

HOUSE BILL 38

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Fish and Game.
January 6, 1979	On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to prefiled bills.
February 6, 1979	Committee recommend bill, as amended.
February 7, 1979	Printed and placed on members' desks.
February 8, 1979	Second reading, pass consideration.
February 9, 1979	Second reading, as amended, do not pass.

1 HOUSE BILL NO. 38
 2 INTRODUCED BY _____
 3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 87-1-201, MCA, TO CLARIFY PROVISIONS OF LAW RELATING TO THE
 7 POWERS AND DUTIES OF THE DEPARTMENT OF FISH AND GAME AS TO
 8 FISH, GAME, GAME ANIMALS, BIRDS, FUR-BEARING ANIMALS, AND
 9 NONGAME WILDLIFE OF THE STATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 87-1-201, MCA, is amended to read:

13 "87-1-201. Powers and duties. (1) The department shall
 14 supervise all the wildlife, fish, game, game and nongame
 15 birds, waterfowl, and the game and fur-bearing animals of
 16 the state ~~whether they are privately or publicly owned and~~
 17 ~~whether or not they have been reduced to captivity.~~ It
 18 possesses all powers necessary to fulfill the duties
 19 prescribed by law and to bring actions in the proper courts
 20 of this state for the enforcement of the fish and game laws
 21 and the rules adopted by the department.

22 (2) It shall enforce all the laws of the state
 23 respecting the protection, preservation, and propagation of
 24 fish, game, fur-bearing animals, and game and nongame birds
 25 within the state.

1 (3) It shall have the exclusive power to spend for the
 2 protection, preservation, and propagation of fish, game,
 3 fur-bearing animals, and game and nongame birds all state
 4 funds collected or acquired for that purpose, whether
 5 arising from state appropriation, licenses, fines, gifts, or
 6 otherwise. Moneys collected or received from the sale of
 7 hunting and fishing licenses or permits, from the sale of
 8 seized game or hides, from fines or damages collected for
 9 violations of the fish and game laws, from appropriations,
 10 or received by the department from any other sources are
 11 appropriated to and under control of the department.

12 (4) It may discharge any appointee or employee of the
 13 department for cause at any time.

14 (5) It may dispose of all property owned by the state
 15 used for the protection, preservation, and propagation of
 16 fish, game, fur-bearing animals, and game and nongame birds
 17 which is of no further value or use to the state and shall
 18 turn over the proceeds from the sale to the state treasurer
 19 to be credited to the fish and game account in the earmarked
 20 revenue fund.

21 (6) It may not issue permits to anyone to carry
 22 firearms within this state except to regularly appointed
 23 officers or wardens.

24 (7) The department is hereby authorized to make,
 25 promulgate, and enforce such reasonable rules and

1 regulations not inconsistent with the provisions of this
2 [act] as in its judgment will accomplish the purpose of this
3 [act].

4 (8) The department is authorized to promulgate rules
5 relative to tagging, possession, or transportation of bear
6 within or without the state."

-End-

Approved by Comm.
on Fish and Game

1 HOUSE BILL NO. 38
 2 INTRODUCED BY DOZIER
 3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 87-1-201, MCA, TO CLARIFY PROVISIONS OF LAW RELATING TO THE
 7 POWERS AND DUTIES OF THE DEPARTMENT OF FISH AND GAME AS TO
 8 FISH, GAME, GAME ANIMALS, BIRDS, FUR-BEARING ANIMALS, AND
 9 NONGAME WILDLIFE OF THE STATE."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 87-1-201, MCA, is amended to read:
 13 "87-1-201. Powers and duties. (1) The department shall
 14 supervise all the wildlife, fish, game, game and nongame
 15 birds, waterfowl, and the game and fur-bearing animals of
 16 the state ~~whether-they-are-privately-or-publicly-owned-and~~
 17 ~~whsther-or-not-they-have-been-reduced-to-captivity NOT HELD~~
 18 ~~IN PRIVATE OWNERSHIP PURSUANT TO THE LAWS OF THIS STATE.~~ It
 19 possesses all powers necessary to fulfill the duties
 20 prescribed by law and to bring actions in the proper courts
 21 of this state for the enforcement of the fish and game laws
 22 and the rules adopted by the department.
 23 (2) It shall enforce all the laws of the state
 24 respecting the protection, preservation, and propagation of
 25 fish, game, fur-bearing animals, and game and nongame birds

1 within the state.
 2 (3) It shall have the exclusive power to spend for the
 3 protection, preservation, and propagation of fish, game,
 4 fur-bearing animals, and game and nongame birds all state
 5 funds collected or acquired for that purpose, whether
 6 arising from state appropriation, licenses, fines, gifts, or
 7 otherwise. Moneys collected or received from the sale of
 8 hunting and fishing licenses or permits, from the sale of
 9 seized game or hides, from fines or damages collected for
 10 violations of the fish and game laws, from appropriations,
 11 or received by the department from any other sources are
 12 appropriated to and under control of the department.
 13 (4) It may discharge any appointee or employee of the
 14 department for cause at any time.
 15 (5) It may dispose of all property owned by the state
 16 used for the protection, preservation, and propagation of
 17 fish, game, fur-bearing animals, and game and nongame birds
 18 which is of no further value or use to the state and shall
 19 turn over the proceeds from the sale to the state treasurer
 20 to be credited to the fish and game account in the earmarked
 21 revenue fund.
 22 (6) It may not issue permits to anyone to carry
 23 firearms within this state except to regularly appointed
 24 officers or wardens.
 25 (7) The department is hereby authorized to make,

1 promulgate, and enforce such reasonable rules and
2 regulations not inconsistent with the provisions of this
3 [act] as in its judgment will accomplish the purpose of this
4 [act].

5 (8) The department is authorized to promulgate rules
6 relative to tagging, possession, or transportation of bear
7 within or without the state."

-End-