

SENATE BILL NO. 264

1/28 Introduced  
1/29 Referred to Natural Resources  
2/08 Hearing  
2/14 Adverse Committee Report  
2/14 Bill Killed

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INTRODUCED BY Senate BILL NO. 264  
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BY REQUEST OF THE DEPARTMENT OF STATE LANDS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PENALTY FOR FAILURE TO OBTAIN AN EASEMENT BEFORE CONSTRUCTION ON OR DISTURBANCE OF STATE LANDS; AMENDING SECTION 77-2-106, MCA."

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

Section 1. Section 77-2-106, MCA, is amended to read:

"77-2-106. Charge for granting of easement -- penalty for failure to obtain. (1) The board shall charge and cause to be collected the full market value of the estate or interest disposed of through the granting of any such easement and also fix, charge, and cause to be collected the amount of the actual damages resulting to the remaining land or lands from the granting of such easement as nearly as the same can be ascertained. Where a road follows the section lines of state lands, the increased value accruing to said lands on account of construction of a road on said right-of-way easement shall be taken into consideration by the board in determining compensation, if any, for the easement.

(2) The board may assess against any person who commences construction or otherwise disturbs state lands

1 before obtaining the necessary easement a penalty of up to  
2 three times the full market value of that easement."

3 NEW SECTION. Section 2. Extension of authority. Any  
4 existing authority of the board of land commissioners or the  
5 department of state lands to make rules on the subject of  
6 the provisions of this act is extended to the provisions of  
7 this act.

-End-

INTRODUCED BILL  
SB 264

