

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* *Debuty* *Gade*  
 3 *McCallum* *Hylton* *Burnett* *Amuly* *Conroy*  
 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."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Section 23-1-102, MCA, is amended to read:  
 11 "23-1-102. Powers and duties of department of fish,  
 12 wildlife, and parks. The department shall make a study to  
 13 determine the scenic, historic, archaeological, scientific,  
 14 and recreational resources of the state and may by purchase,  
 15 lease, agreement, acceptance of donations, or condemnation  
 16 acquire for the state any areas, sites, or objects which in  
 17 its opinion should be held, improved, and maintained as  
 18 state parks, state recreational areas, state monuments, or  
 19 state historical sites. The department may in its  
 20 discretion accept in the name of the state, in fee or  
 21 otherwise, any areas, sites, or objects conveyed, entrusted,  
 22 donated, or devised to the state. It may in its discretion  
 23 accept gifts, grants, bequests, or contributions of money or  
 24 other property to be spent or used for any of the purposes  
 25 of this part. A contract, ~~for any of the purposes of this~~

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, MCA, 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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