

1 SENATE BILL NO. 287

2 INTRODUCED BY S. FITZPATRICK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROPERTY OWNERSHIP LAWS;
5 LISTING ADDITIONAL CATEGORIES OF PROPERTY THAT MAY BE OWNED; PROVIDING THAT
6 PROPERTY DAMAGED OR TAKEN FOR A PUBLIC USE IS SUBJECT TO REGULATORY TAKINGS SUIT;
7 ~~AND~~ AMENDING SECTION 70-1-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN
8 APPLICABILITY DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 70-1-104, MCA, is amended to read:

13 **"70-1-104. In what things property interests may exist -- regulatory taking.** (1) There may be
14 ownership of:

15 ~~(1)~~(a) all inanimate things ~~which~~ that are capable of appropriation or of manual delivery;

16 ~~(2)~~(b) all domestic animals;

17 ~~(3)~~(c) all obligations;

18 ~~(4)~~(d) ~~such~~ products of labor or skill such as the composition of an author, the goodwill of a business,
19 trademarks, and signs; ~~and~~

20 ~~(5)~~(e) rights created or granted by statute;

21 ~~(f)~~ licenses to pursue a business or livelihood, including state licenses that have been approved
22 and issued and for which the holder has a legitimate claim of entitlement, and the property interests associated
23 with licenses, including any authorized ability to freely transfer or dispose of the license;

24 ~~(g)~~(f) real property and fixtures;

25 ~~(h)~~(g) personal property and appurtenances;

26 ~~(i)~~(h) water rights and beneficial water use permits or authorizations as defined in 85-2-102;

27 ~~(j)~~(i) intangible personal property as defined in 15-6-218; and

28 ~~(k)~~(j) mineral rights.

