



AN ACT ALLOWING CITIES, TOWNS, AND CONSOLIDATED GOVERNMENTS TO ADOPT PLANS TO CONTROL, REMOVE, AND RESTRICT GAME ANIMALS WITHIN THE BOUNDARIES OF A CITY, TOWN, OR PORTION OF A CONSOLIDATED GOVERNMENT THAT WAS ORIGINALLY A CITY OR TOWN; PROVIDING AN EXEMPTION TO THE POWERS DENIED LOCAL GOVERNMENT WITH RESPECT TO CONTROLLING, REMOVING, AND RESTRICTING GAME ANIMALS; PROVIDING AN EXEMPTION TO THE RESTRICTION THAT A CONSOLIDATED GOVERNMENT MUST ADOPT EITHER A CITY OR COUNTY PROVISION; REQUIRING APPROVAL BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS PRIOR TO DEVELOPING AND IMPLEMENTING A PROGRAM FOR THE CONTROL, REMOVAL, AND RESTRICTION OF GAME ANIMALS FROM CITIES, TOWNS, OR CONSOLIDATED GOVERNMENTS THAT HAVE ADOPTED A PLAN; AMENDING SECTIONS 7-1-111, 7-3-1105, 7-3-1222, AND 7-5-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

**Section 1. Restriction of wildlife.** A city or town may adopt a plan to control, remove, and restrict game animals, as defined in 87-2-101, within the boundaries of the city or town limits for public health and safety purposes. Upon adoption of a plan, the city or town shall notify the department of fish, wildlife, and parks of the plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the city or town may implement the plan as approved or as approved with conditions.

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

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

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

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

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

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

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

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

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of environmental compatibility and public need;

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

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

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

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

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

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

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

**"7-3-1105. Rules, ordinances, and resolutions of consolidated unit.** (1) Within 2 years after ratification of the consolidation, the governing body of the consolidated unit of local government shall revise,

repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county, cities, and towns at the time of consolidation. Each rule, ordinance, or resolution in force at the time of consolidation shall remain in force within the former geographic jurisdiction until superseded by action of the new governing body. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments may not be repealed.

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

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

**"7-3-1222. Procedure to enact ordinances and resolutions.** (1) Ordinances and resolutions ~~shall~~ must be introduced in the commission only in written or printed form. All ordinances or resolutions, except ordinances making appropriations, ~~shall~~ must be confined to one subject, which ~~shall~~ must be clearly expressed in the title, except as provided in 7-3-1226. Ordinances making appropriations ~~shall~~ must be confined to the subject of appropriations. ~~No~~ An ordinance ~~shall~~ may not be passed until it has been read on 3 separate days, unless the requirement of reading on 3 separate days has been dispensed with by a vote of not less than two-thirds of the members of the commission. The final reading ~~shall~~ must be in full unless a written or printed copy of the measure ~~shall have~~ has been furnished to each member of the commission prior to ~~such~~ final reading.

(2) The enacting clause of all ordinances passed by the commission ~~shall~~ must be: "Be it ordained by the city and county of ....", and the enacting clause of all ordinances submitted by the initiative ~~shall~~ must be: "Be it ordained by the people of the city and county of .....".

(3) ~~No~~ An ordinance, resolution, or section ~~thereof~~ of an ordinance or resolution may not be revised or amended unless the new ordinance or resolution contains the entire ordinance, resolution, or section ~~thereof~~ of the ordinance or resolution as revised or amended.

(4) Every ordinance; or resolution, upon its final passage, ~~shall~~ must be recorded in a book kept for that purpose and ~~shall~~ must be authenticated by the signatures of the president and clerk. Within 10 days after its final passage, each ordinance or resolution ~~shall~~ must be published at least once in ~~such~~ the manner ~~as~~ that the

commission may provide by ordinance.

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

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

**Section 5.** Section 7-5-201, MCA, is amended to read:

**"7-5-201. Operation of self-government consolidated units of local government.** (1) ~~Whenever~~ Except as provided in 7-3-1105(2) and 7-3-1222(6), whenever existing law contains different provisions and procedures for the functioning of counties and municipalities, including but not limited to such areas as election procedures, issuance of bonds, adoption of budgets, creation of special districts, levying of taxes, and provision of services, the governing body of a self-government consolidated unit of local government which contains at least one county and one municipality shall by ordinance adopt either the county or municipality provisions. The ordinance may provide for necessary changes in the statutes to accommodate the structure of the consolidated unit. This subsection applies to self-government consolidated units only in those areas where ~~such~~ the units are subject to state law under 7-1-111 through 7-1-114.

(2) A combination of county and municipal offices in a self-government consolidated unit may be accomplished by ordinance whenever ~~such~~ a combination is necessary for carrying out a duty assigned by state law to the local government. Whenever state law imposes a duty upon a specific official or employee of a self-government consolidated unit of local government and the local government under its adopted alternative form of government does not have ~~such an~~ that official or employee, the governing body may by ordinance assign that duty to the appropriate official or employee of the local government. The governing body of any self-government consolidated unit of local government may by ordinance assign responsibility to carry out any function or provide any service required by state law to one or more departments, officers, or employees of the local government notwithstanding the fact that the state law may assign the function or service to a specific office."

**Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 31, part 41, and the provisions of Title 7, chapter 31, part 41, apply to [section 1].

**Section 7. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

**Section 8. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
HB 0249, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

HOUSE BILL NO. 249  
INTRODUCED BY BARRETT

AN ACT ALLOWING CITIES, TOWNS, AND CONSOLIDATED GOVERNMENTS TO ADOPT PLANS TO CONTROL, REMOVE, AND RESTRICT GAME ANIMALS WITHIN THE BOUNDARIES OF A CITY, TOWN, OR PORTION OF A CONSOLIDATED GOVERNMENT THAT WAS ORIGINALLY A CITY OR TOWN; PROVIDING AN EXEMPTION TO THE POWERS DENIED LOCAL GOVERNMENT WITH RESPECT TO CONTROLLING, REMOVING, AND RESTRICTING GAME ANIMALS; PROVIDING AN EXEMPTION TO THE RESTRICTION THAT A CONSOLIDATED GOVERNMENT MUST ADOPT EITHER A CITY OR COUNTY PROVISION; REQUIRING APPROVAL BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS PRIOR TO DEVELOPING AND IMPLEMENTING A PROGRAM FOR THE CONTROL, REMOVAL, AND RESTRICTION OF GAME ANIMALS FROM CITIES, TOWNS, OR CONSOLIDATED GOVERNMENTS THAT HAVE ADOPTED A PLAN; AMENDING SECTIONS 7-1-111, 7-3-1105, 7-3-1222, AND 7-5-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

