

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.

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.

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-

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INTRODUCED BILL

SB 227

Approved by Comm.
on Fish and Game

1 SENATE BILL NO. 227
2 INTRODUCED BY E. SMITH, KOLSTAD, GALT, BOYLAN,
3 AKLESTAD, CONOVER, McCALLUM, SEVERSON, HAGER,
4 MATHERS, RYAN, STEPHENS
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPROVAL--OF
7 THE--APPROPRIATE-COUNTY-GOVERNING-BODY-BEFORE-FINAL-APPROVAL
8 OF A PUBLIC HEARING ON FEDERAL LAND, WETLAND, OR WATER
9 ACQUISITIONS FOR FISH AND GAME PURPOSES; AND PROVIDING AN
10 EFFECTIVE DATE."

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

13 Section 1. Federal waterfowl and wildlife area

14 acquisitions -- submission to affected county governing

15 bodies for approval. f27 The governor, the department, or

16 their agents, responsible under federal law for final

17 approval of land, wetland, and water acquisitions by the

18 United States government or its agents for waterfowl

19 protection areas, ~~or~~ wildlife refuges, or other wildlife or

20 waterfowl purposes under Title 87, chapter 4, part 7, shall

21 submit the proposed acquisitions to the governing body of

22 each county in which all or part of the land, wetland, and

23 water areas are proposed to be located for the governing

24 body's recommendations.

25 f27--An--affirmative--recommendation--by--the--governing

25 f27--An--affirmative--recommendation--by--the--governing

1 body-must-be-obtained-prior-to-final-approval--of--all--such
2 proposed--acquisitions--whether-by-transfer-of-title--leases
3 easements--or-agreements

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

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

22 ~~†3†--The governing body shall make and forward--to--the~~
23 ~~department--its--recommendations for approval or disapproval~~
24 ~~of the--proposed--federal--acquisition--within--60--days--of~~
25 ~~receipt of an acquisition proposal.~~

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

-End-

1 SENATE BILL NO. 227
2 INTRODUCED BY E. SMITH, KOLSTAD, GALT, BOYLAN
3 AKLESTAD, CONOVER, McCALLUM, SEVERSON, HAGER,
4 MATHERS, RYAN, STEPHENS

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

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA,

13 Section 1. Federal waterfowl and wildlife area
14 acquisitions -- submission to affected county governing
15 bodies for approval. ¶ The governor, the department, or
16 their agents, responsible under federal law for final
17 approval of land, wetlands and water acquisitions by the
18 United States government or its agents for waterfowl
19 protection areas, ¶ wildlife refuges, or other wildlife or
20 waterfowl purposes under Title 87, Chapter IV, part 7, shall
21 submit the proposed acquisitions to the governing body of
22 each county in which all or part of the land, wetlands and
23 water areas are proposed to be located for the governing
24 body's recommendations.

25 ~~+27--An--affirmative--recommendation--by--the--governing~~

1 body-must-be-obtained-prior-to-finest-approval--of--etc--such
2 proposed--acquisitions--whether-by-transfer-of-titles--tenures
3 easements--or--agreements

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

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

22 +37--the-governing-body-shall-make-and-forward--to--the
23 department--its--recommendations-for-approval-or-disapproval
24 of-the--proposed--federal--acquisition--within--60--days--of
25 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-iv-part-7v
3 and-the-provisions-contained-in-title-87v-chapter-iv-part-7v
4 apply-to-this-act. 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

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

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

13 Section 1. Federal waterfowl and wildlife area
14 acquisitions -- submission to affected county governing
15 bodies for approval REVIEW. ~~to~~ The governor, the
16 department, or their agents, responsible under federal law
17 for final approval of land, wetland, and water acquisitions
18 ~~IN~~ SEE by the United States government or its agents for
19 waterfowl protection areas, ~~OR~~ wildlife refuges--or--other
20 wildlife--or--waterfowl--purposes--under--Title--87--chapter--IV
21 part--7--OR THE UNITED STATES FISH AND WILDLIFE SERVICE
22 shall submit the proposed acquisitions to the governing body
23 of each county in which all or part of the land, wetlands,
24 and water areas are proposed to be located for the governing
25 body's recommendations.

1 t2) An affirmative recommendation by the governing
2 body must be obtained prior to final approval of all such
3 proposed acquisitions, whether by transfer of title, leases,
4 easements or agreements.

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

1 13) -- 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. Codifications -- This -- act -- is -- intended -- to -- be
10 codified as an integral part of title 87, chapter 1, part 7,
11 and the provisions contained in title 87, chapter 1, part 7,
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