

## HOUSE BILL NO. 376

INTRODUCED BY N. BALLANCE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE RESTRICTION OF WILDLIFE  
5 BY LOCAL GOVERNMENTS; ALLOWING COUNTIES TO ADOPT PLANS TO CONTROL, REMOVE, AND  
6 RESTRICT GAME ANIMALS WITHIN THEIR BOUNDARIES; ALLOWING FOR THE CONTROL, REMOVAL,  
7 AND RESTRICTION OF GAME ANIMALS FOR ECONOMIC IMPACT PURPOSES; REQUIRING APPROVAL  
8 OF PLANS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND AMENDING SECTIONS 7-1-111,  
9 7-3-1105, 7-3-1222, 7-31-4110, AND 87-6-402, MCA."

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

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13 **NEW SECTION.** **Section 1. Restriction of wildlife.** (1) The board of county commissioners may adopt  
14 a plan to control, remove, and restrict game animals, as defined in 87-2-101, within the boundaries of the county  
15 for public health and safety and economic impact purposes. Upon adoption of a plan, the board of county  
16 commissioners shall notify the department of fish, wildlife, and parks of the plan. If the department of fish, wildlife,  
17 and parks approves the plan or approves the plan with conditions, the board of county commissioners may  
18 implement the plan as approved or as approved with conditions.

19 (2) The plan may allow the hunting of game animals and provide restrictions on the feeding of game  
20 animals.

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22 **Section 2.** Section 7-1-111, MCA, is amended to read:

23 **"7-1-111. Powers denied.** A local government unit with self-government powers is prohibited from  
24 exercising the following:

25 (1) any power that applies to or affects any private or civil relationship, except as an incident to the  
26 exercise of an independent self-government power;

27 (2) any power that applies to or affects the provisions of 7-33-4128 or Title 39 (labor, collective  
28 bargaining for public employees, unemployment compensation, or workers' compensation), except that subject  
29 to those provisions, it may exercise any power of a public employer with regard to its employees;

30 (3) any power that applies to or affects the public school system, except that a local unit may impose an

1 assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise  
2 any power that it is required by law to exercise regarding the public school system;

3 (4) any power that prohibits the grant or denial of a certificate of public convenience and necessity;

4 (5) any power that establishes a rate or price otherwise determined by a state agency;

5 (6) any power that applies to or affects any determination of the department of environmental quality with  
6 regard to any mining plan, permit, or contract;

7 (7) any power that applies to or affects any determination by the department of environmental quality  
8 with regard to a certificate of compliance;

9 (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense  
10 as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months'  
11 imprisonment, or both, except as specifically authorized by statute;

12 (9) any power that applies to or affects the right to keep or bear arms, except that a local government  
13 has the power to regulate the carrying of concealed weapons;

14 (10) any power that applies to or affects a public employee's pension or retirement rights as established  
15 by state law, except that a local government may establish additional pension or retirement systems;

16 (11) any power that applies to or affects the standards of professional or occupational competence  
17 established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession  
18 or occupation;

19 (12) except as provided in 7-3-1105, 7-3-1222, [section 1], or 7-31-4110, any power that applies to or  
20 affects Title 75, chapter 7, part 1 (streambeds), or Title 87 (fish and wildlife);

21 (13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended  
22 to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70,  
23 chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords  
24 to comply with ordinances or provisions that are applicable to all other businesses or residences within the local  
25 government's jurisdiction.

26 (14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;

27 (15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage,  
28 distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may  
29 enter into a cooperative agreement with the department of agriculture concerning the use and application of  
30 commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local

1 government from adopting or implementing zoning regulations or fire codes governing the physical location or  
2 siting of fertilizer manufacturing, storage, and sales facilities."

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4 **Section 3.** Section 7-3-1105, MCA, is amended to read:

5 **"7-3-1105. Rules, ordinances, and resolutions of consolidated unit.** (1) Within 2 years after  
6 ratification of the consolidation, the governing body of the consolidated unit of local government shall revise,  
7 repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county, cities, and towns  
8 at the time of consolidation. Each rule, ordinance, or resolution in force at the time of consolidation must remain  
9 in force within the former geographic jurisdiction until superseded by action of the new governing body.  
10 Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special  
11 assessments may not be repealed.

12 (2) (a) A consolidated government may adopt, for the portion of the consolidated government that was  
13 formerly a city or town, a plan to control, remove, and restrict game animals, as defined in 87-2-101, within the  
14 defined boundaries of the city or town limits for public health and safety and economic impact purposes. Upon  
15 adoption of a plan, the consolidated government shall notify the department of fish, wildlife, and parks of the plan.  
16 If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the  
17 consolidated government may implement the plan as approved or as approved with conditions.

18 (b) The plan may allow the hunting of game animals and provide restrictions on the feeding of game  
19 animals."

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21 **Section 4.** Section 7-3-1222, MCA, is amended to read:

22 **"7-3-1222. Procedure to enact ordinances and resolutions.** (1) Ordinances and resolutions must be  
23 introduced in the commission only in written or printed form. All ordinances or resolutions, except ordinances  
24 making appropriations, must be confined to one subject, which must be clearly expressed in the title, except as  
25 provided in 7-3-1226. Ordinances making appropriations must be confined to the subject of appropriations. An  
26 ordinance may not be passed until it has been read on 3 separate days; unless the requirement of reading on  
27 3 separate days has been dispensed with by a vote of not less than two-thirds of the members of the commission.  
28 The final reading must be in full unless a written or printed copy of the measure has been furnished to each  
29 member of the commission prior to final reading.

30 (2) The enacting clause of all ordinances passed by the commission must be: "Be it ordained by the city

1 and county of .....", and the enacting clause of all ordinances submitted by the initiative must be: "Be it  
2 ordained by the people of the city and county of .....

3 (3) An ordinance, resolution, or section of an ordinance or resolution may not be revised or amended  
4 unless the new ordinance or resolution contains the entire ordinance, resolution, or section of the ordinance or  
5 resolution as revised or amended.

6 (4) Every ordinance or resolution, upon its final passage, must be recorded in a book kept for that  
7 purpose and must be authenticated by the signatures of the president and clerk. Within 10 days after its final  
8 passage, each ordinance or resolution must be published at least once in the manner that the commission may  
9 provide by ordinance.

10 (5) Initiated ordinances adopted by the electors must be published and may be amended or repealed  
11 by the commission; as in the case of other ordinances.

12 (6) (a) A consolidated government may adopt, for the portion of the consolidated government that was  
13 formerly a city or town, a plan to control, remove, and restrict game animals, as defined in 87-2-101, within the  
14 boundaries that are within the city or town limits for public health and safety and economic impact purposes. Upon  
15 adoption of a plan, the consolidated government shall notify the department of fish, wildlife, and parks of the plan.  
16 If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the  
17 consolidated government may implement the plan as approved or as approved with conditions.

18 (b) The plan may allow the hunting of game animals and provide restrictions on the feeding of game  
19 animals."  
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21 **Section 5.** Section 7-31-4110, MCA, is amended to read:

22 **"7-31-4110. Restriction of wildlife.** (1) A city or town may adopt a plan to control, remove, and restrict  
23 game animals, as defined in 87-2-101, within the boundaries of the city or town limits for public health and safety  
24 and economic impact purposes. Upon adoption of a plan, the city or town shall notify the department of fish,  
25 wildlife, and parks of the plan. If the department of fish, wildlife, and parks approves the plan or approves the plan  
26 with conditions, the city or town may implement the plan as approved or as approved with conditions.

27 (2) The plan may allow the hunting of game animals and provide restrictions on the feeding of game  
28 animals."  
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30 **Section 6.** Section 87-6-402, MCA, is amended to read:

