

House Bill 456

In The House

January 24, 1981

Introduced and referred  
to Committee on State  
Administration.

February 6, 1981

Committee recommend bill  
do not pass.

HOUSE BILL NO. 456

INTRODUCED BY

*H. H. H. H.*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE RETENTION OF MONTANA PUBLIC LANDS IN STATE OWNERSHIP; AMENDING SECTION 77-2-307, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

Section 1. Section 77-2-307, MCA, is amended to read:

"77-2-307. Limitation on acreage. ~~No (1) Except as provided in subsection (2), no person or corporation shall be is~~ entitled to purchase more than one section of state land, and this area ~~shall~~ may not include more than 160 acres of land susceptible of irrigation.

~~(2) No state lands of 320 or more contiguous acres suitable or being used for grazing or agriculture may pass from public ownership by sale or exchange except:~~

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

~~(b) in connection with and as a part of public-private land exchanges or land purchase agreements intended to consolidate state lands into larger blocks for more efficient use and administration;~~

~~(c) in the case of lands that, because of location near urban areas or because of commercial or industrial 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 replacement agricultural, forestry, or recreational land.

4 (3) These limitations as to area and irrigability  
5 ~~shall~~ do not apply to lands within a federal irrigation  
6 project wherein the Congress of the United States of America  
7 authorizes water to be furnished to an area exceeding 160  
8 irrigable acres.

9 (4) This section does not prohibit the transfer of  
10 lands among state agencies."

11 Section 2. Effective date. This act is effective on  
12 passage and approval.

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