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HB BILL NO. *84*

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INTRODUCED BY *Staignilla Conroy Smith, Len*
Reginald
Norris *Wright* *Wright* *Wright*
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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE FISH AND
GAME COMMISSION TO OBTAIN THE APPROVAL OF THE MONTANA
LEGISLATURE BEFORE BUYING AGRICULTURAL LAND LARGER THAN 5
ACRES IN AREA; AMENDING SECTIONS 26-104.4 AND 26-104.6,
R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 26-104.4, R.C.M. 1947, is amended
to read as follows:

"26-104.4. Acquisition, importation, and propagation
of fish, game, game birds, and fur-bearing animals --
introduction and propagation of waterfowl food. The
commission may:

(1) Acquire by gift, purchase, capture, or otherwise
any fish, game, game birds, or animals, for propagation,
experimental, or scientific purposes.

(2) Provide for the importation of game birds and game
and fur-bearing animals and for the protection, propagation,
and distribution of imported or native birds and animals.

(3) Use fish and game funds necessary for the
construction, maintenance, operation, upkeep, and repair of
fish hatcheries, game farms, or other property or means and

appliances for the protection and propagation of fish, game
and fur-bearing animals, or game or nongame birds, except as
such use of funds is restricted in 26-104.6(2). It may
appropriate moneys from the funds at its disposal for the
extermination or eradication of predatory animals that
destroy fish, game, or fur-bearing animals, or game or
nongame birds.

(4) Spend fish and game funds necessary to introduce
and propagate wild waterfowl food and for that purpose may
secure expert advice as to what kinds of waterfowl foods are
adapted to the climate, soil, and waters of this state."

Section 2. Section 26-104.6, R.C.M. 1947, is amended
to read as follows:

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

- (a) For fish hatcheries, nursery ponds, or game farms;
- (b) As lands or water suitable for game, bird, fish,
or fur-bearing animal restoration, propagation, or
protection;
- (c) For public hunting, fishing, or trapping areas;
- (d) To capture, propagate, transport, buy, sell, or

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1 exchange any game, bird, fish, fish eggs, or fur-bearing
2 animals needed for propagation or stocking purposes, or to
3 exercise control measures of undesirable species;

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

6 ~~(2) Notwithstanding subsection (1) of this section,~~
7 ~~the commission shall obtain the approval of the legislature~~
8 ~~before purchasing, exchanging, accepting gifts of, or~~
9 ~~condemning any agricultural land as defined in 84-437.2 and~~
10 ~~greater than 5 acres in area.~~

11 ~~(2)(3)~~ The commission may dispose of lands and waters
12 acquired by it on those terms after that public notice, and
13 without regard to other laws which provide for sale or
14 disposal of state lands, and with or without reservation, as
15 it considers necessary and advisable. Notice of sale
16 describing the lands or waters to be disposed of shall be
17 published once a week for ~~three-(3)~~ successive weeks in a
18 newspaper with general circulation printed and published in
19 the county where the lands or waters are situated, or if no
20 newspaper is published in that county then in any newspaper
21 with general circulation in that county. The notice shall
22 advertise for cash bids to be presented to the commission or
23 the director within ~~thirty-(30)~~ days from the date of the
24 first publication. Each bid must be accompanied by a
25 cashier's check or cash deposit in an amount equal to ten

1 percent-~~(10%)~~ of the amount bid. The highest bid shall be
2 accepted upon payment of the balance due within ~~ten-(10)~~
3 days after mailing notice by registered mail to the highest
4 bidder. If that bidder defaults on payment of the balance
5 due, then the next highest bidders shall be similarly
6 notified in succession until a sale is completed. Deposits
7 shall be returned to the unsuccessful bidders except bidders
8 defaulting after notification. The commission shall reserve
9 the right to reject any bids which do not equal or exceed
10 the full market value of the lands and waters as determined
11 by the commission. The commission shall convey the lands and
12 waters by deed without covenants of warranty, executed by
13 the governor, or in his absence or disability by the
14 lieutenant governor, attested by the secretary of state, and
15 further countersigned by the chairman of the commission. The
16 deed shall be attested by the secretary of the commission,
17 but need not be acknowledged.

18 ~~(3)(4)~~ Notwithstanding the provisions of section
19 82-1918, ~~Revised--1947~~ the commission ~~is authorized to may~~
20 utilize the installment contract method to facilitate the
21 acquisition of wildlife management areas, in which game and
22 nongame fur-bearing animals, and game and nongame birds may
23 breed and replenish, and areas which provide access to
24 fishing sites for the public. In no case may the total cost
25 of such installment contracts exceed the cost of purchases

1 authorized by commission and appropriated by the
2 legislature."

3 Section 3. Effective date. This act is effective upon
4 passage and approval.

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 84

INTRODUCED BY STAIGHILLER, CONROY,

SMITH, LIEN, JOHNSTON, O'CONNELL, PEDA, HIRSCH,

BURNETT, WYRICK, TROPILA, ELLEBD, DAVIS, HURWITZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE FISH AND
GAME COMMISSION TO OBTAIN THE APPROVAL OF THE MONTANA
LEGISLATURE BEFORE BUYING AGRICULTURAL LAND LARGER THAN 5
160 ACRES IN AREA; AMENDING SECTIONS 26-104.4 AND 26-104.6,
R.C.M. 1947, ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

Section 1. Section 26-104.4, R.C.M. 1947, is amended
to read as follows:

"26-104.4. Acquisition, importation, and propagation
of fish, game, game birds, and fur-bearing animals —
introduction and propagation of waterfowl food. The
commission may:

(1) Acquire by ~~gift~~, purchase, capture, or otherwise
any fish, game, game birds, or animals, for propagation,
experimental, or scientific purposes.

(2) Provide for the importation of game birds and game
and fur-bearing animals and for the protection, propagation,
and distribution of imported or native birds and animals.

(3) Use fish and game funds necessary for the

construction, maintenance, operation, upkeep, and repair of
fish hatcheries, game farms, or other property or means and
appliances for the protection and propagation of fish, game
and fur-bearing animals, or game or nongame birds, except as
such use of funds is restricted in 26-104.6(2). It may
appropriate moneys from the funds at its disposal for the
extermination or eradication of predatory animals that
destroy fish, game, or fur-bearing animals, or game or
nongame birds.

(4) Spend fish and game funds necessary to introduce
and propagate wild waterfowl food and for that purpose may
secure expert advice as to what kinds of waterfowl foods are
adapted to the climate, soil, and waters of this state."

Section 2. Section 26-104.6, R.C.M. 1947, is amended
to read as follows:

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

(a) For fish hatcheries, nursery ponds, or game farms;

(b) As lands or water suitable for game, bird, fish,
or fur-bearing animal restoration, propagation, or
protection;

1 (c) For public hunting, fishing, or trapping areas;
 2 (d) To capture, propagate, transport, buy, sell, or
 3 exchange any game, bird, fish, fish eggs, or fur-bearing
 4 animals needed for propagation or stocking purposes, or to
 5 exercise control measures of undesirable species;
 6 (e) To extend and consolidate by exchange, lands or
 7 waters suitable for these purposes.
 8 (2) Notwithstanding subsection (1) of this section,
 9 the commission shall obtain the approval of the legislature
 10 before purchasing, exchanging, accepting gifts of, or
 11 condemning any agricultural land as defined in 84-437.2 and
 12 greater than 5 160 acres in area.
 13 ~~(3)~~ (3) The commission may dispose of lands and waters
 14 acquired by it on those terms after that public notice, and
 15 without regard to other laws which provide for sale or
 16 disposal of state lands, and with or without reservation, as
 17 it considers necessary and advisable. Notice of sale
 18 describing the lands or waters to be disposed of shall be
 19 published once a week for ~~three~~ (3) successive weeks in a
 20 newspaper with general circulation printed and published in
 21 the county where the lands or waters are situated, or if no
 22 newspaper is published in that county then in any newspaper
 23 with general circulation in that county. The notice shall
 24 advertise for cash bids to be presented to the commission or
 25 the director within ~~thirty~~ (30) days from the date of the

1 first publication. Each bid must be accompanied by a
 2 cashier's check or cash deposit in an amount equal to ~~ten~~
 3 ~~percent~~ (10%) of the amount bid. The highest bid shall be
 4 accepted upon payment of the balance due within ~~ten~~ (10)
 5 days after mailing notice by registered mail to the highest
 6 bidder. If that bidder defaults on payment of the balance
 7 due, then the next highest bidders shall be similarly
 8 notified in succession until a sale is completed. Deposits
 9 shall be returned to the unsuccessful bidders except bidders
 10 defaulting after notification. The commission shall reserve
 11 the right to reject any bids which do not equal or exceed
 12 the full market value of the lands and waters as determined
 13 by the commission. The commission shall convey the lands and
 14 waters by deed without covenants of warranty, executed by
 15 the governor, or in his absence or disability by the
 16 lieutenant governor, attested by the secretary of state, and
 17 further countersigned by the chairman of the commission. The
 18 deed shall be attested by the secretary of the commission,
 19 but need not be acknowledged.
 20 ~~(3)~~ (4) Notwithstanding the provisions of ~~section~~
 21 82-1918, ~~S.C.S. 1947~~, the commission ~~is authorized to pay~~
 22 utilize the installment contract method to facilitate the
 23 acquisition of wildlife management areas, in which game and
 24 nongame fur-bearing animals, and game and nongame birds may
 25 breed and replenish, and areas which provide access to

1 fishing sites for the public. In no case may the total cost
2 of such installment contracts exceed the cost of purchases
3 authorized by commission and appropriated by the
4 legislature."

5 ~~Section 3. Effective date. This act is effective upon~~
6 ~~passage and approval.~~

-End-