

SENATE BILL NO. 75

INTRODUCED BY G. JERGESON

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A UNIFORM METHOD FOR DETERMINING THE DATE OF DELIVERY OF DOCUMENTS AND PAYMENTS TO THE STATE FOR USES OF STATE LANDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the state administers over 10,000 leases, licenses, permits, and agreements on state lands; and

WHEREAS, as a result of the decisions of the Montana Supreme Court in *Johansen v. Department of Natural Resources and Conservation*, 288 Mont. 39, 955 P.2d 653 (1998), and *Johansen v. State*, 1999 MT 187, 983 P.2d 962 (1999), the determination of the date of delivery for the submission of documents and payments required by the terms of leases, licenses, permits, and agreements issued by the Board of Land Commissioners or the Department has been made less efficient; and

WHEREAS, there is a need to provide a uniform and exclusive method for determining the date of delivery of documents and payments to the state for uses of state lands.

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

NEW SECTION. **Section 1. Determination of date of delivery.** The date of delivery for a lease, license, permit, or agreement issued by the board or department under this title or under a rule implementing this title or for a document or payment required by the terms of the lease, license, permit, or agreement is:

(1) for mailing by means of the United States postal service, the date of the postmark stamped on the cover in which the document or payment is transmitted; or

(2) for delivery by means other than by the United States postal service or if there is no postmark stamped on a mailing delivered by the United States postal service, the date of actual physical receipt by the department.



1 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
2 integral part of Title 77, chapter 1, and the provisions of Title 77, chapter 1, apply to [section 1].

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

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