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INTRODUCED BY House BILL NO. 252  
Jean M. Lane

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE SALE OF ALL PARCELS OF STATE LAND THAT ARE 160 ACRES IN AREA OR SMALLER AND ARE SURROUNDED BY PRIVATELY OWNED LAND; AMENDING SECTIONS 81-907, AND 81-912, R.C.M. 1947."

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

Section 1. Section 81-907, R.C.M. 1947, is amended to read as follows:

"81-907. Board to decide when to hold sales and what lands to sell. ~~exception. All the~~ Except as provided in ~~subsection (2) of this section,~~ the state board of land commissioners ~~is hereby vested with the power and authority to~~ may decide when sales of state lands are to be held and what state lands are to be offered for sale, subject to the limitations of this act, as the best interests of the state may appear to require; ~~provided, however that as~~ As a general rule no sale of state lands shall ~~may~~ be held unless applications have been made for the purchase of lands within ~~one (1) county by prospective purchasers representing at least twelve (12) families.~~

(2) The state board of land commissioners shall sell any parcel of school trust land 160 acres in area or smaller

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~~that is surrounded by private land owned by one landowner."~~

Section 2. Section 81-912, R.C.M. 1947, is amended to read as follows:

"81-912. Regulations concerning sale -- forfeiture for nonpayment -- disposition of proceeds. (1) At the time fixed for the sale, the lands shall be offered for sale at auction in the order they appear in the notice of sale, and under the direction of the department the lands shall be sold to the highest qualified bidder under the following restrictions:

(a) No lands may be sold for less than the appraised values.

(b) Tillable lands capable of producing agricultural crops may not be sold for less than ~~ten dollars (\$10)~~ per acre.

(c) Lands principally valuable for grazing purposes may not be sold for less than ~~five dollars (\$5)~~ per acre.

(2) The lessee of the land need not make a higher bid than others, but he shall, if bidding an equal amount, be given the preference. In the case of state parcels sold according to 81-907(2) the surrounding landowner shall be given preference if his bid is equal to the others. The lands shall be sold as nearly as practicable according to the subdivisions in which they are advertised, and care shall be taken not to subdivide any tract in such a way as

1 to separate remaining portions from a water supply or from  
2 section lines or public highways. The sale may be adjourned  
3 from day to day until all the lands advertised have been  
4 offered for sale.

5 (3) If any successful bidder at a sale refuses or  
6 neglects to make the initial payment required to be made on  
7 the land purchased by him, he shall forfeit to the state not  
8 less than ~~fifty dollars (\$50)~~ nor ~~or~~ more than ~~one thousand~~  
9 ~~dollars (\$1,000)~~ to be determined by the board according to  
10 the circumstances of the case. If such forfeiture is not  
11 paid when notice of the amount of the forfeiture has been  
12 served by the department, the attorney general shall sue for  
13 the recovery thereof in the name of the state.

14 (4) The proceeds from the lands sold, including all  
15 subsequent payments on the principal, shall be credited to  
16 the permanent fund arising from the grant to which it  
17 belongs and shall become and forever remain an inseparable  
18 and inviolable part thereof. All payments on interest shall  
19 be credited to the proper income fund and shall be available  
20 for use as provided by law."

-End-

SECOND READING

MISSING

THIRD READING

MISSING

1 SENATE BILL NO. 252  
2 INTRODUCED BY TURNAGE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE DATE FOR  
5 FILING RAILROAD ASSESSMENT STATEMENTS; AMENDING SECTION  
6 84-801, R.C.M. 1947, AND SECTION 3, CHAPTER 98, LAWS OF  
7 1977."

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

10 Section 1. Section 84-801, R.C.M. 1947, is amended to  
11 read as follows:

12 "84-801. Assessment of railroads. The president,  
13 secretary, or managing agent, or such other officer as the  
14 state department of revenue may designate, of any  
15 corporation, and each person or association of persons,  
16 owning or operating any railroad in more than one county in  
17 this state, must, on or before ~~the first day of~~ April 15 of  
18 each year, furnish the department a statement, signed and  
19 sworn to by one of such officers, or by the person or one of  
20 the persons forming such association, showing in detail for  
21 the year ending on the thirty-first day of December,  
22 immediately preceding:

23 (1) The whole number of miles of railroad in the  
24 state; and, where the line is partly out of the state, the  
25 whole number of miles without the state, and the whole

1 number within the state, owned or operated by such  
2 corporation, person, or association.

3 (2) The value of the roadway, roadbed, and rails of  
4 the whole railroad, and the value of the same within the  
5 state.

6 (3) The width of the right of way.

7 (4) The number of each kind of all rolling stock used  
8 by such corporation, person, or association in operating the  
9 entire railroad, including the part without the state.

10 (5) Number, kind, and value of rolling stock owned and  
11 operated in the state.

12 (6) Number, kind, and value of rolling stock used in  
13 the state, but now owned by the party making the returns.

14 (7) Number, kind, and value of rolling stock owned but  
15 used out of the state, either upon divisions of road  
16 operated by the party making the returns, or by and upon  
17 other railroads.

18 (8) The whole number of sidetracks in each county,  
19 including the number of miles of track in each railroad yard  
20 in the state.

21 (9) The number of each kind of rolling stock used in  
22 operating the entire railroad, including the part without  
23 the state, which must include a detailed statement of the  
24 number and value thereof, of all engines, passenger, mail,  
25 express, baggage, freight, and other cars, or property owned

1 or leased by such corporation, persons, or association.

2 (10) The number of sleeping and dining cars not owned  
3 by such corporation, person, or association, but used in  
4 operating the railroads of such corporation, person, or  
5 association in the state, or on the line of the road without  
6 the state, during each month of the year for which the  
7 return is made; also the number of miles each month said  
8 cars have been run or operated within and without the state.

9 (11) A description of the road, giving the points of  
10 entrance into and the points of exit from each county, with  
11 a statement of the number of miles in each county. When a  
12 description of the road shall have once been given, no other  
13 annual description thereof is necessary, unless the road  
14 shall have been changed. Whenever the road, or any portion  
15 of the road, is advertised to be sold, or is sold for taxes,  
16 either state or county, no other description is necessary  
17 than that given by, and the same is conclusive upon, the  
18 person, corporation, or association giving the description.  
19 No assessment is invalid on account of a misdescription of  
20 the railroad, or the right of way for the same. If such  
21 statement is not furnished as above provided, the assessment  
22 made by the state department of revenue upon the property of  
23 the corporation, person, or association failing to furnish  
24 the statement is conclusive and final.

25 (12) Also showing in detail for the year preceding the

1 first of January:

2 (a) The gross earnings of the entire road;

3 (b) The gross earnings of the road within the state,  
4 and where the railroad is let to other operators, how much  
5 was derived by the lessor as rental;

6 (c) The cost of operating the entire road, exclusive  
7 of sinking fund, expenses, of land department, and money  
8 paid to the United States;

9 (d) Net income for such year, and amount of dividend  
10 declared;

11 (e) Capital stock authorized;

12 (f) Capital stock paid in;

13 (g) Funded debt;

14 (h) Number of shares authorized;

15 (i) Number of shares of stock issued.

16 (13) Any other facts the state department of revenue  
17 may require."

18 SECTION 2, SECTION 3, CHAPTER 98, LAWS OF 1977, IS  
19 AMENDED TO READ AS FOLLOWS:

20 "Section 3. Due date of reports and returns --  
21 extensions. Each report or return described in ~~84-801~~  
22 84-901, 84-1320, 84-5402, 84-6202, or 84-6403 shall be  
23 delivered to the department on or before March 31 each year  
24 and each report described in 84-801 shall be delivered to  
25 the department before April 15 each year. The department may

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- 1 for good cause extend the time for filing a return or report
- 2 for not more than 30 days."

-End-