

HOUSE BILL NO. 320

INTRODUCED BY R. LAIBLE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A CIVIL ACTION AGAINST THE BOARD OF LAND COMMISSIONERS OR THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION CONCERNING THE USE OR DISPOSITION OF STATE LANDS REQUIRES A WRITTEN UNDERTAKING; AMENDING SECTION 77-1-110, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 77-1-110, MCA, is amended to read:

"77-1-110. Written undertaking required in legal action for challenge to use or disposition of state lands. ~~(1) This section implements the constitutional duty to protect~~ THE PURPOSE OF THIS SECTION IS TO ADVANCE THE LEGITIMATE STATE INTEREST IN THE PROTECTION OF state trust assets as provided for in Article X, section 11, of the Montana constitution.

(2) In any civil action seeking an injunction or restraining order concerning a decision of the board or department approving a use or disposition of state lands that would produce revenue for any state lands trust beneficiary, the court shall require a written undertaking for the payment of damages that may be incurred by the trust beneficiary if the board or the department is wrongfully enjoined or restrained."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

- END -