

HOUSE BILL NO. 388

1/23 Introduced
1/23 Referred to Fish & Game
1/29 Hearing
Died in Committee

1 HOUSE BILL NO. 388
2 INTRODUCED BY Cobb

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPOSE UPON THE
5 DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE DUTY TO MITIGATE
6 SUBSTANTIAL DAMAGE TO PROPERTY BY WILD ANIMALS; AMENDING
7 SECTION 87-1-201, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "87-1-201. Powers and duties. (1) The department shall
12 supervise all the wildlife, fish, game, game and nongame
13 birds, waterfowl, and the game and fur-bearing animals of
14 the state. It possesses all powers necessary to fulfill the
15 duties prescribed by law and to bring actions in the proper
16 courts of this state for the enforcement of the fish and
17 game laws and the rules adopted by the department.

18 (2) It shall enforce all the laws of the state
19 respecting the protection, preservation, and propagation of
20 fish, game, fur-bearing animals, and game and nongame birds
21 within the state.

22 (3) It shall have the exclusive power to spend for the
23 protection, preservation, and propagation of fish, game,
24 fur-bearing animals, and game and nongame birds all state
25 funds collected or acquired for that purpose, whether

1 arising from state appropriation, licenses, fines, gifts, or
2 otherwise. Money collected or received from the sale of
3 hunting and fishing licenses or permits, from the sale of
4 seized game or hides, from fines or damages collected for
5 violations of the fish and game laws, or from appropriations
6 or received by the department from any other sources are
7 appropriated to and under control of the department.

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

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

17 (6) It may not issue permits to carry firearms within
18 this state to anyone except regularly appointed officers or
19 wardens.

20 (7) The department is hereby authorized to make,
21 promulgate, and enforce such reasonable rules and
22 regulations not inconsistent with the provisions of chapter
23 2 as in its judgment will accomplish the purpose of chapter
24 2.

25 (8) The department is authorized to promulgate rules

1 relative to tagging, possession, or transportation of bear
2 within or without the state.

3 (9) Upon written notice by a landowner or person in
4 possession and having charge of any land in the state that
5 wild animals are causing substantial damage to the property,
6 the department shall mitigate all substantial property
7 damage."

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