

SENATE BILL NO. 298

INTRODUCED BY J. FIELDER

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ATTORNEY GENERAL TO PURSUE REIMBURSEMENT OF MONEY OWED TO MONTANA PURSUANT TO THE ENABLING ACT; DEPOSITING RECOVERED FUNDS IN THE PERMANENT FUND FOR THE SUPPORT OF COMMON SCHOOLS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Enabling Act enforcement -- findings.** (1) The legislature finds that:

(a) section 13 of The Enabling Act requires that 5% of the proceeds from public lands in Montana sold by the United States, after deduction of expenses, must be paid to the state for the support of the common schools;

(b) the United States incorrectly interprets The Enabling Act provision cited in subsection (1)(a) to only include the sale of lands managed by the secretary of the interior; and

(c) the United States owes Montana 5% of the proceeds of all public land in Montana sold by the United States government since November 8, 1889.

(2) The attorney general shall pursue, TO THE EXTENT FEASIBLE, payment of the funds owed to Montana pursuant to subsection (1).

(3) Any money paid to the state pursuant to this section must be deposited in the permanent fund for the support of common schools as referenced in section 13 of The Enabling Act.

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

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

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