

1 House BILL NO. 661  
 2 INTRODUCED BY Hager - FARR Stigumiller

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 26-104.6, R.C.M. 1947, TO AUTHORIZE THE FISH AND GAME  
 6 COMMISSION TO UTILIZE INSTALLMENT CONTRACTS TO FACILITATE  
 7 THE ACQUISITION OF LANDS AND WATERS."  
 8

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

10 Section 1. Section 26-104.6, R.C.M. 1947, is amended  
 11 to read as follows:

12 "26-104.6. Acquisition and sale of lands or waters by  
 13 commission. (1) The commission may acquire by purchase,  
 14 condemnation, lease, agreement, gift, or devise, and may  
 15 acquire easements upon lands or waters for the purposes  
 16 listed in this subsection. The commission may acquire,  
 17 develop, operate, and maintain acquired lands or waters:

- 18 (a) For fish hatcheries, nursery ponds, or game farms;
- 19 (b) As lands or water suitable for game, bird, fish, or
- 20 fur-bearing animal restoration, propagation, or protection;
- 21 (c) For public hunting, fishing, or trapping areas;
- 22 (d) To capture, propagate, transport, buy, sell, or
- 23 exchange any game, bird, fish, fish eggs, or fur-bearing
- 24 animals needed for propagation or stocking purposes, or to
- 25 exercise control measures of undesirable species;

INTRODUCED BILL

1 (e) To extend and consolidate by exchange, lands or  
 2 waters suitable for these purposes.

3 (2) The commission may dispose of lands and waters  
 4 acquired by it on those terms after that public notice, and  
 5 without regard to other laws which provide for sale or  
 6 disposal of state lands, and with or without reservation, as  
 7 it considers necessary and advisable. Notice of sale  
 8 describing the lands or waters to be disposed of shall be  
 9 published once a week for three (3) successive weeks in a  
 10 newspaper with general circulation printed and published in  
 11 the county where the lands or waters are situated, or if no  
 12 newspaper is published in that county then in any newspaper  
 13 with general circulation in that county. The notice shall  
 14 advertise for cash bids to be presented to the commission or  
 15 the director within thirty (30) days from the date of the  
 16 first publication. Each bid must be accompanied by a  
 17 cashier's check or cash deposit in an amount equal to ten  
 18 percent (10%) of the amount bid. The highest bid shall be  
 19 accepted upon payment of the balance due within ten (10)  
 20 days after mailing notice by registered mail to the highest  
 21 bidder. If that bidder defaults on payment of the balance  
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1 the right to reject any bids which do not equal or exceed  
2 the full market value of the lands and waters as determined  
3 by the commission. The commission shall convey the lands and  
4 waters by deed without covenants of warranty, executed by  
5 the governor, or in his absence or disability by the  
6 lieutenant governor, attested by the secretary of state, and  
7 further countersigned by the chairman of the commission. The  
8 deed shall be attested by the secretary of the commission,  
9 but need not be acknowledged.

10 (3) Notwithstanding the provisions of section 82-1918,  
11 R.C.M. 1947, the commission is authorized to utilize the  
12 installment contract method to facilitate the acquisition of  
13 wildlife management areas, in which game and nongame  
14 fur-bearing animals, and game and nongame birds may breed  
15 and replenish, and areas which provide access to fishing  
16 sites for the public. In no case may the total cost of such  
17 installment contracts exceed the cost of purchases  
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-End-

Approved by Comm.  
on Fish and Game

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