

SENATE BILL NO. 155

INTRODUCED BY E. SMITH, KOLSTAD, BENGTON

BY REQUEST OF THE DEPARTMENT OF FISH,  
WILDLIFE, AND PARKS

IN THE SENATE

January 19, 1985	Introduced and referred to Committee on Fish and Game.
January 25, 1985	Committee recommend bill do pass. Report adopted.
January 26, 1985	Bill printed and placed on members' desks.
January 28, 1985	Second reading, pass consideration.
January 29, 1985	Second reading, do pass.
January 30, 1985	Considered correctly engrossed.
January 31, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Fish and Game.
March 13, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 16, 1985	Second reading, concurrred in.
March 18, 1985	Third reading, concurrred in.
	Returned to Senate with amendments.

IN THE SENATE

March 18, 1985	Received from House.
March 21, 1985	Second reading, pass consideration until 64th Legislative Day.
March 25, 1985	Second reading, amendments concurrent in.
March 27, 1985	Third reading, amendments concurrent in. Ayes, 49; Noes, 1.  Sent to enrolling.  Reported correctly enrolled.

1 *Senate* BILL NO. *155*  
 2 INTRODUCED BY *E. Smith Kolstad, Bengtson*  
 3 BY REQUEST OF THE DEPARTMENT OF FISH,  
 4 WILDLIFE, AND PARKS

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS  
 7 RELATING TO THE SALE OF LANDS OR WATERS, RENTAL OF OFFICE  
 8 SPACE, AND PROCUREMENT OF CONSTRUCTION PROJECTS BY THE  
 9 DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTIONS  
 10 87-1-106 AND 87-1-209, MCA; REPEALING SECTION 87-1-211, MCA;  
 11 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

14 Section 1. Section 87-1-106, MCA, is amended to read:  
 15 "87-1-106. Fish and game offices. The principal  
 16 offices of the commission and department shall be located in  
 17 or near Helena, and suitable and adequate space therefor  
 18 together with janitor services, light, heat, and water shall  
 19 be furnished by the state of Montana. ~~Rental shall be~~  
 20 ~~charged therefor at a rate not to exceed \$4 per square foot~~  
 21 ~~per year for the total space occupied. Such rental collected~~  
 22 ~~shall be deposited to the credit of the state general fund."~~

23 Section 2. Section 87-1-209, MCA, is amended to read:  
 24 "87-1-209. Acquisition and sale of lands or waters.  
 25 (1) The department, with the consent of the commission and,

1 in the case of land acquisition involving more than 100  
 2 acres or \$100,000 in value, the approval of the board of  
 3 land commissioners, may acquire by purchase, lease,  
 4 agreement, gift, or devise and may acquire easements upon  
 5 lands or waters for the purposes listed in this subsection.  
 6 The department may develop, operate, and maintain acquired  
 7 lands or waters:

- 8 (a) for fish hatcheries, nursery ponds, or game farms;
- 9 (b) as lands or water suitable for game, bird, fish,  
 10 or fur-bearing animal restoration, propagation, or  
 11 protection;
- 12 (c) for public hunting, fishing, or trapping areas;
- 13 (d) to capture, propagate, transport, buy, sell, or  
 14 exchange any game, birds, fish, fish eggs, or fur-bearing  
 15 animals needed for propagation or stocking purposes or to  
 16 exercise control measures of undesirable species;
- 17 (e) for state parks and outdoor recreation;
- 18 (f) to extend and consolidate by exchange, lands or  
 19 waters suitable for these purposes.

20 (2) The department, with the consent of the  
 21 commission, may acquire by condemnation lands or structures  
 22 for the preservation of historical or archaeological sites  
 23 that are threatened with destruction or alteration.

24 (3) (a) The department, with the consent of the  
 25 commission, may dispose of lands and waters acquired by it



1 on those terms after that public notice, without regard to  
 2 other laws which provide for sale or disposal of state lands  
 3 and with or without reservation, as it considers necessary  
 4 and advisable.

5 (b) Notice of sale describing the lands or waters to  
 6 be disposed of shall be published once a week for 3  
 7 successive weeks in a newspaper with general circulation  
 8 printed and published in the county where the lands or  
 9 waters are situated or, if no newspaper is published in that  
 10 county, then in any newspaper with general circulation in  
 11 that county.

12 (c) The notice shall advertise for cash bids to be  
 13 presented to the director within 30 days from the date of  
 14 the first publication. Each bid must be accompanied by a  
 15 cashier's check or cash deposit in an amount equal to 10% of  
 16 the amount bid. The highest bid shall be accepted upon  
 17 payment of the balance due within 10 days after mailing  
 18 notice by registered or certified mail to the highest  
 19 bidder. If that bidder defaults on payment of the balance  
 20 due, then the next highest bidders shall be similarly  
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24 (d) The department shall reserve the right to reject  
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 6 The department shall convey the lands and waters without  
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 9 attested by the secretary of state and further countersigned  
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11 (4) The department, with the consent of the  
 12 commission, is authorized to utilize the installment  
 13 contract method to facilitate the acquisition of wildlife  
 14 management areas, in which game and nongame fur-bearing  
 15 animals and game and nongame birds may breed and replenish,  
 16 and areas which provide access to fishing sites for the  
 17 public. In no case may the total cost of such installment  
 18 contracts exceed the cost of purchases authorized by the  
 19 department and appropriated by the legislature."

20 NEW SECTION. Section 3. Repealer. Section 87-1-211,  
 21 MCA, is repealed.

22 NEW SECTION. Section 4. Effective date. This act is  
 23 effective on passage and approval.

-End-

APPROVED BY COMM.  
ON FISH AND GAME

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- 13 (d) to capture, propagate, transport, buy, sell, or  
14 exchange any game, birds, fish, fish eggs, or fur-bearing  
15 animals needed for propagation or stocking purposes or to  
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-End-



STANDING COMMITTEE REPORT

MARCH 12

19 85

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 155

THIRD reading copy (BLUE color)

REVISING DEPARTMENT OF FISH, WILDLIFE & PARKS LAWS RELATING TO SALE OF LAND, RENTALS, & CONSTRUCTION PROJECTS

Respectfully report as follows: That SENATE Bill No. 155

BE AMENDED AS FOLLOWS:

- 1. Page 3, line 13. Strike: "30" Insert: "60"
2. Page 4, line 5. Strike: "equal or"

Handwritten initials 'JK'

AND AS AMENDED, BE CONCURRED IN

Handwritten number '3138'

Signature of Bob Ream, Chairman.

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