

SENATE BILL NO. 188

INTRODUCED BY HOCKETT
BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE SENATE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
JANUARY 25, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 26, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 27, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 28, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
FEBRUARY 13, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 2, 1993	SECOND READING, CONCURRED IN.
MARCH 5, 1993	THIRD READING, CONCURRED IN. AYES, 79; NOES, 21.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 8, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 188
2 INTRODUCED BY Hockett
3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
6 COMMERCIAL LEASEHOLDER OF STATE LAND MAY SUBLEASE STATE LAND
7 FOR A PROFIT; PROVIDING THAT THE DEPARTMENT OF STATE LANDS
8 MAY ADJUST LEASE RATES IF STATE LAND IS SUBLEASED FOR A
9 PROFIT; AND AMENDING SECTION 77-6-208, MCA."

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

12 **Section 1.** Section 77-6-208, MCA, is amended to read:

13 "77-6-208. Assignment of leases -- subleasing -- loss
14 of preference right. (1) Leases to state lands may be
15 assigned on blanks prescribed by the department, but no an
16 assignment is not binding on the state unless the assignment
17 is filed with the department, and approved by it and payment
18 made of the assignment fee under 77-1-302.

19 (2) Preference shall must always be given to the
20 applicant who wants the land for his the applicant's own
21 individual use, so that the full advantage coming from the
22 leasing and use of the lands may reach those who actually
23 till the soil and so that they are not compelled to pay a
24 higher rental than that due the state.

25 (3) (a) If a lessee, other than a holder of a

1 commercial lease, subleases state lands on terms less
2 advantageous to the sublessee than the terms given by the
3 state, the department shall cancel the lease, subject to the
4 appeal procedure provided in 77-6-211.

5 (b) If a lessee subleases state lands without filing a
6 copy of the sublease with the department and without
7 receiving its the department's approval, the department may
8 cancel the lease, subject to the appeal procedure provided
9 in 77-6-211.

10 (c) Upon approval by the department, a commercial
11 leaseholder may sublease state land on terms less
12 advantageous to the sublessee than the terms given to the
13 lessee by the state. However, the department may adjust the
14 lease rate to require that the lessee pay the state a
15 portion of what the sublessee pays to the lessee.

16 (4) The subleasing of state land may result in loss of
17 the preference right to renew the lease as provided in
18 77-6-212.

19 (5) No An assignment or series of assignments may not
20 be made to avoid the loss of the preference right under
21 77-6-212."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

1 Senate BILL NO. 188
2 INTRODUCED BY Heck
3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
6 COMMERCIAL LEASEHOLDER OF STATE LAND MAY SUBLEASE STATE LAND
7 FOR A PROFIT; PROVIDING THAT THE DEPARTMENT OF STATE LANDS
8 MAY ADJUST LEASE RATES IF STATE LAND IS SUBLEASED FOR A
9 PROFIT; AND AMENDING SECTION 77-6-208, MCA."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 **Section 1.** Section 77-6-208, MCA, is amended to read:
13 "77-6-208. Assignment of leases -- subleasing -- loss
14 of preference right. (1) Leases to state lands may be
15 assigned on blanks prescribed by the department, but no an
16 assignment is not binding on the state unless the assignment
17 is filed with the department, and approved by it and payment
18 made of the assignment fee under 77-1-302.
19 (2) Preference ~~shall~~ must always be given to the
20 applicant who wants the land for his the applicant's own
21 individual use, so that the full advantage coming from the
22 leasing and use of the lands may reach those who actually
23 till the soil and so that they are not compelled to pay a
24 higher rental than that due the state.
25 (3) (a) If a lessee, other than a holder of a

1 commercial lease, subleases state lands on terms less
2 advantageous to the sublessee than the terms given by the
3 state, the department shall cancel the lease, subject to the
4 appeal procedure provided in 77-6-211.
5 (b) If a lessee subleases state lands without filing a
6 copy of the sublease with the department and without
7 receiving its the department's approval, the department may
8 cancel the lease, subject to the appeal procedure provided
9 in 77-6-211.
10 (c) Upon approval by the department, a commercial
11 leaseholder may sublease state land on terms less
12 advantageous to the sublessee than the terms given to the
13 lessee by the state. However, the department may adjust the
14 lease rate to require that the lessee pay the state a
15 portion of what the sublessee pays to the lessee.
16 (4) The subleasing of state land may result in loss of
17 the preference right to renew the lease as provided in
18 77-6-212.
19 (5) No An assignment or series of assignments may not
20 be made to avoid the loss of the preference right under
21 77-6-212."

-End-

1 Senate BILL NO. 188
2 INTRODUCED BY Hickitt
3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
6 COMMERCIAL LEASEHOLDER OF STATE LAND MAY SUBLEASE STATE LAND
7 FOR A PROFIT; PROVIDING THAT THE DEPARTMENT OF STATE LANDS
8 MAY ADJUST LEASE RATES IF STATE LAND IS SUBLEASED FOR A
9 PROFIT; AND AMENDING SECTION 77-6-208, MCA."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 **Section 1.** Section 77-6-208, MCA, is amended to read:
13 "77-6-208. Assignment of leases -- subleasing -- loss
14 of preference right. (1) Leases to state lands may be
15 assigned on blanks prescribed by the department, but no an
16 assignment is not binding on the state unless the assignment
17 is filed with the department, and approved by it and payment
18 made of the assignment fee under 77-1-302.
19 (2) Preference shall must always be given to the
20 applicant who wants the land for his the applicant's own
21 individual use, so that the full advantage coming from the
22 leasing and use of the lands may reach those who actually
23 till the soil and so that they are not compelled to pay a
24 higher rental than that due the state.
25 (3) (a) If a lessee, other than a holder of a

1 commercial lease, subleases state lands on terms less
2 advantageous to the sublessee than the terms given by the
3 state, the department shall cancel the lease, subject to the
4 appeal procedure provided in 77-6-211.
5 (b) If a lessee subleases state lands without filing a
6 copy of the sublease with the department and without
7 receiving its the department's approval, the department may
8 cancel the lease, subject to the appeal procedure provided
9 in 77-6-211.
10 (c) Upon approval by the department, a commercial
11 leaseholder may sublease state land on terms less
12 advantageous to the sublessee than the terms given to the
13 lessee by the state. However, the department may adjust the
14 lease rate to require that the lessee pay the state a
15 portion of what the sublessee pays to the lessee.
16 (4) The subleasing of state land may result in loss of
17 the preference right to renew the lease as provided in
18 77-6-212.
19 (5) No An assignment or series of assignments may not
20 be made to avoid the loss of the preference right under
21 77-6-212."

-End-

SENATE BILL NO. 188

INTRODUCED BY HOCKETT

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A COMMERCIAL LEASEHOLDER OF STATE LAND MAY SUBLEASE STATE LAND FOR A PROFIT; PROVIDING THAT THE DEPARTMENT OF STATE LANDS MAY ADJUST LEASE RATES IF STATE LAND IS SUBLEASED FOR A PROFIT; AND AMENDING SECTION 77-6-208, MCA."

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

Section 1. Section 77-6-208, MCA, is amended to read:

"77-6-208. Assignment of leases -- subleasing -- loss of preference right. (1) Leases to state lands may be assigned on blanks prescribed by the department, but no an assignment is not binding on the state unless the assignment is filed with the department, and approved by it and payment made of the assignment fee under 77-1-302.

(2) Preference ~~shall~~ must always be given to the applicant who wants the land for his the applicant's own individual use, so that the full advantage coming from the leasing and use of the lands may reach those who actually till the soil and so that they are not compelled to pay a higher rental than that due the state.

(3) (a) If a lessee, other than a holder of a

commercial lease, subleases state lands on terms less advantageous to the sublessee than the terms given by the state, the department shall cancel the lease, subject to the appeal procedure provided in 77-6-211.

(b) If a lessee subleases state lands without filing a copy of the sublease with the department and without receiving its the department's approval, the department may cancel the lease, subject to the appeal procedure provided in 77-6-211.

(c) Upon approval by the department, a commercial leaseholder may sublease state land on terms less advantageous to the sublessee than the terms given to the lessee by the state. However, the department may adjust the lease rate to require that the lessee pay the state a portion of what the sublessee pays to the lessee.

(4) The subleasing of state land may result in loss of the preference right to renew the lease as provided in 77-6-212.

(5) No An assignment or series of assignments may not be made to avoid the loss of the preference right under 77-6-212."

-End-