

CHAPTER NO. 309

SENATE BILL NO. 227

INTRODUCED BY E. SMITH, KOLSTAD, GALT, BOYLAN,
AKLESTAD, CONOVER, McCALLUM, SEVERSON, HAGER,
MATHERS, RYAN, STEPHENS

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Fish and Game.
February 12, 1979	Committee recommend bill do pass as amended. Report adopted.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Fish and Game.
March 6, 1979	Committee recommend bill be concurred in as amended.
March 7, 1979	Second reading, pass consideration.
March 8, 1979	Second reading, concurred in as amended.
March 12, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 13, 1979	Returned from second house. Concurred in as amended.
March 14, 1979	Second reading, pass consideration.

March 15, 1979

Second reading, amendments
adopted.

March 16, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *227*
 2 INTRODUCED BY *E. Smith, K. Latah, M. P. [unclear]*
 3 *W. L. [unclear], G. [unclear], M. [unclear], S. [unclear]*
 4 *H. [unclear], M. [unclear], J. [unclear], S. [unclear]*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF
 6 THE APPROPRIATE COUNTY GOVERNING BODY BEFORE FINAL APPROVAL
 7 OF FEDERAL LAND, WETLAND, OR WATER ACQUISITIONS FOR FISH AND
 8 GAME PURPOSES."

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

10 Section 1. Federal waterfowl and wildlife area
 11 acquisitions -- submission to affected county governing
 12 bodies for approval. (1) The governor, the department, or
 13 their agents, responsible under federal law for final
 14 approval of land, wetland, and water acquisitions by the
 15 United States government or its agents for waterfowl
 16 protection areas, wildlife refuges, or other wildlife or
 17 waterfowl purposes under Title 37, chapter 1, part 7, shall
 18 submit the proposed acquisitions to the governing body of
 19 each county in which all or part of the land, wetland, and
 20 water areas are proposed to be located for the governing
 21 body's recommendations.

22 (2) An affirmative recommendation by the governing
 23 body must be obtained prior to final approval of all such
 24 proposed acquisitions, whether by transfer of title, lease,
 25 easement, or agreement.

1 Section 2. Hearings on proposed waterfowl and wildlife
 2 area acquisitions. (1) The governing body of the county
 3 affected by a proposed federal acquisition of land under
 4 [section 1] shall, within 21 days of receipt of an
 5 acquisition proposal, physically inspect the proposed
 6 acquisition areas.

7 (2) The governing body shall hold a public hearing on
 8 the proposed acquisition and shall give public notice of the
 9 date, time, and place of the hearing. The notice shall be
 10 published once a week for 2 successive weeks in a newspaper
 11 of general circulation in each county in which all or part
 12 of the proposed acquisition is located. The notice shall
 13 include the substance of the proposed action and a legal
 14 description of the proposed acquisitions.

15 (3) The governing body shall make and forward to the
 16 department its recommendations for approval or disapproval
 17 of the proposed federal acquisition within 60 days of
 18 receipt of an acquisition proposal.

19 Section 3. Codification. This act is intended to be
 20 codified as an integral part of Title 87, chapter 1, part 7,
 21 and the provisions contained in Title 87, chapter 1, part 7,
 22 apply to this act.

-End-

-2- SB 227
 INTRODUCED BILL

Approved by Comm.
on Fish and Game

SENATE BILL NO. 227

INTRODUCED BY E. SMITH, KOLSTAD, GALT, BOYLAN,
AKLESTAD, CONOVER, McCALLUM, SEVERSON, HAGER,
MATHERS, RYAN, STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL--OF
THE--APPROPRIATE-COUNTY-GOVERNING-BODY-BEFORE-FINAL-APPROVAL
OF A PUBLIC HEARING ON FEDERAL LAND, WETLAND, OR WATER
ACQUISITIONS FOR FISH AND GAME PURPOSES; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Federal waterfowl and wildlife area
acquisitions -- submission to affected county governing
bodies for approval. ~~{1}~~ The governor, the department, or
their agents, responsible under federal law for final
approval of land, wetland, and water acquisitions by the
United States government or its agents for waterfowl
protection areas, ~~OR~~ wildlife refuges, ~~or other wildlife--or~~
~~waterfowl--purposes-under-title-87, chapter 17, part 7,~~ shall
submit the proposed acquisitions to the governing body of
each county in which all or part of the land, wetland, and
water areas are proposed to be located for the governing
body's recommendations.

~~{2}~~--An affirmative recommendation by the governing

~~body must be obtained prior to final approval--of--all--such~~
~~proposed--acquisitions, whether by transfer of title, lease,~~
~~easement, or agreement.~~

Section 2. Hearings on proposed waterfowl and wildlife
area acquisitions. (1) The governing body of the county
affected by a proposed federal acquisition of land under
[section 1], THE DEPARTMENT, AND THE UNITED STATES FISH AND
WILDLIFE SERVICE shall, within 21 days of receipt of an
acquisition proposal, physically inspect the proposed
acquisition areas.

(2) The governing--body AGENCIES DESCRIBED IN
SUBSECTION (1) shall hold a JOINT public hearing on the
proposed acquisition and shall give public notice of the
date, time, and place of the hearing. THE HEARING SHALL BE
HELD IN THE COUNTY IN WHICH THE PROPOSED ACQUISITION IS
LOCATED. The notice shall be published once a week for 2
successive weeks in a newspaper of general circulation in
each county in which all or part of the proposed acquisition
is located. The notice shall include the substance of the
proposed action and a legal description of the proposed
acquisitions.

~~{3}~~--The governing body shall make and forward to the
department--its--recommendations for approval or disapproval
of the--proposed--federal--acquisition--within--60--days--of
receipt of an acquisition proposal.

1 Section 3. ~~Eodifications---This--act-is-intended-to-be~~
2 ~~codified-as-an-integrat-part-of-Title-87v-chapter-1v-part-7v~~
3 ~~and-the-provisions-contained-in-Title-87v-chapter-1v-part-7v~~
4 ~~appty-to-this-actv~~ EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
5 PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 227

INTRODUCED BY E. SMITH, KOLSTAD, GALT, BOYLAN,

AKLESTAD, CONOVER, McCALLUM, SEVERSON, HAGER,

MATHERS, RYAN, STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL OF THE APPROPRIATE COUNTY GOVERNING BODY BEFORE FINAL APPROVAL OF A PUBLIC HEARING ON FEDERAL LAND, WETLAND, OR WATER ACQUISITIONS FOR FISH AND GAME PURPOSES; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Federal waterfowl and wildlife area acquisitions -- submission to affected county governing bodies for approval. (1) The governor, the department, or their agents, responsible under federal law for final approval of land, wetland, and water acquisitions by the United States government or its agents for waterfowl protection areas, or wildlife refuges, or other wildlife or waterfowl purposes under title 87, chapter 14, part 3, shall submit the proposed acquisitions to the governing body of each county in which all or part of the land, wetland, and water areas are proposed to be located for the governing body's recommendations.

(2) An affirmative recommendation by the governing

body must be obtained prior to final approval of all such proposed acquisitions, whether by transfer of title, lease, easement, or agreement.

Section 2. Hearings on proposed waterfowl and wildlife area acquisitions. (1) The governing body of the county affected by a proposed federal acquisition of land under [section 1], THE DEPARTMENT, AND THE UNITED STATES FISH AND WILDLIFE SERVICE shall, within 21 days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas.

(2) The governing body AGENCIES DESCRIBED IN SUBSECTION (1) shall hold a JOINT public hearing on the proposed acquisition and shall give public notice of the date, time, and place of the hearing. THE HEARING SHALL BE HELD IN THE COUNTY IN WHICH THE PROPOSED ACQUISITION IS LOCATED. The notice shall be published once a week for 2 successive weeks in a newspaper of general circulation in each county in which all or part of the proposed acquisition is located. The notice shall include the substance of the proposed action and a legal description of the proposed acquisitions.

(3) The governing body shall make and forward to the department its recommendations for approval or disapproval of the proposed federal acquisition within 60 days of receipt of an acquisition proposal.

1 Section 3. ~~Codifications---This act is intended to be~~
2 ~~codified as an integral part of Title 87v chapter 1v part 7v~~
3 ~~and the provisions contained in Title 87v chapter 1v part 7v~~
4 ~~apply to this act.~~ EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
5 PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 227

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MATHERS, RYAN, STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL--OF
 THE--APPROPRIATE-COUNTY-GOVERNING-BODY-BEFORE-FINAL-APPROVAL
 OF A PUBLIC HEARING ON FEDERAL LAND, WETLAND, OR WATER
 ACQUISITIONS IN FEE FOR FISH AND GAME PURPOSES; AND
PROVIDING AN EFFECTIVE DATE."

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

Section 1. Federal waterfowl and wildlife area
 acquisitions -- submission to affected county governing
 bodies for approval REVIEW. ~~(1)~~ The governor, the
 department, or their agents, responsible under federal law
 for final approval of land, wetland, and water acquisitions
IN FEE by the United States government or its agents for
 waterfowl protection areas, OR wildlife refuges, ~~or other~~
~~wildlife--or--waterfowl--purposes--under--title--07,--chapter--14~~
~~part--7,~~ OR THE UNITED STATES FISH AND WILDLIFE SERVICE
 shall submit the proposed acquisitions to the governing body
 of each county in which all or part of the land, wetland,
 and water areas are proposed to be located for the governing
 body's recommendations.

~~(2)--An-affirmative-recommendation--by--the--governing
 body--must--be--obtained--prior--to--final--approval--of--all--such
 proposed-acquisitions,--whether--by--transfer--of--title,--lease,
 easement,--or--agreements.~~

Section 2. Hearings on proposed waterfowl and wildlife
 area acquisitions. (1) The governing body of the county
 affected by a proposed federal acquisition of land under
 [section 1], THE DEPARTMENT, AND THE UNITED STATES FISH AND
WILDLIFE SERVICE shall, within 21 days of receipt of an
 acquisition proposal, physically inspect the proposed
 acquisition areas. IF THE GOVERNING BODY DEEMS SUCH
INSPECTION APPROPRIATE.

(2) ~~The~~ IF REQUESTED BY THE GOVERNING BODY, THE
governing-body AGENCIES DESCRIBED IN SUBSECTION (1) shall
 hold a JOINT public hearing on the proposed acquisition and
 shall give public notice of the date, time, and place of the
 hearing. THE HEARING SHALL BE HELD IN THE COUNTY IN WHICH
THE PROPOSED ACQUISITION IS LOCATED. THE HEARING SHALL BE
HELD WITHIN 30 DAYS OF THE GOVERNING BODY'S RECEIPT OF THE
ACQUISITION PROPOSAL. The notice shall be published once a
 week for 2 successive weeks in a newspaper of general
 circulation in each county in which all or part of the
 proposed acquisition is located. The notice shall include
 the substance of the proposed action and a legal description
 of the proposed acquisitions.

1 ~~{?}--The--governing--body--shall--make--and--forward--to--the~~
2 ~~department--its--recommendations--for--approval--or--disapproval~~
3 ~~of--the--proposed--federal--acquisition--within--60--days--of~~
4 ~~receipt--of--an--acquisition--proposal.~~

5 SECTION 3. CODIFICATION. THIS ACT IS INTENDED TO BE
6 CODIFIED AS AN INTEGRAL PART OF TITLE 87, CHAPTER 1, PART 7,
7 AND THE PROVISIONS CONTAINED IN TITLE 87, CHAPTER 1, PART 7,
8 APPLY TO THIS ACT.

9 Section 4. Codification---~~This--act--is--intended--to--be~~
10 ~~codified--as--an--integral--part--of--Title--87--chapter--1v--part--7v~~
11 ~~and--the--provisions--contained--in--Title--87--chapter--1v--part--7v~~
12 ~~apply--to--this--act.~~ EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
13 PASSAGE AND APPROVAL.

-End-

HOUSE OF REPRESENTATIVES
March 8, 1979

Committee of the Whole Amendments to Senate Bill No. 227, third reading copy, as follows:

1. Page 1, line 19.
Following: "refuges"
Insert: ", or the U.S. fish and wildlife service"
2. Page 2, line 10.
Following: "areas"
Insert: ", if the governing body deems such inspection appropriate"
3. Page 2, line 11.
Following: "(2)"
Strike: "The"
Insert: "If requested by the governing body, the"
4. Page 2, line 16.
Following: "LOCATED."
Insert: "The hearing shall be held within 30 days of the governing body's receipt of the acquisition proposal."

AND AS AMENDED,
BE CONCURRED IN