

HOUSE BILL 261

IN THE HOUSE

January 19, 1979

Introduced and referred to
Committee on Fish and
Game.

February 14, 1979

Committee recommend bill,
as amended.

February 16, 1979

Printed and placed on members'
desks.

February 17, 1979

Second reading, pass
consideration.

February 19, 1979

Second reading, do not pass.

1 *HOME* BILL NO. *261* *Theresa Conway*
 2 INTRODUCED BY *John Higinella Ellison Donaldson*
 3 *Erin Smith* *NATHAN Manning* *Tracy Lee Marks*
 4 *Wannell* *Sight* *Shelton* *Curtisi* *Boughton*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE FISH AND

5 GAME COMMISSION TO OBTAIN THE APPROVAL OF THE MONTANA
 6 LEGISLATURE BEFORE BUYING AGRICULTURAL LAND LARGER THAN 160
 7 ACRES IN AREA; AMENDING SECTIONS 87-1-209 AND 87-1-221, MCA;
 8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 87-1-221, MCA, is amended to read:

12 "87-1-221. Acquisition, importation, and propagation
 13 of fish and game -- waterfowl food. The department may:

14 (1) acquire by gift, purchase, capture, or otherwise
 15 any fish, game, game birds, or animals for propagation,
 16 experimental, or scientific purposes;

17 (2) provide for the importation of game birds and game
 18 and fur-bearing animals and for the protection, propagation,
 19 and distribution of imported or native birds and animals;

20 (3) use fish and game funds necessary for the
 21 construction, maintenance, operation, upkeep, and repair of
 22 fish hatcheries, game farms, or other property or means and
 23 appliances for the protection and propagation of fish, game
 24 and fur-bearing animals, or game or nongame birds, except as
 25 such use of funds is restricted by 87-1-209(2);

1 (4) appropriate moneys from the funds at its disposal
 2 for the extermination or eradication of predatory animals
 3 that destroy fish, game, or fur-bearing animals or game or
 4 nongame birds;

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

9 Section 2. Section 87-1-209, MCA, is amended to read:

10 "87-1-209. Acquisition and sale of lands or waters.

11 (1) The department, with the consent of the commission, may
 12 acquire by purchase, condemnation, lease, agreement, gift,
 13 or devise and may acquire easements upon lands or waters for
 14 the purposes listed in this subsection. The department may
 15 develop, operate, and maintain acquired lands or waters:

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

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

20 (c) for public hunting, fishing, or trapping areas;

21 (d) to capture, propagate, transport, buy, sell, or
 22 exchange any game, birds, fish, fish eggs, or fur-bearing
 23 animals needed for propagation or stocking purposes or to
 24 exercise control measures of undesirable species;

25 (e) to extend and consolidate by exchange, lands or

1 waters suitable for these purposes.

2 ~~(2) Notwithstanding subsection (1), the commission~~
 3 ~~shall obtain the approval of the legislature before~~
 4 ~~purchasing, exchanging, or condemning any agricultural land~~
 5 ~~as defined in 15-7-202, MCA, greater than 160 acres in area.~~

6 ~~(2)(3)~~ (a) The department, with the consent of the
 7 commission, may dispose of lands and waters acquired by it
 8 on those terms after that public notice, without regard to
 9 other laws which provide for sale or disposal of state lands
 10 and with or without reservation, as it considers necessary
 11 and advisable.

12 (b) Notice of sale describing the lands or waters to
 13 be disposed of shall be published once a week for 3
 14 successive weeks in a newspaper with general circulation
 15 printed and published in the county where the lands or
 16 waters are situated or, if no newspaper is published in that
 17 county, then in any newspaper with general circulation in
 18 that county.

19 (c) The notice shall advertise for cash bids to be
 20 presented to the director within 30 days from the date of
 21 the first publication. Each bid must be accompanied by a
 22 cashier's check or cash deposit in an amount equal to 10% of
 23 the amount bid. The highest bid shall be accepted upon
 24 payment of the balance due within 10 days after mailing
 25 notice by registered or certified mail to the highest

1 bidder. If that bidder defaults on payment of the balance
 2 due, then the next highest bidders shall be similarly
 3 notified in succession until a sale is completed. Deposits
 4 shall be returned to the unsuccessful bidders except bidders
 5 defaulting after notification.

6 (d) The department shall reserve the right to reject
 7 any bids which do not equal or exceed the full market value
 8 of the lands and waters as determined by the department. The
 9 department shall convey the lands and waters without
 10 covenants of warranty by deed executed by the governor or in
 11 his absence or disability by the lieutenant governor,
 12 attested by the secretary of state and further countersigned
 13 by the director.

14 ~~(3)(4)~~ Notwithstanding the provisions of 18-4-102, the
 15 department, with the consent of the commission, is
 16 authorized to utilize the installment contract method to
 17 facilitate the acquisition of wildlife management areas, in
 18 which game and nongame fur-bearing animals and game and
 19 nongame birds may breed and replenish, and areas which
 20 provide access to fishing sites for the public. In no case
 21 may the total cost of such installment contracts exceed the
 22 cost of purchases authorized by the department and
 23 appropriated by the legislature."

24 Section 3. Effective date. This act is effective on
 25 passage and approval.

Approved by Comm.
on Fish and Game

1 HOUSE BILL NO. 261
2 INTRODUCED BY STAIGMILLER, ELLISON, DONALUSON, MOORE,
3 CONROY, C. SMITH, NATHE, MANNING, TROPILA, LIEN, MARKS,
4 O'CONNELL, SEIFERT, JOHNSTON, CURTISS, BENGTSON
5
6 : BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE FISH AND
7 GAME COMMISSION TO OBTAIN THE APPROVAL OF THE MONTANA
8 LEGISLATURE BEFORE BUYING AGRICULTURAL LAND LARGER THAN ~~±60~~
9 ~~640~~ ACRES IN AREA; AMENDING SECTIONS 87-1-209 AND 87-1-221,
10 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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18 experimental, or scientific purposes;
19 (2) provide for the importation of game birds and game
20 and fur-bearing animals and for the protection, propagation,
21 and distribution of imported or native birds and animals;
22 (3) use fish and game funds necessary for the
23 construction, maintenance, operation, upkeep, and repair of
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25 appliances for the protection and propagation of fish, game

1 and fur-bearing animals, or game or nongame birds, except as
2 such use of funds is restricted by 87-1-209(2);
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7 (5) spend fish and game funds necessary to introduce
8 and propagate wild waterfowl food and for that purpose may
9 secure expert advice as to what kinds of waterfowl foods are
10 adapted to the climate, soil, and waters of this state."
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12 "87-1-209. Acquisition and sale of lands or waters.
13 (1) The department, with the consent of the commission, may
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15 or devise and may acquire easements upon lands or waters for
16 the purposes listed in this subsection. The department may
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,
20 or fur-bearing animal restoration, propagation, or
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22 (c) for public hunting, fishing, or trapping areas;
23 (d) to capture, propagate, transport, buy, sell, or
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1 exercise control measures of undesirable species;

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

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7 ~~as defined in 15-7-202, MCA, greater than 160 640 acres in~~
8 ~~area.~~

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-End-