

Hause BILL NO. 603

## 2 INTRODUCED BY

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A  
5 DIRECTOR OF THE DEPARTMENT OF JUSTICE APPOINTED BY THE  
6 GOVERNOR; TO PLACE THE POSITION OF CRIMINAL INVESTIGATOR IN  
7 THE OFFICE OF THE ATTORNEY GENERAL; TO TRANSFER GAME WARDENS  
8 TO THE JUSTICE DEPARTMENT; AMENDING SECTIONS 82A-1201,  
9 82A-1202, 82A-1205, AND 26-107, R.C.M. 1947."

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

12 Section 1. Section 82A-1201, R.C.M. 1947, is amended  
13 to read as follows:

14                   "82A-1201. Department of justice -- creation -- head.  
15        There is created a department of justice. The department  
16        head is ~~the attorney-general~~ a director of justice appointed  
17        by the governor in accordance with section 82A-106."

18           Section 2. Section 82A-1202, R.C.M. 1947, is amended  
19        to read as follows:

20                   \*82A-1202. Agencies abolished -- functions transferred  
21 to department. (1) The state bureau of criminal  
22 identification and investigation, provided for in Title 80,  
23 chapter 20, R. C. M. 1947, is abolished, and its statutory  
24 functions are transferred to the department. Unless  
25 inconsistent with this act, any reference in the Revised

1 Codes of Montana, 1947, to the state bureau of criminal  
2 identification and investigation means the department of  
3 justice.

4                   {2}--The--position--of--criminal--investigator--created  
5    within--the--office--of--the--attorney--general--in--Title--62,  
6    chapter--47,--R.C.M.,--1947,--is--abolished,--and--the--functions--of  
7    the--position--are--transferred--to--the--department. Unless  
8    inconsistent--with--this--act,--any--reference--in--the--Revised  
9    Codes---of--Montana,--1947,--to--the--position--of--criminal  
10   investigator--means--the--department--of--justice.

11           ~~(2)~~ The state law enforcement teletypewriter  
12 communications committee, provided for in Title 82, chapter  
13 39, R.C.M. 1947, is abolished, and its functions are  
14 transferred to the department. Unless inconsistent with this  
15 act, any reference in the Revised Codes of Montana, 1947, to  
16 the law enforcement teletypewriter communications committee  
17 means the department of justice.

18        ~~(3)~~ The Montana law enforcement academy advisory  
19 board, provided for in Title 75, chapter 52, R.C.M. 1947, is  
20 abolished, and its functions are transferred to the  
21 department. Unless inconsistent with this act, any reference  
22 in the Revised Codes of Montana, 1947, to the Montana law  
23 enforcement academy advisory board means the department of  
24 justice.

25 (4) The office of state fire marshal, created in

1 Title 82, chapter 12, R.C.M. 1947, is abolished, and its  
 2 functions are transferred to the department. Unless  
 3 inconsistent with this act, any reference in the Revised  
 4 Codes of Montana, 1947, to the office of state fire marshal  
 5 means the department of justice.

6 ~~(5)~~ The state building code council, created in  
 7 Title 69, chapter 21, R.C.M. 1947, is abolished, and its  
 8 functions are transferred to the department of  
 9 administration. Unless inconsistent with this act, any  
 10 reference in the Revised Codes of Montana, 1947, to the  
 11 state building code council means the department of  
 12 administration."

13 Section 3. Section 82A-1205, R.C.M. 1947, is amended  
 14 to read as follows:

15 "82A-1205. Agencies abolished -- functions transferred  
 16 to division. (1) The position of registrar of motor  
 17 vehicles, trailers and semitrailers, created in Title 53,  
 18 chapter 1, R. C. M. 1947, is abolished, and the functions of  
 19 the position, except the function of providing license  
 20 plates for motor vehicles provided for in Title 53, chapter  
 21 1, R. C. M. 1947, are transferred to the division of motor  
 22 vehicles. The function of providing license plates remains a  
 23 function of the warden of the state prison. Unless  
 24 inconsistent with this act, any reference in the Revised  
 25 Codes of Montana, 1947, to the registrar of motor vehicles,

1 trailers and semitrailers, except the references relating to  
 2 the function of providing license plates, means the division  
 3 of motor vehicles of the department of justice.

4 (2) The Montana highway patrol board, provided for in  
 5 Title 31, chapter 1, R.C.M. 1947, is abolished, and its  
 6 functions, except the function of appointing the highway  
 7 patrol chief in section 31-104, R.C.M. 1947, which is hereby  
 8 transferred to the attorney-general director of justice, are  
 9 transferred to the division of motor vehicles. Unless  
 10 inconsistent with this act, any reference in the Revised  
 11 Codes of Montana, 1947, to the Montana highway patrol board  
 12 means the division of motor vehicles of the department of  
 13 justice, except references in section 31-104, R. C. M. 1947,  
 14 relating to the function of appointing the highway patrol  
 15 chief, where it means the attorney--general director of  
 16 justice."

17 Section 4. There is a new R.C.M. section that reads as  
 18 follows:

19 Functions of fish and game wardens transferred to  
 20 department -- employment -- funds -- when assistance  
 21 authorized. (1) The functions of state fish and game  
 22 wardens, enumerated in Title 26, chapter 1, R.C.M. 1947, are  
 23 transferred to the department of justice.

24 (2) The fish and game commission, with the approval of  
 25 the governor and the director of the department of justice,

1 may employ as many state fish and game wardens as considered  
 2 necessary for the enforcement of the wildlife laws.

3       (3) The salaries and expenses of state fish and game  
 4 wardens shall be paid out of the fish and game moneys in the  
 5 earmarked revenue fund and in the same form and manner as  
 6 they are paid upon the effective date of this act.

7       (4) A warden is vested with the powers of peace  
 8 officers throughout the counties of the state when so  
 9 authorized by the director of the department. He may serve  
 10 criminal process and arrest and prosecute violators of the  
 11 law and has the same right as other peace officers to  
 12 require aid in executing his duties. These powers and  
 13 duties are supplementary, are not a limitation upon the  
 14 powers and duties of other peace officers, and may be  
 15 executed only when authorized by the director of the  
 16 department.

17       Section 5. Section 26-107, R.C.M. 1947, is amended to  
 18 read as follows:

19       "26-107. State fish and game wardens -- appointment --  
 20 qualifications. (1) The director, by and with the consent  
 21 and approval of the commission, shall have the power to  
 22 employ and appoint a deputy director. ~~and a sufficient  
 23 number of state fish and game wardens for the proper  
 24 enforcement of the fish and game laws of the state, and the  
 25 orders, rules and regulations of the commission, and for~~

1       such other purposes as the director may designate. State  
 2 fish and game wardens

3       (2) State fish and game wardens shall be employed in  
 4 accordance with section [4 of this act]. They shall be  
 5 selected from applicants who have passed such an examination  
 6 as may be required according to the rules adopted and  
 7 promulgated by the commission. No person shall be appointed  
 8 a state fish and game warden until a certificate shall have  
 9 been issued to him by the commission to the effect that he  
 10 has passed the required examination and is a fit and proper  
 11 person to perform the duties of the office. State fish and  
 12 game wardens employed and appointed by virtue of this act  
 13 shall be persons who have an interest in protection,  
 14 conservation and propagation of wildlife, game and  
 15 fur-bearing animals, fish and game birds; they shall devote  
 16 all of their time to their official duties."

-End-

Approved by Committee  
on State Administration

*Hause* BILL NO. 603

*Scully*

1 INTRODUCED BY \_\_\_\_\_

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3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A  
5 DIRECTOR OF THE DEPARTMENT OF JUSTICE APPOINTED BY THE  
6 GOVERNOR; TO PLACE THE POSITION OF CRIMINAL INVESTIGATOR IN  
7 THE OFFICE OF THE ATTORNEY GENERAL; TO TRANSFER GAME WARDENS  
8 TO THE JUSTICE DEPARTMENT; AMENDING SECTIONS 82A-1201,  
9 82A-1202, 82A-1205, AND 26-107, R.C.M. 1947."

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

12 Section 1. Section 82A-1201, R.C.M. 1947, is amended  
13 to read as follows:

14 "82A-1201. Department of justice -- creation -- head.  
15 There is created a department of justice. The department  
16 head is the attorney-general a director of justice appointed  
17 by the governor in accordance with section 82A-106."

18 Section 2. Section 82A-1202, R.C.M. 1947, is amended  
19 to read as follows:

20 "82A-1202. Agencies abolished -- functions transferred  
21 to department. (1) The state bureau of criminal  
22 identification and investigation, provided for in Title 80,  
23 chapter 20, R. C. M. 1947, is abolished, and its statutory  
24 functions are transferred to the department. Unless  
25 inconsistent with this act, any reference in the Revised

1 Codes of Montana, 1947, to the state bureau of criminal  
2 identification and investigation means the department of  
3 justice.

4 ~~42--The--position--of--criminal--investigator--created  
5 within--the--office--of--the--attorney--general-in--Title-82,  
6 chapter-4, R.C.M.-1947,-is-abolished,-and-the--functions--of  
7 the--position--are--transferred--to--the--department,-Unless  
8 inconsistent-with-this-act,-any--reference--in--the--Revised  
9 Codes--of--Montana,-1947,-to--the--position--of--criminal  
10 investigator-means-the-department-of-justice.~~

11 ~~43(2) The state law enforcement teletypewriter  
12 communications committee, provided for in Title 82, chapter  
13 39, R.C.M. 1947, is abolished, and its functions are  
14 transferred to the department. Unless inconsistent with this  
15 act, any reference in the Revised Codes of Montana, 1947, to  
16 the law enforcement teletypewriter communications committee  
17 means the department of justice.~~

18 ~~44(3) The Montana law enforcement academy advisory  
19 board, provided for in Title 75, chapter 52, R.C.M. 1947, is  
20 abolished, and its functions are transferred to the  
21 department. Unless inconsistent with this act, any reference  
22 in the Revised Codes of Montana, 1947, to the Montana law  
23 enforcement academy advisory board means the department of  
24 justice.~~

25 ~~45(4) The office of state fire marshal, created in~~

1 Title 82, chapter 12, R.C.M. 1947, is abolished, and its  
 2 functions are transferred to the department. Unless  
 3 inconsistent with this act, any reference in the Revised  
 4 Codes of Montana, 1947, to the office of state fire marshal  
 5 means the department of justice.

6 ~~167(5)~~ The state building code council, created in  
 7 Title 69, chapter 21, R.C.M. 1947, is abolished, and its  
 8 functions are transferred to the department of  
 9 administration. Unless inconsistent with this act, any  
 10 reference in the Revised Codes of Montana, 1947, to the  
 11 state building code council means the department of  
 12 administration."

13 Section 3. Section 82A-1205, R.C.M. 1947, is amended  
 14 to read as follows:

15 "82A-1205. Agencies abolished -- functions transferred  
 16 to division. (1) The position of registrar of motor  
 17 vehicles, trailers and semitrailers, created in Title 53,  
 18 chapter 1, R. C. M. 1947, is abolished, and the functions of  
 19 the position, except the function of providing license  
 20 plates for motor vehicles provided for in Title 53, chapter  
 21 1, R. C. M. 1947, are transferred to the division of motor  
 22 vehicles. The function of providing license plates remains a  
 23 function of the warden of the state prison. Unless  
 24 inconsistent with this act, any reference in the Revised  
 25 Codes of Montana, 1947, to the registrar of motor vehicles,

1 trailers and semitrailers, except the references relating to  
 2 the function of providing license plates, means the division  
 3 of motor vehicles of the department of justice.

4 (2) The Montana highway patrol board, provided for in  
 5 Title 31, chapter 1, R.C.M. 1947, is abolished, and its  
 6 functions, except the function of appointing the highway  
 7 patrol chief in section 31-104, R.C.M. 1947, which is hereby  
 8 transferred to the ~~attorney-general~~ director of justice, are  
 9 transferred to the division of motor vehicles. Unless  
 10 inconsistent with this act, any reference in the Revised  
 11 Codes of Montana, 1947, to the Montana highway patrol board  
 12 means the division of motor vehicles of the department of  
 13 justice, except references in section 31-104, R. C. M. 1947,  
 14 relating to the function of appointing the highway patrol  
 15 chief, where it means the ~~attorney--general~~ director of  
 16 justice."

17 Section 4. There is a new R.C.M. section that reads as  
 18 follows:

19 Functions of fish and game wardens transferred to  
 20 department -- employment -- funds -- when assistance  
 21 authorized. (1) The functions of state fish and game  
 22 wardens, enumerated in Title 26, chapter 1, R.C.M. 1947, are  
 23 transferred to the department of justice.

24 (2) The fish and game commission, with the approval of  
 25 the governor and the director of the department of justice,

1 may employ as many state fish and game wardens as considered  
 2 necessary for the enforcement of the wildlife laws.

3 (3) The salaries and expenses of state fish and game  
 4 wardens shall be paid out of the fish and game moneys in the  
 5 earmarked revenue fund and in the same form and manner as  
 6 they are paid upon the effective date of this act.

7 (4) A warden is vested with the powers of peace  
 8 officers throughout the counties of the state when so  
 9 authorized by the director of the department. He may serve  
 10 criminal process and arrest and prosecute violators of the  
 11 law and has the same right as other peace officers to  
 12 require aid in executing his duties. These powers and  
 13 duties are supplementary, are not a limitation upon the  
 14 powers and duties of other peace officers, and may be  
 15 executed only when authorized by the director of the  
 16 department.

17 Section 5. Section 26-107, R.C.M. 1947, is amended to  
 18 read as follows:

19 "26-107. State fish and game wardens -- appointment --  
 20 qualifications. (1) The director, by and with the consent  
 21 and approval of the commission, shall have the power to  
 22 employ and appoint a deputy director, --and--a--sufficient  
 23 number--of--state--fish--and--game--wardens--for--the--proper  
 24 enforcement--of--the--fish--and--game--laws--of--the--state,--and--the  
 25 orders,--rules--and--regulations--of--the--commission,--and--for

1 such--other--purposes--as--the--director--may--designate,--State  
 2 fish--and--game--wardens

3 (2) State fish and game wardens shall be employed in  
 4 accordance with section [4 of this act]. They shall be  
 5 selected from applicants who have passed such an examination  
 6 as may be required according to the rules adopted and  
 7 promulgated by the commission. No person shall be appointed  
 8 a state fish and game warden until a certificate shall have  
 9 been issued to him by the commission to the effect that he  
 10 has passed the required examination and is a fit and proper  
 11 person to perform the duties of the office. State fish and  
 12 game wardens employed and appointed by virtue of this act  
 13 shall be persons who have an interest in protection,  
 14 conservation and propagation of wildlife, game and  
 15 fur-bearing animals, fish and game birds; they shall devote  
 16 all of their time to their official duties."

-End-

HB 603

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 2 INTRODUCED BY Scull

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18 Section 2. Section 82A-1202, R.C.M. 1947, is amended  
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 23 chapter 20, R. C. M. 1947, is abolished, and its statutory  
 24 functions are transferred to the department. Unless  
 25 inconsistent with this act, any reference in the Revised

1 Codes of Montana; 1947, to the state bureau of criminal  
 2 identification and investigation means the department of  
 3 justice.

4 ~~(2) The position of criminal investigator created  
 5 within the office of the attorney general in Title 82,  
 6 chapter 4, R.C.M. 1947, is abolished, and the functions of  
 7 the position are transferred to the department. Unless  
 8 inconsistent with this act, any reference in the Revised  
 9 Codes of Montana, 1947, to the position of criminal  
 10 investigator means the department of justice.~~

11 (3) The state law enforcement teletypewriter  
 12 communications committee, provided for in Title 82, chapter  
 13 39, R.C.M. 1947, is abolished, and its functions are  
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 15 act, any reference in the Revised Codes of Montana, 1947, to  
 16 the law enforcement teletypewriter communications committee  
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 19 board, provided for in Title 75, chapter 52, R.C.M. 1947, is  
 20 abolished, and its functions are transferred to the  
 21 department. Unless inconsistent with this act, any reference  
 22 in the Revised Codes of Montana, 1947, to the Montana law  
 23 enforcement academy advisory board means the department of  
 24 justice.

25 (5) The office of state fire marshal, created in

1 Title 32, chapter 12, R.C.M. 1947, is abolished, and its  
 2 functions are transferred to the department. Unless  
 3 inconsistent with this act, any reference in the Revised  
 4 Codes of Montana, 1947, to the office of state fire marshal  
 5 means the department of justice.

6 ~~46~~(5) The state building code council, created in  
 7 Title 69, chapter 21, R.C.M. 1947, is abolished, and its  
 8 functions are transferred to the department of  
 9 administration. Unless inconsistent with this act, any  
 10 reference in the Revised Codes of Montana, 1947, to the  
 11 state building code council means the department of  
 12 administration."

13 Section 3. Section 82A-1205, R.C.M. 1947, is amended  
 14 to read as follows:

15 "82A-1205. Agencies abolished -- functions transferred  
 16 to division. (1) The position of registrar of motor  
 17 vehicles, trailers and semitrailers, created in Title 53,  
 18 chapter 1, R. C. M. 1947, is abolished, and the functions of  
 19 the position, except the function of providing license  
 20 plates for motor vehicles provided for in Title 53, chapter  
 21 1, R. C. M. 1947, are transferred to the division of motor  
 22 vehicles. The function of providing license plates remains a  
 23 function of the warden of the state prison. Unless  
 24 inconsistent with this act, any reference in the Revised  
 25 Codes of Montana, 1947, to the registrar of motor vehicles,

1 trailers and semitrailers, except the references relating to  
 2 the function of providing license plates, means the division  
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4 (2) The Montana highway patrol board, provided for in  
 5 Title 31, chapter 1, R.C.M. 1947, is abolished, and its  
 6 functions, except the function of appointing the highway  
 7 patrol chief in section 31-104, R.C.M. 1947, which is hereby  
 8 transferred to the attorney-general director of justice, are  
 9 transferred to the division of motor vehicles. Unless  
 10 inconsistent with this act, any reference in the Revised  
 11 Codes of Montana, 1947, to the Montana highway patrol board  
 12 means the division of motor vehicles of the department of  
 13 justice, except references in section 31-104, R. C. M. 1947,  
 14 relating to the function of appointing the highway patrol  
 15 chief, where it means the attorney--general director of  
 16 justice."

17 Section 4. There is a new R.C.M. section that reads as  
 18 follows:

19 Functions of fish and game wardens transferred to  
 20 department -- employment -- funds -- when assistance  
 21 authorized. (1) The functions of state fish and game  
 22 wardens, enumerated in Title 26, chapter 1, R.C.M. 1947, are  
 23 transferred to the department of justice.

24 (2) The fish and game commission, with the approval of  
 25 the governor and the director of the department of justice,

1 may employ as many state fish and game wardens as considered  
 2 necessary for the enforcement of the wildlife laws.

3 (3) The salaries and expenses of state fish and game  
 4 wardens shall be paid out of the fish and game moneys in the  
 5 earmarked revenue fund and in the same form and manner as  
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 8 officers throughout the counties of the state when so  
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 10 criminal process and arrest and prosecute violators of the  
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 12 require aid in executing his duties. These powers and  
 13 duties are supplementary, are not a limitation upon the  
 14 powers and duties of other peace officers, and may be  
 15 executed only when authorized by the director of the  
 16 department.

17 Section 5. Section 26-107, R.C.M. 1947, is amended to  
 18 read as follows:

19 "26-107. State fish and game wardens -- appointment --  
 20 qualifications. (1) The director, by and with the consent  
 21 and approval of the commission, shall have the power to  
 22 employ and appoint a deputy director, ---and--a--sufficient  
 23 number--ef--state--fish--and--game--wardens--for--the--proper  
 24 enforcement--of--the--fish--and--game--laws--of--the--state,--and--the  
 25 orders,--rules--and--regulations--of--the--commission,--and--for

1 such--other--purposes--as--the--director--may--designate--State  
 2 fish--and--game--wardens

3 (2) State fish and game wardens shall be employed in  
 4 accordance with section [4 of this act]. They shall be  
 5 selected from applicants who have passed such an examination  
 6 as may be required according to the rules adopted and  
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 8 a state fish and game warden until a certificate shall have  
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 10 has passed the required examination and is a fit and proper  
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 12 game wardens employed and appointed by virtue of this act  
 13 shall be persons who have an interest in protection,  
 14 conservation and propagation of wildlife, game and  
 15 fur-bearing animals, fish and game birds; they shall devote  
 16 all of their time to their official duties."

-End-