

SENATE BILL NO. 213

INTRODUCED BY K. BALES, BARKUS, DE. BARRETT, BLACK, BRENDEN, R. BROWN, BRUEGGEMAN, CURTISS, GEBHARDT, HANSEN, HINKLE, JACKSON, KASTEN, KERNS, LAIBLE, LEWIS, MCNUTT, MURPHY, J. PETERSON, RANDALL, RIPLEY, SHOCKLEY, STAHL, STEINBEISSER, TAYLOR, J. TROPILA, TUTVEDT, ZINKE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO IMPLEMENT A PROGRAM TO MANAGE GAME ANIMAL POPULATIONS IN A MANNER THAT PREVENTS THE TRANSMISSION OF DISEASE FROM ~~BETWEEN~~ BETWEEN GAME ANIMALS ~~TO~~ AND DOMESTIC LIVESTOCK OR HUMANS; AMENDING SECTION 87-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, THERE ARE A NUMBER OF DISEASES THAT MAY BE TRANSMITTED BETWEEN GAME ANIMALS AND LIVESTOCK OR HUMANS; AND

WHEREAS, THE TRANSMISSION OF DISEASES BETWEEN GAME ANIMALS AND LIVESTOCK, INCLUDING THE TRANSMISSION OF BRUCELLOSIS FROM LIVESTOCK TO GAME ANIMALS IN THE 1800S, THE RETRANSMISSION OF BRUCELLOSIS FROM GAME ANIMALS TO LIVESTOCK, AND THE TRANSMISSION OF OTHER DISEASES TO LIVESTOCK OR HUMANS, CAN HAVE ADVERSE IMPACTS ON THE STATE ECONOMY; AND

WHEREAS, IT IS MUCH MORE COST-EFFECTIVE TO ATTEMPT TO PREVENT THE TRANSMISSION OF DISEASE BETWEEN GAME ANIMALS AND LIVESTOCK OR HUMANS THAN IT IS TO ERADICATE A DISEASE AFTER IT IS TRANSMITTED BETWEEN GAME ANIMALS AND LIVESTOCK OR HUMANS; AND

WHEREAS, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS HAS BEEN WORKING AND SHOULD CONTINUE TO WORK COLLABORATIVELY WITH THE DEPARTMENT OF LIVESTOCK TO TAKE REASONABLE AND PRUDENT STEPS TO REDUCE THE RISK OF TRANSMISSION OF DISEASE BETWEEN GAME ANIMALS AND LIVESTOCK OR HUMANS; AND

WHEREAS, THE GOAL OF THESE EFFORTS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHOULD BE TO MANAGE WILDLIFE TO PREVENT THE TRANSMISSION OF DISEASE BETWEEN GAME ANIMALS AND LIVESTOCK OR HUMANS.

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

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

**"87-1-201. Powers and duties.** (1) The department shall supervise all the wildlife, fish, game, game and



1 nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement voluntary  
2 programs that encourage hunting access on private lands and that promote harmonious relations between  
3 landowners and the hunting public. It possesses all powers necessary to fulfill the duties prescribed by law and  
4 to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules  
5 adopted by the department.

6 (2) The department shall enforce all the laws of the state respecting the protection, preservation,  
7 management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

8 (3) The department has the exclusive power to spend for the protection, preservation, management, and  
9 propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired  
10 for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or  
11 received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from  
12 fines or damages collected for violations of the fish and game laws, or from appropriations or received by the  
13 department from any other sources is appropriated to and under control of the department.

14 (4) The department may discharge any appointee or employee of the department for cause at any time.

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

19 (6) The department may not issue permits to carry firearms within this state to anyone except regularly  
20 appointed officers or wardens.

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

23 (8) The department is authorized to promulgate rules relative to tagging, possession, or transportation  
24 of bear within or outside of the state.

25 (9) (a) The department shall implement programs that:

26 (i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under  
27 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.;

28 (ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under  
29 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the  
30 maintenance or recovery of those species; and

