HOUSE BILL NO. 702

INTRODUCED BY HARBIN

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE HOUSE

	IN THE	HOUSE
February 7, 1985		Introduced and referred to Committee on State Administration.
February 18, 1985		Committee recommend bill do pass. Report adopted.
		Bill printed and placed on members' desks.
February 20, 1985		Second reading, do pass.
		Considered correctly engrossed.
February 21, 1985		Third reading, passed.
		Transmitted to Senate.
	IN THE	SENATE
February 22, 1985		Introduced and referred to Committee on Natural Resources.
March 19, 1985		Committee recommend bill be concurred in. Report adopted.
March 22, 1985		Second reading, concurred in.
March 25, 1985		Third reading, concurred in. Ayes, 49; Noes, 0.
		Returned to House.
	IN THE	HOUSE
March 26, 1985		Received from Senate.
		Sent to enrolling.

Reported correctly enrolled.

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1	, ,	BILL NO. <u>702</u>
2	INTRODUCED BY	
3	BY REQUEST OF THE I	DEPARTMENT OF STATE LANDS

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING VARIOUS FORESTRY FUNCTIONS FROM THE DEPARTMENT AND BOARD OF NATURAL RESOURCES AND CONSERVATION TO THE DEPARTMENT OF STATE LANDS: AMENDING SECTIONS 77-1-304, 77-2-213, 77-2-214, 77~5-104, MCA."

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

Section 1. Section 77-1-304, MCA, is amended to read: *77-1-304. Selection and location of lands granted by United States. Under the general direction of the board and as rapidly as the appropriations for the work will permit, the department shall select and locate all lands, except timberlands, granted to this state by the United States for any purpose and not located by the grant itself. It shall also select and locate lands in lieu of all those lands in sections 16 and 36 and in the other federal land grants which for any reason have been lost to the state. All shall as far as possible be in legal selections subdivisions. In the selection and location of these lands. careful attention shall be given to the water available and which may be appropriated for these lands for domestic use,



livestock, and irrigation." 1 2 Section 2. Section 77-2-213, MCA, is amended to read: 3 "77-2-213. Department of---natural---resources---and 4 conservation to investigate. When a proposal for an exchange pursuant to 77-2-211 is made and the owners of the 5 respective tracts involved seem agreeable to negotiate such 6 exchanges, the proposal shall be referred to the department 7 of--natural--resources--and--conservation that the 9 department shall thoroughly investigate all the lands 10 involved in the proposal and estimate the value of all of 11 the lands and consider every factor in connection with the 12 proposal as may affect the public interest." Section 3. Section 77-2-214, MCA, is amended to read: 13 "77-2-214. Investigation and 14 findings concerning 15

exchange of land. (1) The department of--natural--resources 16 and---conservation shall, as soon as it concludes its investigation thereof, report to the board the 17 18 disclosed by its investigation and include in its report a 19 recommendation concerning the proposal, including reasons therefor in writing.

(2) After considering the report and recommendation and making such further investigation as it considers 22 advisable, the board shall consider the entire matter, make 23

24 findings and conclusions concerning the proposal, and make

25 an order:

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INTRODUCED BILL

HB 702

- 1 (a) rejecting and dismissing the proposal if in the 2 judgment of the board the exchange is not in the public 3 interest; or
- 4 (b) accepting the proposal and ordering the exchange 5 to be made if in the judgment of the board the exchange is 6 in the public interest and should be made.
- 7 (3) An order accepting the proposal shall contain an8 accurate description of all lands to be exchanged."
- 9 Section 4. Section 77-5-104, MCA, is amended to read:
- 10 "77-5-104. Firewardens. (1) The department shall 11 appoint firewardens in such number and localities as it
- 12 considers necessary.
- 13 (2) The supervisors and rangers of the federal forest
 14 lands within this state, whenever they formally accept the
 15 duties and responsibilities of firewardens, may be appointed
 16 firewardens.
- 17 (3) The following are firewardens but may not receive
 18 any additional compensation by reason of the duties hereby
 19 imposed:
- 20 (a) sheriffs;
- 21 (b) undersheriffs;
- 22 (c) deputy sheriffs;
- 23 (d) state fish, wildlife, and parks wardens;
- 24 (e) the state fish, wildlife, and parks director;
- 25 tf;--members--of--the--board--of--natural-resources-and

- 1 conservation;
- 2 tg)(f) the director-of-the-department commissioner and
- 3 employees of the department designated by him;
- 4 (h)(g) officers of organized forest protection
- 6 (i)(h) members of the Montana highway patrol;
- 7 (j)(i) officers of the national park service residing
- 8 in Montana; and

districts:

- 9 (k)(j) officers of the bureau of Indian affairs.
- 10 (4) The firewardens shall promptly report all fires to
- 11 the department, take immediate and active steps toward their
- 12 extinguishment, report any violation of forest laws, and
- 13 assist in apprehending and convicting offenders."

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APPROVED BY COMMITTEE ON STATE ADMINISTRATION

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6	FORESTRY FUNCTIONS FROM THE DEPARTMENT AND BOARD OF NATURAL
7	RESOURCES AND CONSERVATION TO THE DEPARTMENT OF STATE LANDS;
8	AMENDING SECTIONS 77-1-304, 77-2-213, 77-2-214, AND
9 -	77-5-104, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 77-1-304, MCA, is amended to read:
13	"77-1-304. Selection and location of lands granted by
14	United States. Under the general direction of the board and
15	as rapidly as the appropriations for the work will permit,
16	the department shall select and locate all lands;-except
17	timberlands; granted to this state by the United States for
18	any purpose and not located by the grant itself. It shall
19	also select and locate lands in lieu of all those lands in
20	sections 16 and 36 and in the other federal land grants
21	which for any reason have been lost to the state. All
22	selections shall as far as possible be in legal
23	subdivisions. In the selection and location of these lands,
24	careful attention shall be given to the water available and

which may be appropriated for these lands for domestic use,

Montana Legislative Council

livestock, and irrigation." 2 Section 2. Section 77-2-213, MCA, is amended to read: 3 "77-2-213. Department of---natural---resources---and conservation to investigate. When a proposal for an exchange pursuant to 77-2-211 is made and the owners of the respective tracts involved seem agreeable to negotiate such 7 exchanges, the proposal shall be referred to the department я of--natural--resources--and--conservation and department shall thoroughly investigate all the lands 10 involved in the proposal and estimate the value of all of 11 the lands and consider every factor in connection with the 12 proposal as may affect the public interest."

Section 3. Section 77-2-214, MCA, is amended to read: "77-2-214. Investigation and findings concerning exchange of land. (1) The department of--natural--resources and---conservation shall, as soon as it concludes its investigation thereof, report to the board the disclosed by its investigation and include in its report a recommendation concerning the proposal, including its reasons therefor in writing.

(2) After considering the report and recommendation and making such further investigation as it considers advisable, the board shall consider the entire matter, make findings and conclusions concerning the proposal, and make an order:

LC 1398/01 LC 1398/01

- (a) rejecting and dismissing the proposal if in the judgment of the board the exchange is not in the public interest; or
- 4 (b) accepting the proposal and ordering the exchange 5 to be made if in the judgment of the board the exchange is 6 in the public interest and should be made.
- 7 (3) An order accepting the proposal shall contain an 8 accurate description of all lands to be exchanged."
- 9 Section 4. Section 77-5-104, MCA, is amended to read:
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 11 appoint firewardens in such number and localities as it
 12 considers necessary.
 - (2) The supervisors and rangers of the federal forest lands within this state, whenever they formally accept the duties and responsibilities of firewardens, may be appointed firewardens.
- 17 (3) The following are firewardens but may not receive
 18 any additional compensation by reason of the duties hereby
 19 imposed:
 - (a) sheriffs;

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- 21 (b) undersheriffs;
- 22 (c) deputy sheriffs;
- 23 (d) state fish, wildlife, and parks wardens;
- 24 (e) the state fish, wildlife, and parks director;
- 25 ff}-members-of--the--board--of--natural-resources-and

conservation;

2 (g)(f) the director-of-the-department commissioner and

3 employees of the department designated by him;

4 th; (g) officers of organized forest protection

5 districts;

6 +i+(h) members of the Montana highway patrol;

7 †j†(i) officers of the national park service residing

in Montana; and

9 (k)(j) officers of the bureau of Indian affairs.

10 (4) The firewardens shall promptly report all fires to

11 the department, take immediate and active steps toward their

12 extinguishment, report any violation of forest laws, and

13 assist in apprehending and convicting offenders."

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/ HOUSE BILL NO. 702

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Section 3. Section 77-2-214, MCA, is amended to read:
"77-2-214. Investigation and findings concerning
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49th Legislature HB 0702/02

HB 0702/02

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HB 0702/02

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