

HOUSE BILL NO. 766

INTRODUCED BY ELLISON

BY REQUEST OF THE HOUSE COMMITTEE ON FISH AND GAME

IN THE HOUSE

February 14, 1981	Introduced and referred to Committee on Fish and Game.
February 20, 1981	Committee recommend bill do pass. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading, do pass.
February 24, 1981	Considered correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 73; Noes, 24. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on State Administration.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 27, 1981	Second reading, concurred in.
March 30, 1981	Third reading, concurred in as amended. Ayes, 37; Noes, 12.

IN THE HOUSE

March 31, 1981	Returned from Senate with amendments.
April 8, 1981	Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments  
concurrent in. Ayes, 88;  
Noes, 8. Sent to enrolling.

Reported correctly enrolled.



1 ~~acres or \$100,000 in value, the approval of the governor,~~  
 2 may acquire by purchase, condemnation, lease, agreement,  
 3 gift, or devise and may acquire easements upon lands or  
 4 waters for the purposes listed in this subsection. The  
 5 department may develop, operate, and maintain acquired lands  
 6 or waters:

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

8 (b) as lands or water suitable for game, bird, fish,  
 9 or fur-bearing animal restoration, propagation, or  
 10 protection;

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

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

16 (e) for state parks and outdoor recreation;

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

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

25 (b) Notice of sale describing the lands or waters to

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

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

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

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

-End-

Approved by Comm.  
on Fish and Game

1                    HOUSE    BILL NO. 766

2    INTRODUCED BY Ellison

3                    BY REQUEST OF THE HOUSE COMMITTEE ON FISH AND GAME

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5    A BILL FOR AN ACT ENTITLED:    "AN ACT TO REQUIRE  
6    GUBERNATORIAL APPROVAL OF LAND ACQUISITION BY THE DEPARTMENT  
7    OF FISH, WILDLIFE, AND PARKS; AMENDING SECTIONS 23-1-102 AND  
8    87-1-209, MCA."

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

11            Section 1. Section 23-1-102, MCA, is amended to read:

12            "23-1-102. Powers and duties of department of fish,  
13    wildlife, and parks. The department shall make a study to  
14    determine the scenic, historic, archaeological, scientific,  
15    and recreational resources of the state and may by purchase,  
16    lease, agreement, acceptance of donations, or condemnation  
17    acquire for the state any areas, sites, or objects which in  
18    its opinion should be held, improved, and maintained as  
19    state parks, state recreational areas, state monuments, or  
20    state historical sites. The department may in its  
21    discretion accept in the name of the state, in fee or  
22    otherwise, any areas, sites, or objects conveyed, entrusted,  
23    donated, or devised to the state. It may in its discretion  
24    accept gifts, grants, bequests, or contributions of money or  
25    other property to be spent or used for any of the purposes

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

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

23            "87-1-209. Acquisition and sale of lands or waters.  
24    (1) The department, with the consent of the commission ~~and,~~  
25    ~~in the case of land acquisition involving more than 100~~

HB 766

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-End-

March 25, 1981

SENATE STANDING COMMITTEE REPORT  
(State Administration)

That House Bill No. 766 be amended as follows:

1. Title, line 6.  
Following: line 5.  
Strike: "GUBERNATORIAL"  
Insert: "BOARD OF LAND COMMISSIONERS"
2. Page 2, line 6.  
Following: "the"  
Strike: "governor"  
Insert: "board of land commissioners"
3. Page 3, line 1.  
Following: "the"  
Strike: "governor"  
Insert: "board of land commissioners"