

1 House BILL NO. 603
2 INTRODUCED BY Scully

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."

10
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 {3}(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 ~~{4}(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 ~~{5}(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 ~~(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, ~~7--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

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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 ~~{2}--The--position--of--criminal--investigator--created~~
5 ~~within--the--office--of--the--attorney--general--in--Title--82,~~
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 ~~{3}~~ (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 ~~{4}~~ (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 ~~{5}~~ (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 ~~(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. ~~7--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."

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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 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)~~ (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 ~~(4)~~ (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 ~~(5)~~ (4) 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 ~~(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, ~~7--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-