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*Senate* BILL NO. 44  
INTRODUCED BY Romney

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROMOTE THE EFFECTIVE MANAGEMENT OF THE BOBCAT AS A NON-GAME ANIMAL; AMENDING SECTIONS 26-201, 46-1902, AND 46-1903, R.C.M. 1947."

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

Section 1. Section 26-201, R.C.M. 1947, is amended to read as follows:

"26-201. Definitions. For the purposes of this act, the following shall be construed, respectively to mean:

Commission. The state fish and game commission.

Person. The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

Open season. The time during which game birds, fish, game and fur-bearing animals may be lawfully taken.

Closed season. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

Angling or fishing. The taking of, or attempting to take fish by hook and single line or single rod in hand or within immediate control.

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Upland game birds. Sharptail grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge, quail, Chinese pheasant and Mongolian pheasant, commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

Migratory game birds. Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, kill-deer, sandpipers, Wilson snipes or jacksnipes, snipes, stilts, plovers, willets and yellow legs.

Nongame birds. All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed nongame birds.

Game animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, and bear.

Fur-bearing animals. Marten or sable, otter, muskrat, fisher, mink, beaver and black-footed ferret.

Predatory animals. Coyote, wolf, weasel, skunk and civet cat, ~~and bobcat.~~

Game fish. All species of the family salmonidae (chars, trout, salmon, grayling, and whitefish); all species of the genus stizostedion (sandpike or sauger and walleyed

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1 pike or yellowpike perch); all species of the genus esox  
 2 (northern pike, pickerel and muskellunge); all species of  
 3 the genus micropeterus (bass); all species of the genus  
 4 polyodon (paddlefish) and all species of the genus acipenser  
 5 (sturgeon).

6 Wild buffalo. Buffalo or bison which have not been  
 7 reduced to captivity."

8 Section 2. Section 46-1902, R.C.M. 1947, is amended to  
 9 read as follows:

10 "46-1902. Meaning of term "wild animal." For the  
 11 purpose of this act the term "wild animal" shall include  
 12 wolf, coyote, lynx, ~~bobcat~~ and any other animal causing  
 13 depredations upon livestock."

14 Section 3. Section 46-1903, R.C.M. 1947, is amended to  
 15 read as follows:

16 "46-1903. Department to supervise destruction of  
 17 predatory animals--cooperation with other  
 18 agencies--administration of moneys. (1) The department of  
 19 livestock shall conduct the destruction, extermination, and  
 20 control of wild animals including wolf, coyote, lynx,  
 21 ~~bobcat~~ and other wild animals predatory in nature and  
 22 capable of killing, destroying, maiming, or injuring  
 23 domestic livestock or domestic poultry; and the protection  
 24 and safeguarding of livestock and poultry in this state,  
 25 against depredations from these animals. The department

1 shall formulate the practical programs for accomplishing  
 2 these objectives in this state, and for carrying out the  
 3 programs in an efficient and practical manner, responsive to  
 4 the need for control in each area of this state. The  
 5 department shall adopt rules applicable to predatory animal  
 6 control, which are necessary and proper for the systematic  
 7 destruction of the wild animals by hunting, trapping, and  
 8 poisoning operations, and payments of bounties. The  
 9 department shall make field, area, range, or other orders  
 10 and instructions, including orders and instructions to  
 11 hunter and trapper personnel and others, which are  
 12 appropriate in the various areas, at different seasons of  
 13 the year, taking into consideration the habits, presence,  
 14 migrations, or movements of the animals, and their attacks  
 15 on livestock and poultry, either singly or in packs or  
 16 bands. The department shall cooperate with authorized  
 17 representatives of the federal government, including the  
 18 Biological Survey and the Fish and Wild Life Service, the  
 19 state fish and game commission, boards of county  
 20 commissioners, voluntary associations of stockgrowers,  
 21 sheepgrowers, ranchers, farmers, and sportsmen, and  
 22 corporations and individuals, in the systematic destruction  
 23 of wild animals by hunting, trapping, and poisoning  
 24 operations.

25 (2) The department shall administer and expend for

1 predatory animal extermination and control all money which  
 2 is made available to it, including the money from the levy  
 3 under section 84-5214, and all money which is made available  
 4 to the department by appropriations made by the legislature  
 5 for predatory animal control by the department. The  
 6 department shall expend the funds for predatory animal  
 7 control by all effective means, including employment of  
 8 hunters, trappers, and other personnel, procurement of  
 9 traps, poisons, equipment, and supplies, and payment of  
 10 bounties in the discretion of the department, responsive to  
 11 the necessities of control in various areas of the state.

12 (3) This section does not interfere with or impair the  
 13 power and duties of the fish and game commission in the  
 14 control of predatory animals by the commission, as  
 15 authorized by law, nor the obligation of the commission to  
 16 expend its funds in cooperation with the department, for  
 17 predatory animal control, as required by law. Funds of the  
 18 fish and game commission for the cooperative predatory  
 19 animal control shall be administered and expended by the  
 20 fish and game commission."

-End-