

SENATE BILL NO. 338

INTRODUCED BY B. HAMLETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF LAND COMMISSIONERS TO CONSIDER UNIQUE EDUCATIONAL AND CULTURAL VALUES RELATED TO THE USE OF STATE LAND BY A STATE AGENCY AS PART OF FULL MARKET VALUE; AND AMENDING SECTION 77-1-202, MCA."

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

Section 1. Section 77-1-202, MCA, is amended to read:

"77-1-202. Powers and duties of board. (1) The board shall exercise general authority, direction, and control over the care, management, and disposition of state lands and, subject to the investment authority of the board of investments, the funds arising from the leasing, use, sale, and disposition of those lands or otherwise coming under its administration. In the exercise of these powers, the guiding principle is that these lands and funds are held in trust for the support of education and for the attainment of other worthy objects helpful to the well-being of the people of this state as provided in The Enabling Act. The board shall administer this trust to:

- (a) secure the largest measure of legitimate and reasonable advantage to the state; and
- (b) provide for the long-term financial support of education.

(2) It is consistent with the powers and duties provided in subsection (1) that the people are entitled to general recreational use of state lands to the extent that the trusts are compensated for the value of the recreation.

(3) When acquiring land for the state, the board shall determine the value of the land after an appraisal by a qualified land appraiser.

(4) When determining full market value of a use of state land by a state agency, the board shall consider any unique cultural and educational experiences that the use may provide that are unique to the use proposed by the state agency."

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