

SENATE BILL NO. 380

INTRODUCED BY THAYER, H. HAMMOND, GALT, FULLER,
ECK, REGAN, B. BROWN, MANNING, HIRSCH, KEATING,
PINSONEAULT, MAZUREK, WEEDING, BENGTSON, SHAW, LANE,
YELLOWTAIL, TOWE, JACOBSON, HAGER, B. WILLIAMS

BY REQUEST OF THE GOVERNOR

IN THE SENATE

February 11, 1985	Introduced and referred to Committee on Business and Industry.
February 19, 1985	Fiscal Note requested.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.
February 21, 1985	Bill printed and placed on members' desks.
February 22, 1985	Fiscal Note returned. Second reading, do pass.
February 23, 1985	Considered correctly engrossed.
February 25, 1985	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on State Administration.
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March 21, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Returned to Senate with amendments.

IN THE SENATE

March 26, 1985	Received from House.
April 2, 1985	Second reading, amendments concurred in.
April 4, 1985	Third reading, amendments concurred in. Ayes, 50; Noes, 0. Sent to enrolling. Reported correctly enrolled.

Senate BILL NO. 380

INTRODUCED BY

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT, ENTITLED: "AN ACT PROVIDING FOR THE SALE OF DEEDS FOR SQUARE INCHES OF LAND IN MONTANA TO RAISE REVENUE FOR MONTANA STATEHOOD CENTENNIAL ACTIVITIES; PROVIDING FOR THE ACCEPTANCE OF A DONATION OF 1 ACRE OF LAND FROM A PRIVATE DONOR; PROVIDING FOR THE MONTANA STATEHOOD CENTENNIAL OFFICE TO ADMINISTER THE SALE OF DEEDS; PROVIDING FOR THE TITLE RECEIVED BY DEED HOLDERS AND RESERVATION OF VALUABLE INTERESTS IN THE STATE; PROVIDING FOR THE ADMINISTRATION OF THE ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Purpose. The purpose of this act is to allow the state to acquire, through donation, 1 acre of land for the purpose of selling symbolic deeds, in increments of 1 square inch, to raise funds for statehood centennial activities.

Section 2. Definitions. Unless the context requires otherwise, in [this act] the following definitions apply:

(1) "Office" means the Montana statehood centennial office as provided for in [section 3, __Bill No.__(LC

1078)].

(2) "Department" means the department of fish, wildlife, and parks.

Section 3. Donation of land and sale of deeds -- centennial fundraising. (1) The department may accept the donation of title to 1 acre of land, for the benefit of statehood centennial fundraising, from a private donor. The department shall work with the donor to select a representative parcel of Montana land. The acre of land shall be known as the centennial acre. The donation must include title to all mineral, oil and gas, or water rights attached to the land. The donation of the acre is exempt from the requirements of Title 76, chapters 3 and 4.

(2) As provided in [section 1], the state of Montana, through the office, may sell deeds to the centennial acre in portions of 1 square inch per sale.

Section 4. Title to centennial acre. (1) Title to the centennial acre remains with the state.

(2) The holder of a deed sold through the provisions of [this act] is entitled to "general enjoyment of the riches of the treasure state" in return for purchase of the deed, which indicates an "investment in the last of what is best" in America. Such a deed for 1 square inch of land does not confer title to the land described in the deed.

(3) The centennial acre must be managed by the



1 department. Until June 30, 1991, such management must be in
 2 consultation with the office. The department may adopt such
 3 regulations for the use of the land as it considers
 4 necessary for the protection of the land, public use of the
 5 land, and enjoyment by the deed holders. Such regulations
 6 may include the right to restrict access to the land if such
 7 access hinders or infringes on the department's management.

8 (4) Any mineral, oil and gas, or other valuable
 9 interest, and all income, fees, or royalty proceeds of the
 10 land remain the property of the state of Montana. Such
 11 income, if any, must be deposited to the account of the
 12 Montana statehood centennial office as set forth in [section
 13 7, __Bill No.__(LC 1078)] and after the termination of the
 14 office, it must be deposited to the account of the public
 15 school fund as provided for in 20-9-601.

16 (5) No dwellings, structures, or any physical thing
 17 may be erected on the land by any deed holder except in
 18 conformance with general regulations adopted by the
 19 department.

20 (6) The regulations adopted under this section must be
 21 posted at the centennial acre and are not subject to the
 22 provisions of Title 2, chapter 4.

23 Section 5. Administration of sale. (1) The office
 24 shall administer the sale of deeds for the square inches of
 25 land as authorized by [this act].

1 (2) The office shall prepare an individual deed for
 2 each square inch of the land. After certification by the
 3 office, such deeds are conclusive evidence that the holder
 4 of the deed purchased the deed to 1 square inch of the
 5 centennial acre. No record of subsequent transfer of a deed
 6 is required to be kept by the office, the department of
 7 fish, wildlife, and parks, or the county clerk and recorder.

8 (3) (a) The price of a deed is \$10, to be deposited to
 9 the account of the Montana statehood centennial office as
 10 provided in [section 7, __Bill No.__(LC 1078)].

11 (b) The cost of administering the sale of deeds under
 12 [this act] must be borne by the office. The costs of
 13 administering the program may be derived from the proceeds
 14 of the sales and from any other source except state general
 15 fund money.

16 (c) Proceeds exceeding the costs of administering the
 17 program shall first supplant general funds appropriated in
 18 [section 7, __Bill No.__(LC 1078)] and thereafter constitute
 19 funds for centennial activities as provided in [__Bill
 20 No.__(LC 1078)].

21 (4) If, on December 30, 1990, the office believes that
 22 there are sufficient unexpended funds derived from the
 23 operation of [this act], the office shall prepare a bill for
 24 the 1991 session of the legislature suggesting the
 25 establishment of a continuing fund for the further

1 advancement of Montana's goals.

2 Section 6. Contents of deeds. In addition to any other
3 matter printed on the deeds of square inches of land, they
4 shall have printed on them the following: "Title to the land
5 described in this deed is subject to the provisions of
6 [insert citation of this act]. Such title is limited by the
7 right of the state of Montana to manage the land for the
8 benefit of the general public and the deed holders'
9 enjoyment of the land. Ownership as evidenced by this deed
10 does not entitle the holder to any right of use of the land
11 different than that of the general public, nor does it
12 obligate the holder to pay property taxes, assessments, or
13 any other fees or levies commonly incident to title."

14 Section 7. Exclusion of laws relating to land and land
15 transfers. (1) [This act] provides the sole method of
16 selling deeds to square inches of land owned by the state
17 for the funding of Montana's statehood centennial. The sale
18 of deeds to square inches of the centennial acre are not
19 subject to Title 76, chapters 3 and 4, but if the department
20 constructs sanitary facilities on the site, it must comply
21 with the requirements of Title 76, chapter 4. No other
22 provision of law relating to recordation or filing of land
23 transfers, surveying, subdividing land, zoning, or planning
24 restrictions or master plans applies to the sale or
25 ownership of deeds under [this act].

1 (2) The deed holders of square inches of land under
2 [this act] do not hold title to the centennial acre or any
3 part thereof for any purpose under the laws of the state of
4 Montana. Such deed holders are not subject to taxes, fees,
5 or assessments on their ownership interest and are not to be
6 considered owners for the purposes of notification for the
7 administration of units of local government or certain
8 districts, including school districts.

9 (3) The state of Montana holds title to the land in
10 trust for the public, and as such the land is to be
11 considered as a parcel of state-owned land in all things
12 necessary for the administration of units of local
13 government and all districts, including school districts, in
14 which it may be located.

15 Section 8. Effective date. This act is effective on
16 passage and approval.

-End-

FISCAL NOTE

In compliance with a written request received February 19 19 85, there is hereby submitted a Fiscal Note for S.B. 380 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

This legislation would establish a "Centennial Acre" from which symbolic deeds would be sold at a cost of \$10.00 per square inch. The proceeds would be used to support the state centennial commemorative projects.

ASSUMPTIONS:

1. One million deeds will be available for sale.
2. Cost of marketing promotion is \$50,000 per year.
3. Cost of deed preparation estimated at \$10,000 per year.
4. Cost of deed mailing estimated @\$1.00 per deed.
5. Cost of initial signing and establishing of centennial acre site \$2,000.
6. The fund balance derived by netting deed sales and the administrative costs relating to those sales will be available for Montana Statehood Centennial activities.

FISCAL IMPACT:

Both revenues and expenses are largely dependent on sales of deeds. It is impossible to estimate the potential sales, but net revenues should be generated from the project.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 22, 1985

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The Centennial Acre Project is intended as a promotional device as well as a revenue generator to support Centennial commemorative activities. The acre(s) has not been selected. However, the project will not cost local communities anything and should create a beneficial economic impact through increased tourism and expenditures on projects supported by deed sales.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The affect is not expected to be fiscally significant much beyond the Centennial year except that long term benefits could occur as a result of statewide and community projects funded by deed sales. The 1991 Legislature will decide how any surplus revenue is to be spent.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

There will be a need for seed money to fund the program until sufficient sales provide working income for office expenses.

APPROVED BY COMM. ON BUSINESS & INDUSTRY

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

Section 1. Purpose. The purpose of this act is to allow the state to acquire, through DESIGNATION OR donation, 1-acre-of land for the purpose of selling symbolic deeds, in increments of 1 square inch, to raise funds for statehood centennial activities.

Section 2. Definitions. Unless the context requires otherwise, in [this act] the following definitions apply:

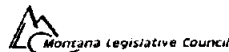
(1) "Office" means the Montana statehood centennial office as provided for in [section 3, __Bill No.__(LC 1078)].

(2) "Department" means the department of fish, wildlife, and parks.

(3) "CENTENNIAL ACRE" MEANS ONE OR MORE SEPARATE PARCELS OF LAND OF ABOUT 1 ACRE LOCATED IN MONTANA THAT ARE ACQUIRED BY DONATION FROM A PRIVATE SOURCE OR DESIGNATED LAND OWNED BY THE STATE. IF THERE IS MORE THAN ONE CENTENNIAL ACRE, EACH SEPARATE PARCEL IS TO BE DESIGNATED BY THE OFFICE AS A PARTICULAR CENTENNIAL ACRE, SUCH AS "THE AGRICULTURAL CENTENNIAL ACRE" OR "THE MOUNTAIN CENTENNIAL ACRE".

Section 3. Donation SOURCE of land and sale of deeds -- centennial fundraising. (1) (A) THE DEPARTMENT MAY DESIGNATE 1 OR MORE ACRES OF LAND TO WHICH IT HAS TITLE AS A CENTENNIAL ACRE.

(B) The department may accept the donation of title to 1 acre OR MORE ACRES of land, for the benefit of statehood centennial fundraising, from a private donor. The department shall work with the EACH donor to select a representative parcel of Montana land. The-acre-of-land-shall-be-known-as the-centennial-acre--The A donation must include title to



1 all mineral, oil and gas, or water rights attached to the
2 land. The A donation of the acre is exempt from the
3 requirements of Title 76, chapters 3 and 4.

4 (2) As provided in [section 1], the state of Montana,
5 through the office, may sell deeds to the centennial acre in
6 portions of 1 square inch per sale.

7 Section 4. Title to centennial acre. (1) Title to the
8 centennial acre remains with the state.

9 (2) The holder of a deed sold through the provisions
10 of [this act] is entitled to "general enjoyment of the
11 riches of the treasure state" in return for purchase of the
12 deed, which indicates an "investment in the last of what is
13 best" in America. Such a deed for 1 square inch of land does
14 not confer title to the land described in the deed.

15 (3) The centennial acre must be managed by the
16 department. Until June 30, 1991, such management must be in
17 consultation with the office. The department may adopt such
18 regulations for the use of the land as it considers
19 necessary for the protection of the land, public use of the
20 land, and enjoyment by the deed holders. Such regulations
21 may include the right to restrict access to the land if such
22 access hinders or infringes on the department's management.

23 (4) Any mineral, oil and gas, or other valuable
24 interest, and all income, fees, or royalty proceeds of the
25 land remain the property of the state of Montana. Such

1 income, if any, must be deposited to the account of the
2 Montana statehood centennial office as set forth in [section
3 7, Bill No. (LC 1078)] and after the termination of the
4 office, it must be deposited to the account of the public
5 school fund as provided for in 20-9-601.

6 (5) No dwellings, structures, or any physical thing
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8 conformance with general regulations adopted by the
9 department.

10 (6) The regulations adopted under this section must be
11 posted at the centennial acre and are not subject to the
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 2 [this act] must be borne by the office. The costs of
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5 Section 8. Effective date. This act is effective on
6 passage and approval.

-End-

STANDING COMMITTEE REPORT

HOUSE

March 21 19 85

MR. SPEAKER

We, your committee on State Administration

having had under consideration Senate Bill No. 380

Third reading copy (Blue)
color

"CENTENNIAL ACRE" - SALE OF DEEDS TO SQUARE INCHES FOR
CENTENNIAL FUNDING

Respectfully report as follows: That Senate Bill No. 380

BE AMENDED AS FOLLOWS:

1) Page 2, lines 4 and 5.
Following: "3," on line 4
Strike: " " through ")" on line 5
Insert: "House Bill No. 873"

2) Page 4, line 3.
Page 4, line 25
Page 5, line 8
Following: "7,"
Strike: " " through ")"
Insert: "House Bill No. 873"

3) Page 5, lines 9 and 10.
Strike: " " on line 9 through ")" on line 10
Insert: "House Bill No. 873"

~~XXXXXX~~ AND AS AMENDED
BE CONCURRED IN

For 3/21


Walter R. Sales,

Chairman.

SENATE BILL NO. 380

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ECK, REGAN, B. BROWN, MANNING, HIRSCH, KEATING,
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YELLOWTAIL, TOWE, JACOBSON, HAGER, B. WILLIAMS

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE SALE OF DEEDS FOR SQUARE INCHES OF LAND IN MONTANA TO RAISE REVENUE FOR MONTANA STATEHOOD CENTENNIAL ACTIVITIES; PROVIDING FOR THE DESIGNATION OF STATE LAND OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND ACCEPTANCE OF A DONATION--OF--1--ACRE DONATIONS OF LAND FROM A PRIVATE DONOR DONORS; PROVIDING FOR THE MONTANA STATEHOOD CENTENNIAL OFFICE TO ADMINISTER THE SALE OF DEEDS; PROVIDING FOR THE TITLE RECEIVED BY DEED HOLDERS AND RESERVATION OF VALUABLE INTERESTS IN THE STATE; PROVIDING FOR THE ADMINISTRATION OF THE ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Purpose. The purpose of this act is to allow the state to acquire, through DESIGNATION OR donation, 1-acre-of land for the purpose of selling symbolic deeds, in increments of 1 square inch, to raise funds for statehood centennial activities.

Section 2. Definitions. Unless the context requires otherwise, in [this act] the following definitions apply:

(1) "Office" means the Montana statehood centennial office as provided for in [section 3, --Bill-No--(6E--1078) HOUSE BILL NO. 873].

(2) "Department" means the department of fish, wildlife, and parks.

(3) "CENTENNIAL ACRE" MEANS ONE OR MORE SEPARATE PARCELS OF LAND OF ABOUT 1 ACRE LOCATED IN MONTANA THAT ARE ACQUIRED BY DONATION FROM A PRIVATE SOURCE OR DESIGNATED LAND OWNED BY THE STATE. IF THERE IS MORE THAN ONE CENTENNIAL ACRE, EACH SEPARATE PARCEL IS TO BE DESIGNATED BY THE OFFICE AS A PARTICULAR CENTENNIAL ACRE, SUCH AS "THE AGRICULTURAL CENTENNIAL ACRE" OR "THE MOUNTAIN CENTENNIAL ACRE".

Section 3. Donation SOURCE of land and sale of deeds -- centennial fundraising. (1) (A) THE DEPARTMENT MAY DESIGNATE 1 OR MORE ACRES OF LAND TO WHICH IT HAS TITLE AS A CENTENNIAL ACRE.

(B) The department may accept the donation of title to 1 acre OR MORE ACRES of land, for the benefit of statehood centennial fundraising, from a private donor. The department shall work with the EACH donor to select a representative parcel of Montana land. The-acre-of-land-shall-be-known-as the-centennial-acre.--The A donation must include title to



1 all mineral, oil and gas, or water rights attached to the
2 land. The A donation of the acre is exempt from the
3 requirements of Title 76, chapters 3 and 4.

4 (2) As provided in [section 1], the state of Montana,
5 through the office, may sell deeds to the centennial acre in
6 portions of 1 square inch per sale.

7 Section 4. Title to centennial acre. (1) Title to the
8 centennial acre remains with the state.

9 (2) The holder of a deed sold through the provisions
10 of [this act] is entitled to "general enjoyment of the
11 riches of the treasure state" in return for purchase of the
12 deed, which indicates an "investment in the last of what is
13 best" in America. Such a deed for 1 square inch of land does
14 not confer title to the land described in the deed.

15 (3) The centennial acre must be managed by the
16 department. Until June 30, 1991, such management must be in
17 consultation with the office. The department may adopt such
18 regulations for the use of the land as it considers
19 necessary for the protection of the land, public use of the
20 land, and enjoyment by the deed holders. Such regulations
21 may include the right to restrict access to the land if such
22 access hinders or infringes on the department's management.

23 (4) Any mineral, oil and gas, or other valuable
24 interest, and all income, fees, or royalty proceeds of the
25 land remain the property of the state of Montana. Such

1 income, if any, must be deposited to the account of the
2 Montana statehood centennial office as set forth in [section
3 7, ~~--Bill-No--(5E-1070)~~ HOUSE BILL NO. 873] and after the
4 termination of the office, it must be deposited to the
5 account of the public school fund as provided for in
6 20-9-601.

7 (5) No dwellings, structures, or any physical thing
8 may be erected on the land by any deed holder except in
9 conformance with general regulations adopted by the
10 department.

11 (6) The regulations adopted under this section must be
12 posted at the centennial acre and are not subject to the
13 provisions of Title 2, chapter 4.

14 Section 5. Administration of sale. (1) The office
15 shall administer the sale of deeds for the square inches of
16 land as authorized by [this act].

17 (2) The office shall prepare an individual deed for
18 each square inch of the land. After certification by the
19 office, such deeds are conclusive evidence that the holder
20 of the deed purchased the deed to 1 square inch of the
21 centennial acre. No record of subsequent transfer of a deed
22 is required to be kept by the office, the department of
23 fish, wildlife, and parks, or the county clerk and recorder.

24 (3) (a) The price of a deed is \$10, to be deposited to
25 the account of the Montana statehood centennial office as

1 provided in [section 7, ~~--Bill-No--~~(~~5E-1070~~) HOUSE BILL NO.
2 873].

3 (b) The cost of administering the sale of deeds under
4 [this act] must be borne by the office. The costs of
5 administering the program may be derived from the proceeds
6 of the sales and from any other source except state general
7 fund money.

8 (c) Proceeds exceeding the costs of administering the
9 program shall first supplant general funds appropriated in
10 [section 7, ~~--Bill-No--~~(~~5E-1070~~) HOUSE BILL NO. 873] and
11 thereafter constitute funds for centennial activities as
12 provided in [~~--Bill-No--~~(~~5E-1070~~) HOUSE BILL NO. 873].

13 (4) If, on December 30, 1990, the office believes that
14 there are sufficient unexpended funds derived from the
15 operation of [this act], the office shall prepare a bill for
16 the 1991 session of the legislature suggesting the
17 establishment of a continuing fund for the further
18 advancement of Montana's goals.

19 Section 6. Contents of deeds. In addition to any other
20 matter printed on the deeds of square inches of land, they
21 shall have printed on them the following: "Title to the land
22 described in this deed is subject to the provisions of
23 [insert citation of this act]. Such title is limited by the
24 right of the state of Montana to manage the land for the
25 benefit of the general public and the deed holders'

1 enjoyment of the land. Ownership as evidenced by this deed
2 does not entitle the holder to any right of use of the land
3 different than that of the general public, nor does it
4 obligate the holder to pay property taxes, assessments, or
5 any other fees or levies commonly incident to title."

6 Section 7. Exclusion of laws relating to land and land
7 transfers. (1) [This act] provides the sole method of
8 selling deeds to square inches of land owned by the state
9 for the funding of Montana's statehood centennial. The sale
10 of deeds to square inches of the centennial acre are not
11 subject to Title 76, chapters 3 and 4, but if the department
12 constructs sanitary facilities on the site, it must comply
13 with the requirements of Title 76, chapter 4. No other
14 provision of law relating to recordation or filing of land
15 transfers, surveying, subdividing land, zoning, or planning
16 restrictions or master plans applies to the sale or
17 ownership of deeds under [this act].

18 (2) The deed holders of square inches of land under
19 [this act] do not hold title to the centennial acre or any
20 part thereof for any purpose under the laws of the state of
21 Montana. Such deed holders are not subject to taxes, fees,
22 or assessments on their ownership interest and are not to be
23 considered owners for the purposes of notification for the
24 administration of units of local government or certain
25 districts, including school districts.

1 (3) The state of Montana holds title to the land in
2 trust for the public, and as such the land is to be
3 considered as a parcel of state-owned land in all things
4 necessary for the administration of units of local
5 government and all districts, including school districts, in
6 which it may be located.

7 Section 8. Effective date. This act is effective on
8 passage and approval.

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