

SENATE BILL 32

Introduced by Jenkins

1/02	Introduced
1/02	Referred to Agriculture, Livestock & Irrig.
1/06	Hearing
1/11	Committee Report--Bill Not Passed as Amended
1/12	Rereferred to Agriculture, Livestock & Irrig. Died in Committee

1 SENATE BILL NO. 32
2 INTRODUCED BY JENKINS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 DISTRIBUTION OF RENTAL PAYMENTS RECEIVED BY LESSEES OF STATE
6 LANDS UNDER THE FEDERAL CONSERVATION RESERVE PROGRAM;
7 REQUIRING THE INCLUSION OF PAYMENT DISTRIBUTION PROVISIONS
8 IN NEW LEASES; AND AMENDING SECTION 77-6-113, MCA."

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

11 **Section 1.** Rental payments on state lands in
12 conservation reserve program -- distribution. Rental
13 payments received under 16 U.S.C. 3834 on state lands
14 contracted under the federal conservation reserve program
15 for leases entered after [the effective date of this act]
16 must be distributed as follows:

17 (1) 80% of conservation reserve program payments to
18 the state, to be placed in the appropriate fund; and

19 (2) 20% of conservation reserve program payments to
20 the lessee.

21 **Section 2.** Section 77-6-113, MCA, is amended to read:

22 "77-6-113. Lease conditions -- cancellation. (1) It
23 shall be a condition of all leases of agricultural or
24 grazing state lands that:

25 (a) in the case of agricultural lands, the lessee

1 shall observe the ordinary rules for good management of
2 agricultural lands and shall handle the leased land with the
3 view of maintaining its productivity and minimizing wind and
4 soil erosion and noxious weeds and planting crops with a
5 view of securing the greatest yields of good quality; and

6 (b) in the case of grazing lands, the lessee shall
7 observe the ordinary rules for good range management and
8 shall manipulate the numbers, class, distribution, and
9 season of the range use and the handling, feeding, breeding,
10 and marketing of grazing livestock with a view of securing
11 the production of the maximum of livestock and livestock
12 products, consistent with the conservation of the land
13 resources and the perpetuation of its productivity, and to
14 these ends the state land lease may not be abused by
15 overgrazing; and

16 (c) in the case of a lease entered after [the
17 effective date of this act], the lease must contain a
18 provision implementing [section 1].

19 (2) For the gross violation of any of these rules, the
20 lease involved shall be canceled by the department, subject
21 to the appeal procedure provided in 77-6-211."

22 **Section 3.** Codification instruction. [Section 1] is
23 intended to be codified as an integral part of Title 77,
24 chapter 6, and the provisions of Title 77, chapter 6, apply
25 to [section 1].

LC 0461/01

1 **Section 4. Extension of authority.** Any existing
2 authority to make rules on the subject of the provisions of
3 [this act] is extended to the provisions of [this act].

-End-