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HOUSE BILL NO. 253

INTRODUCED BY B. DAVIES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ATTORNEY GENERAL TO BRING AN ACTION AGAINST THE UNITED STATES TO REQUIRE THE UNITED STATES TO TRANSFER TITLE TO THE STATE OF MONTANA OF ALL FEDERALLY OWNED LAND IN MONTANA THAT IS NOT SUBJECT TO THE RESTRICTIONS OF ARTICLE I, SECTION 8, OF THE UNITED STATES CONSTITUTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Attorney general to sue United States over land ownership.** (1) The attorney general shall bring an action against the United States to require the United States to transfer title to the state of Montana of all federally owned land in Montana that is not subject to the restrictions of Article I, section 8, of the United States constitution. The action must be premised upon the express provisions of Article I, section 8; Article IV, section 3; and the 10th amendment to the United States constitution.

(2) Upon transfer of ownership of the former federal land to the state, the department of natural resources and conservation shall manage the land as provided in Title 77. The proceeds derived from the land must be used to reduce property taxes and income taxes.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 5, and the provisions of Title 2, chapter 15, part 5, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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