

SB 265 INTRODUCED BY BISHOP, GRADY, CAMPBELL, ET AL.
ALLOW FISH AND GAME COMMISSION TO APPOINT DIRECTOR
OF DEPARTMENT

2/02 INTRODUCED
2/02 REFERRED TO FISH & GAME
2/12 HEARING
2/20 ADVERSE COMMITTEE REPORT ADOPTED
AS AMENDED

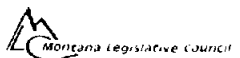
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1 ~~Senate~~ BILL NO. 265
 2 INTRODUCED BY Al Bishop, Sandy Corfield
 3 Hurwitz
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
 5 FISH AND GAME COMMISSION IS THE HEAD OF THE DEPARTMENT OF
 6 FISH, WILDLIFE, AND PARKS; TO ALLOW THE COMMISSION TO
 7 APPOINT THE DIRECTOR OF THE DEPARTMENT; TO REVISE THE METHOD
 8 OF APPOINTING COMMISSION MEMBERS; AND AMENDING SECTIONS
 9 2-15-3401, 2-15-3402, 87-1-101, AND 87-1-401, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 2-15-3401, MCA, is amended to read:
 13 "2-15-3401. Department of fish, wildlife, and parks --
 14 head. There is a department of fish, wildlife, and parks.
 15 The department head is the ~~director of fish, wildlife, and~~
 16 ~~parks fish and game commission~~ appointed by the governor in
 17 accordance with ~~2-15-111. The director is the secretary of~~
 18 ~~the commission 2-15-3402.~~"

19 Section 2. Section 2-15-3402, MCA, is amended to read:
 20 "2-15-3402. Fish and game commission -- composition --
 21 qualifications -- quasi-judicial. (1) There is a fish and
 22 game commission.
 23 (2) The commission consists of five members. ~~At least~~
 24 ~~one member shall be experienced in the breeding and~~
 25 ~~management of domestic livestock.~~ The governor shall appoint

1 one member from each of the following districts:
 2 (a) District No. 1, consisting of Lincoln, Flathead,
 3 Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite,
 4 and Lewis and Clark Counties;
 5 (b) District No. 2, consisting of Deer Lodge, Silver
 6 Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin,
 7 Park, and Sweet Grass Counties;
 8 (c) District No. 3, consisting of Glacier, Toole,
 9 Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith
 10 Basin, Fergus, Blaine, Meagher, and Wheatland Counties;
 11 (d) District No. 4, consisting of Phillips, Valley,
 12 Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone,
 13 Richland, Dawson, and Wibaux Counties;
 14 (e) District No. 5, consisting of Golden Valley,
 15 Musselshell, Stillwater, Carbon, Yellowstone, Big Horn,
 16 Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and
 17 Prairie Counties.
 18 (3) Appointments shall be made from lists of
 19 candidates' names submitted to the governor by organizations
 20 in each district that represent:
 21 (a) sportsmen's interests; and
 22 (b) agricultural interests.
 23 (4) One of the five members appointed must be
 24 experienced in the breeding and management of domestic
 25 livestock.



1 ~~(3)~~(5) Appointments shall be made without regard to
 2 political affiliation and shall be made solely for the wise
 3 management of the fish, wildlife, and state parks, and
 4 other outdoor recreational resources of this state. A person
 5 may not be appointed to the commission unless he is informed
 6 or interested and experienced in the subject of wildlife,
 7 fish, and outdoor recreation and the requirements for the
 8 conservation and protection of fish, game, game birds,
 9 animals, and outdoor recreational resources.

10 ~~(4)~~(6) A vacancy occurring on the commission shall be
 11 filled by the governor in the same manner and from the
 12 district in which the vacancy occurs.

13 ~~(5)~~(7) The fish and game commission is designated as a
 14 quasi-judicial board for purposes of 2-15-124.
 15 Notwithstanding the provisions of 2-15-124(1), the governor
 16 is not required to appoint an attorney to serve as a member
 17 of the commission."

18 Section 3. Section 87-1-101, MCA, is amended to read:

19 "87-1-101. Definitions. Unless the context requires
 20 otherwise, in this title the following definitions apply:

21 (1) "Commission" means the fish and game commission
 22 provided for in 2-15-3402.

23 (2) "Department" means the department of fish,
 24 wildlife, and parks provided for in Title 2, chapter 15,
 25 part 34.

1 (3) "Director" means the director of fish, wildlife,
 2 and parks provided for in ~~2-15-3402~~ 87-1-401.

3 (4) "Warden" means a state fish and game warden."

4 Section 4. Section 87-1-401, MCA, is amended to read:
 5 "87-1-401. Director Appointment of director to carry
 6 out policies. The commission shall appoint a director. The
 7 director shall carry out the policies of the commission and
 8 shall adopt rules authorized by law to implement those
 9 policies."

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