lands for 19 speculative purposes intending to resell the same at a higher price without having added anything to their value. 20 21 No person or corporation shall be entitled to purchase more 22 than one section of state land. and this area shall not 23 include more than one hundred and sixty (160) acres of land 24 susceptible of irrigation. These limitations as to area and 25 irrigableness shall not apply to lands within a federal

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HOTES

INTRODUCED BILL

irrigation project wherein the Congress of the United States
 of America now or hereafter authorizes water to be furnished
 to an area exceeding one hundred and sixty (160) irrigable
 acres.

5 State lands may be sold to any sovereign state of the 6 United States or to any board of trustees or public 7 corporation or agency of such state created by such state as 8 an agency or political subdivision thereof. Said lands may 9 be purchased in the quantities set forth in this section for 10 use by such state, board of trustees, public corporation, 11 agency, or political subdivision for educational or 12 scientific purposes.

No state lands of three hundred twenty (320) or more contiguous acres suitable or being used for grazing or agriculture may pass from public ownership by sale to any purchaser except:

17 (a) in connection with and as a part of the purchase
18 by the state of similar land of equal or greater value for
19 agriculture, forestry, and/or recreation;

(b) in connection with and as a part of public-private
land exchanges or previously arranged land purchase
agreements intended to consolidate state lands into larger
blocks for more efficient use and administration;
(c) in the case of lands, which because of location
near urban areas, or because of commercial or industrial

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potential, have appreciated much above their value for 1 agriculture or recreation, provided that the monetary 2 proceeds of such sale are earmarked for use in purchasing 3 4 replacement agricultural-recreational land. 5 The title to any state lands which have been heretofore purchased by a sovereign state or a board of trustees or 6 public corporation, agency or political subdivision thereof 7 8 qualified under the provisions of this act is hereby ratified and confirmed. 9 10 This section does not prohibit the transfer of lands 11 among state agencies." 12 Section 2. Severability. If a part of this act is invalid. all valid parts that are severable from the invalid 13 part remain in effect. If a part of this act is invalid in 14 15 one or more of its applications, the part remains in effect in all valid applications that are severable from the 16 17 invalid applications. Section 3. Effective date. This act is effective upon 18 19 passage and approval. -EndEFFECTIVE DATE."

LC 0654

Approved by Committee on State Administration

INTRODUCED BY Fremsbers Suchtch Stan 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE 4 RETENTION OF MONTANA PUBLIC LANDS IN STATE OWNERSHIP; 5 AMENDING SECTION 81-903, R.C.M. 1947; AND PROVIDING AN 6

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SECOND READING

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-2-

HR 165

irrigation project wherein the Congress of the United States
 of America now or hereafter authorizes water to be furnished
 to an area exceeding one hundred and sixty (160) irrigable
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(b) in connection with and as a part of public-private
land exchanges or previously arranged land purchase
agreements intended to consolidate state lands into larger
blocks for more efficient use and administration;

24 (c) in the case of lands, which because of location

25 near urban areas, or because of commercial or industrial

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1	potential, have appreciated much above their value for
2	agriculture or recreation, provided that the monetary
3	proceeds of such sale are earmarked for use in purchasing
4	replacement agricultural-recreational land.
5	The title to any state lands which have been heretofore
6	purchased by a sovereign state or a board of trustees or
7	public corporation, agency or political subdivision thereof
8	qualified under the provisions of this act is hereby
9	ratified and confirmed.
10 .	This section does not prohibit the transfer of lands
11	among state agencies."
12	Section 2. Severability. If a part of this act is
13	invalid, all valid parts that are severable from the invalid
14	part remain in effect. If a part of this act is invalid in
15	one or more of its applications, the part remains in effect
16	in all valid applications that are severable from the
17	invalid applications.
18	Section 3. Effective date. This act is effective upon
19	passage and approval.
	-End-

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THIRD READING

1 grazing, forestry, and mineral development, but also as a 2 vital element in promoting wise land use, demonstrating and 3 controlling the wise use of renewable natural resources such 4 as grass, timber, and water, and providing for the needs of 5 a growing population.

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-2- HB165

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-3-

potential, have appreciated much above their value for
 agriculture or recreation, provided that the monetary
 proceeds of such sale are earmarked for use in purchasing
 replacement agricultural-recreational land.

5 The title to any state lands which have been heretofore 6 purchased by a sovereign state or a board of trustees or 7 public corporation, agency or political subdivision thereof 8 qualified under the provisions of this act is hereby 9 ratified and confirmed.

10 <u>This section does not prohibit the transfer of lands</u>
11 <u>among state agencies.</u>

12 Section 2. Severability. If a part of this act is 13 invalid, all valid parts that are severable from the invalid 14 part remain in effect. If a part of this act is invalid in 15 one or more of its applications, the part remains in effect 16 in all valid applications that are severable from the 17 invalid applications.

Section 3. Effective date. This act is effective upon
 passage and approval.

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March 20, 1975

SENATE COMMITTEE ON STATE ADMINISTRATION

AMENDMENTS TO HOUSE BILL NO. 165

That House Bill No. 165, third reading, be amended as follows:

1. Amend page 4, section 1, lines 2 through 4.

Following: "recreation"

Strike: ", provided that the monetary proceeds of such sale are earmarked for use in purchasing replacement agricultural-recreational land" March 27, 1975

SENATE COMMITTEE OF THE WHOLE

AMENDMENTS TO HOUSE BILL NO. 165

That House Bill No. 165, reference bill, be amended as follows:

1. Amend page 2, line 1. Following: "forestry," Insert: "recreation," HB 0165/03

2 INTRODUCED BY HUENNEKENS, LUEBECK, SLOAN, VINCENT
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
5 RETENTION OF MONTANA PUBLIC LANDS IN STATE OWNERSHIP;
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HOUSE BILL NO. 165

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> REFERENCE BILL SECOND PRINTING 3, 191

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HB 0165/03

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potential. have appreciated much above their value for 1 agriculture or recreation, -- provided -- that -- the -- monetary 2 3 proceeds-of-such-sale-are-earmarked-for--use--in--surchasing 4 replacement-agricultural-recreational-land. 5 The title to any state lands which have been heretofore 6 purchased by a sovereign state or a board of trustees or 7 public corporation. agency or political subdivision thereof 8 qualified under the provisions of this act is hereby 9 ratified and confirmed. This section does not prohibit the transfer of lands 10 11 among state agencies." 12 Section 2. Severability. If a part of this act is 13 invalid, all valid parts that are severable from the invalid 14 part remain in effect. If a part of this act is invalid in 15 one or more of its applications, the part remains in effect 16 in all valid applications that are severable from the 17 invalid applications.

18 Section 3. Effective date. This act is effective upon

19 passage and approval.

-End-

HB 0165/03

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