

House Bill 251

In The House

January 15, 1981	Introduced and referred to Committee on Fish and Game.
February 13, 1981	Committee recommend bill do not pass.

1 HOUSE BILL NO. 251 *House*  
2 INTRODUCED BY *Cuetiss* *Debby Gila*  
3 *Mal Colman Key Jr., Burnett Murphy Conway*  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LEGISLATIVE  
5 APPROVAL OF LAND ACQUISITION BY THE DEPARTMENT OF FISH,  
6 WILDLIFE, AND PARKS; AMENDING SECTIONS 23-1-102 AND  
7 87-1-209, MCA."

SECTION 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 part, may not be entered into or other obligation incurred  
2 until moneys have been appropriated by the legislature or  
3 are otherwise available and, if the contract or obligation  
4 pertains to acquisition of areas or sites in excess of  
5 either 100 acres or \$10,000 in value, until the legislature  
6 has specifically approved such acquisition. The department  
7 also has jurisdiction, custody, and control of all state  
8 parks, recreational areas, public camping grounds,  
9 historical sites, and monuments, except wayside camps and  
10 other public conveniences acquired, improved, and maintained  
11 by the department of highways and contiguous to the state  
12 highway system. The department may designate lands under its  
13 control as state parks, state historical sites, state  
14 monuments, or by any other designation it considers  
15 appropriate, remove or change the designation of any area or  
16 portion, and name or change the name of any area as  
17 designated. The department may lease those portions of  
18 designated lands which are necessary for the proper  
19 administration of these lands in keeping with the basic  
20 purpose of this part."

21 Section 2. Section 87-1-209, WCA, is amended to read:

22 "87-1-209. Acquisition and sale of lands or waters.

23 (1) The department, with the consent of the commission and

24 in the case of land acquisition involving more than 100

25 acres or \$10,000 in value, the approval of the legislature,

1 may acquire by purchase, condemnation, lease, agreement,  
 2 gift, or devise and may acquire easements upon lands or  
 3 waters for the purposes listed in this subsection. The  
 4 department may develop, operate, and maintain acquired lands  
 5 or waters:

6       (a) for fish hatcheries, nursery ponds, or game farms;  
 7       (b) as lands or water suitable for game, bird, fish,  
 8 or fur-bearing animal restoration, propagation, or  
 9 protection;

10       (c) for public hunting, fishing, or trapping areas;  
 11       (d) to capture, propagate, transport, buy, sell, or  
 12 exchange any game, birds, fish, fish eggs, or fur-bearing  
 13 animals needed for propagation or stocking purposes or to  
 14 exercise control measures of undesirable species;

15       (e) for state parks and outdoor recreation;

16       (f) to extend and consolidate by exchange, lands or  
 17 waters suitable for these purposes.

18       (2) (a) The department, with the consent of the  
 19 commission, may dispose of lands and waters acquired by it  
 20 on those terms after that public notice, without regard to  
 21 other laws which provide for sale or disposal of state lands  
 22 and with or without reservation, as it considers necessary  
 23 and advisable.

24       (b) Notice of sale describing the lands or waters to  
 25 be disposed of shall be published once a week for 3

1 successive weeks in a newspaper with general circulation  
 2 printed and published in the county where the lands or  
 3 waters are situated or, if no newspaper is published in that  
 4 county, then in any newspaper with general circulation in  
 5 that county.

6       (c) The notice shall advertise for cash bids to be  
 7 presented to the director within 30 days from the date of  
 8 the first publication. Each bid must be accompanied by a  
 9 cashier's check or cash deposit in an amount equal to 10% of  
 10 the amount bid. The highest bid shall be accepted upon  
 11 payment of the balance due within 10 days after mailing  
 12 notice by registered or certified mail to the highest  
 13 bidder. If that bidder defaults on payment of the balance  
 14 due, then the next highest bidders shall be similarly  
 15 notified in succession until a sale is completed. Deposits  
 16 shall be returned to the unsuccessful bidders except bidders  
 17 defaulting after notification.

18       (d) The department shall reserve the right to reject  
 19 any bids which do not equal or exceed the full market value  
 20 of the lands and waters as determined by the department. The  
 21 department shall convey the lands and waters without  
 22 covenants of warranty by deed executed by the governor or in  
 23 his absence or disability by the lieutenant governor,  
 24 attested by the secretary of state and further countersigned  
 25 by the director.

1       (3) Notwithstanding the provisions of 18-4-102, the  
2 department, with the consent of the commission, is  
3 authorized to utilize the installment contract method to  
4 facilitate the acquisition of wildlife management areas, in  
5 which game and nongame fur-bearing animals and game and  
6 nongame birds may breed and replenish, and areas which  
7 provide access to fishing sites for the public. In no case  
8 may the total cost of such installment contracts exceed the  
9 cost of purchases authorized by the department and  
10 appropriated by the legislature."

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