

1 *Senate* BILL NO. *449*
 2 INTRODUCED BY *Croftfield*
 3 BY REQUEST OF THE SENATE FISH
 4 AND GAME COMMITTEE

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT WARDENS
 7 OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HAVE
 8 AUTHORITY TO ENFORCE STATUTES AND RULES RELATING TO THE
 9 REGULATION OF OUTFITTERS AND GUIDES IN THE STATE; AMENDING
 10 SECTION 87-1-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 11 DATE."
 12

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

14 **Section 1.** Section 87-1-506, MCA, is amended to read:
 15 "87-1-506. Enforcement powers of wardens. A warden may:
 16 (1) serve a subpoena issued by a court for the trial of
 17 a violator of the fish and game laws;
 18 (2) search, without a warrant, any tent not used as a
 19 residence, any boat, vehicle, box, locker, basket, creel,
 20 crate, game bag, or package or their contents upon probable
 21 cause to believe that any fish and game law or department
 22 rule for the protection, conservation, or propagation of
 23 game, fish, birds, or fur-bearing animals has been violated;
 24 (3) search, with a search warrant, any dwelling house
 25 or other building;

1 (4) seize game, fish, game birds, and fur-bearing
 2 animals and any parts of them taken or possessed in
 3 violation of the law or the rules of the department;

4 (5) seize and hold, subject to law or the orders of the
 5 department, devices which have been used to unlawfully take
 6 game, fish, birds, or fur-bearing animals;

7 (6) arrest, in accordance with Title 46, chapter 6, a
 8 violator of a fish and game law or rule of the department,
 9 violation of which is a misdemeanor;

10 (7) enforce the disorderly conduct and public nuisance
 11 laws (45-8-101 and 45-8-111) as they apply to the operation
 12 of motorboats on all waters of the state;

13 (8) as provided for in 37-47-345, investigate and make
 14 arrests for violations of the provisions of Title 37,
 15 chapter 47, and of any rules adopted pursuant to that
 16 chapter relating to the regulation of outfitters and guides
 17 in the state; and

18 ~~(8)~~(9) exercise the other powers of peace officers in
 19 the enforcement of the fish and game laws, the rules of the
 20 department, and judgments obtained for violation of those
 21 laws or rules."

22 **NEW SECTION. Section 2.** Effective date. [This act] is
 23 effective on passage and approval.

-End-

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 449
INTRODUCED BY GROSFIELD, WILLIAMS
BY REQUEST OF THE SENATE FISH
AND GAME COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT WARDENS OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HAVE AUTHORITY TO ENFORCE STATUTES AND RULES RELATING TO THE REGULATION OF OUTFITTERS AND GUIDES IN THE STATE; AMENDING SECTION 87-1-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, UNDER THE PROVISIONS OF SECTION 37-47-306, MCA, FEES COLLECTED BY THE BOARD OF OUTFITTERS MAY BE USED FOR INVESTIGATION OF LICENSE APPLICANTS, ADMINISTRATIVE COSTS, AND ENFORCEMENT OF STATUTES AND RULES RELATED TO OUTFITTERS AND GUIDES; AND

WHEREAS, WARDENS OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HAVE AUTHORITY UNDER SECTION 37-47-345, MCA, TO ENFORCE VIOLATIONS OF TITLE 37, CHAPTER 47, MCA, RELATING TO OUTFITTERS AND GUIDES, AND THIS AUTHORITY SHOULD BE CLEARLY PROVIDED IN TITLE 87, MCA; AND

WHEREAS, THE LEGISLATURE INTENDS THAT COSTS TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS RELATED TO ENFORCEMENT OF TITLE 37, CHAPTER 47, MCA, BY WARDENS OF THE

DEPARTMENT BE FUNDED FROM THE FEES THAT ARE COLLECTED BY THE BOARD OF OUTFITTERS AND TRANSFERRED TO THE DEPARTMENT THROUGH MEMORANDUMS OF UNDERSTANDING OR OTHER AGREEMENTS.

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

Section 1. Section 87-1-506, MCA, is amended to read:

"87-1-506. Enforcement powers of wardens. A warden may:

(1) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;

(2) search, without a warrant, any tent not used as a residence, any boat, vehicle, box, locker, basket, creel, crate, game bag, or package or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;

(3) search, with a search warrant, any dwelling house or other building;

(4) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;

(5) seize and hold, subject to law or the orders of the department, devices which have been used to unlawfully take game, fish, birds, or fur-bearing animals;

(6) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department,



1 violation of which is a misdemeanor;

2 (7) enforce the disorderly conduct and public nuisance
3 laws (45-8-101 and 45-8-111) as they apply to the operation
4 of motorboats on all waters of the state;

5 (8) as provided for in 37-47-345, investigate and make
6 arrests for violations of the provisions of Title 37,
7 chapter 47, and of any rules adopted pursuant to that
8 chapter relating to the regulation of outfitters and guides
9 in the state; and

10 ~~(8)~~(9) exercise the other powers of peace officers in
11 the enforcement of the fish and game laws, the rules of the
12 department, and judgments obtained for violation of those
13 laws or rules."

14 NEW SECTION. Section 2. Effective date. [This act] is
15 effective on passage and approval.

-End-

1 SENATE BILL NO. 449

2 INTRODUCED BY GROSFIELD, WILLIAMS

3 BY REQUEST OF THE SENATE FISH

4 AND GAME COMMITTEE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT WARDENS
7 OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HAVE
8 AUTHORITY TO ENFORCE STATUTES AND RULES RELATING TO THE
9 REGULATION OF OUTFITTERS AND GUIDES IN THE STATE; AMENDING
10 SECTION 87-1-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
11 DATE."
12

13 WHEREAS, UNDER THE PROVISIONS OF SECTION 37-47-306, MCA,
14 FEES COLLECTED BY THE BOARD OF OUTFITTERS MAY BE USED FOR
15 INVESTIGATION OF LICENSE APPLICANTS, ADMINISTRATIVE COSTS,
16 AND ENFORCEMENT OF STATUTES AND RULES RELATED TO OUTFITTERS
17 AND GUIDES; AND

18 WHEREAS, WARDENS OF THE DEPARTMENT OF FISH, WILDLIFE,
19 AND PARKS HAVE AUTHORITY UNDER SECTION 37-47-345, MCA, TO
20 ENFORCE VIOLATIONS OF TITLE 37, CHAPTER 47, MCA, RELATING TO
21 OUTFITTERS AND GUIDES, AND THIS AUTHORITY SHOULD BE CLEARLY
22 PROVIDED IN TITLE 87, MCA; AND

23 WHEREAS, THE LEGISLATURE INTENDS THAT COSTS TO THE
24 DEPARTMENT OF FISH, WILDLIFE, AND PARKS RELATED TO
25 ENFORCEMENT OF TITLE 37, CHAPTER 47, MCA, BY WARDENS OF THE

1 DEPARTMENT BE FUNDED FROM THE FEES THAT ARE COLLECTED BY THE
2 BOARD OF OUTFITTERS AND TRANSFERRED TO THE DEPARTMENT
3 THROUGH MEMORANDUMS OF UNDERSTANDING OR OTHER AGREEMENTS.
4

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

6 **Section 1.** Section 87-1-506, MCA, is amended to read:

7 **"87-1-506. Enforcement powers of wardens.** A warden may:

8 (1) serve a subpoena issued by a court for the trial of
9 a violator of the fish and game laws;

10 (2) search, without a warrant, any tent not used as a
11 residence, any boat, vehicle, box, locker, basket, creel,
12 crate, game bag, or package or their contents upon probable
13 cause to believe that any fish and game law or department
14 rule for the protection, conservation, or propagation of
15 game, fish, birds, or fur-bearing animals has been violated;

16 (3) search, with a search warrant, any dwelling house
17 or other building;

18 (4) seize game, fish, game birds, and fur-bearing
19 animals and any parts of them taken or possessed in
20 violation of the law or the rules of the department;

21 (5) seize and hold, subject to law or the orders of the
22 department, devices which have been used to unlawfully take
23 game, fish, birds, or fur-bearing animals;

24 (6) arrest, in accordance with Title 46, chapter 6, a
25 violator of a fish and game law or rule of the department,

1 violation of which is a misdemeanor;

2 (7) enforce the disorderly conduct and public nuisance
3 laws (45-8-101 and 45-8-111) as they apply to the operation
4 of motorboats on all waters of the state;

5 (8) as provided for in 37-47-345, investigate and make
6 arrests for violations of the provisions of Title 37,
7 chapter 47, and of any rules adopted pursuant to that
8 chapter relating to the regulation of outfitters and guides
9 in the state; and

10 ~~(8)~~(9) exercise the other powers of peace officers in
11 the enforcement of the fish and game laws, the rules of the
12 department, and judgments obtained for violation of those
13 laws or rules."

14 NEW SECTION. Section 2. Effective date. [This act] is
15 effective on passage and approval.

-End-

1 SENATE BILL NO. 449
 2 INTRODUCED BY GROSFIELD, WILLIAMS
 3 BY REQUEST OF THE SENATE FISH
 4 AND GAME COMMITTEE

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT WARDENS
 7 OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HAVE
 8 AUTHORITY TO ENFORCE STATUTES AND RULES RELATING TO THE
 9 REGULATION OF OUTFITTERS AND GUIDES IN THE STATE; AMENDING
 10 SECTION 87-1-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 11 DATE."

12
 13 WHEREAS, UNDER THE PROVISIONS OF SECTION 37-47-306, MCA,
 14 FEES COLLECTED BY THE BOARD OF OUTFITTERS MAY BE USED FOR
 15 INVESTIGATION OF LICENSE APPLICANTS, ADMINISTRATIVE COSTS,
 16 AND ENFORCEMENT OF STATUTES AND RULES RELATED TO OUTFITTERS
 17 AND GUIDES; AND

18 WHEREAS, WARDENS OF THE DEPARTMENT OF FISH, WILDLIFE,
 19 AND PARKS HAVE AUTHORITY UNDER SECTION 37-47-345, MCA, TO
 20 ENFORCE VIOLATIONS OF TITLE 37, CHAPTER 47, MCA, RELATING TO
 21 OUTFITTERS AND GUIDES, AND THIS AUTHORITY SHOULD BE CLEARLY
 22 PROVIDED IN TITLE 87, MCA; AND

23 WHEREAS, THE LEGISLATURE INTENDS THAT COSTS TO THE
 24 DEPARTMENT OF FISH, WILDLIFE, AND PARKS RELATED TO
 25 ENFORCEMENT OF TITLE 37, CHAPTER 47, MCA, BY WARDENS OF THE

1 DEPARTMENT BE FUNDED FROM THE FEES THAT ARE COLLECTED BY THE
 2 BOARD OF OUTFITTERS AND TRANSFERRED TO THE DEPARTMENT
 3 THROUGH MEMORANDUMS OF UNDERSTANDING OR OTHER AGREEMENTS.

4
 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 **Section 1.** Section 87-1-506, MCA, is amended to read:

7 **"87-1-506. Enforcement powers of wardens.** A warden may:

8 (1) serve a subpoena issued by a court for the trial of
 9 a violator of the fish and game laws;

10 (2) search, without a warrant, any tent not used as a
 11 residence, any boat, vehicle, box, locker, basket, creel,
 12 crate, game bag, or package or their contents upon probable
 13 cause to believe that any fish and game law or department
 14 rule for the protection, conservation, or propagation of
 15 game, fish, birds, or fur-bearing animals has been violated;

16 (3) search, with a search warrant, any dwelling house
 17 or other building;

18 (4) seize game, fish, game birds, and fur-bearing
 19 animals and any parts of them taken or possessed in
 20 violation of the law or the rules of the department;

21 (5) seize and hold, subject to law or the orders of the
 22 department, devices which have been used to unlawfully take
 23 game, fish, birds, or fur-bearing animals;

24 (6) arrest, in accordance with Title 46, chapter 6, a
 25 violator of a fish and game law or rule of the department,



1 violation of which is a misdemeanor;

2 (7) enforce the disorderly conduct and public nuisance
3 laws (45-8-101 and 45-8-111) as they apply to the operation
4 of motorboats on all waters of the state;

5 (8) as provided for in 37-47-345, investigate and make
6 arrests for violations of the provisions of Title 37,
7 chapter 47, and of any rules adopted pursuant to that
8 chapter relating to the regulation of outfitters and guides
9 in the state; and

10 †8†(9) exercise the other powers of peace officers in
11 the enforcement of the fish and game laws, the rules of the
12 department, and judgments obtained for violation of those
13 laws or rules."

14 NEW SECTION. Section 2. Effective date. [This act] is
15 effective on passage and approval.

-End-