

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:

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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 (6)(f) real property and fixtures;

25 (7)(g) personal property and appurtenances;

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

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

28 (10)(j) mineral rights.

