

HOUSE BILL 106

IN THE HOUSE

January 10, 1979	Introduced and referred to Committee on Taxation.
January 17, 1979	Committee recommend bill, as amended.
January 20, 1979	Printed and placed on members' desks.
January 22, 1979	On motion, taken from second reading and referred to Committee on Taxation.
February 10, 1979	Committee passed without recommendation, as amended.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, do not pass. On motion, previous action reconsidered. On motion, taken from second reading and referred to Committee on Taxation.
February 14, 1979	Second reading, pass consideration, as amended.

1 *House* BILL NO. *106*
 2 INTRODUCED BY *Kesley Vincent Sheldon McQuade*
 3 BY REQUEST OF THE DEPARTMENT OF FISH AND GAME
 4 *Carrie*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FUNDS FOR
 6 THE PRESERVATION AND MANAGEMENT OF NONGAME WILDLIFE IN
 7 MONTANA; AMENDING SECTION 87-5-102, MCA."

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

10 Section 1. Section 87-5-102, MCA, is amended to read:
 11 "87-5-102. Definitions. As used in this part, the
 12 following definitions apply:

13 ~~(1)~~ "Account" means the nongame wildlife account
 14 established in [section 2].

15 ~~(2)~~ "Ecosystem" means a system of living organisms
 16 and their environment, each influencing the existence of the
 17 other and both necessary for the maintenance of life.

18 ~~(3)~~ "Endangered species" means any species or
 19 subspecies of wildlife actively threatened with extinction
 20 due to any of the following factors:

- 21 (a) the destruction, drastic modification, or severe
- 22 curtailment of its habitat;
- 23 (b) its overutilization for scientific, commercial, or
- 24 sporting purposes;
- 25 (c) the effect on it of disease, pollution, or

1 predation;

2 (d) other natural or man-made factors affecting its
 3 prospects of survival or recruitment within the state; or

4 (e) any combination of the foregoing factors.

5 ~~(3)~~(4) "Management" means the collection and
 6 application of biological information for the purposes of
 7 increasing the number of individuals within species and
 8 populations of wildlife up to the optimum carrying capacity
 9 of their habitat and maintaining such levels. The term
 10 includes the entire range of activities that constitute a
 11 modern scientific resource program including but not limited
 12 to research, census, law enforcement, habitat acquisition
 13 and improvement, and education. Also included within the
 14 term, when and where appropriate, is the periodic or total
 15 protection of species or populations as well as regulated
 16 taking.

17 ~~(4)~~(5) "Nongame wildlife" means any wild mammal, bird,
 18 amphibian, reptile, fish, mollusk, crustacean, or other wild
 19 animal not otherwise legally classified by statute or
 20 regulation of this state. Animals designated by statute or
 21 regulation of this state as predatory in nature are not
 22 classified as nongame wildlife for purposes of this part.

23 ~~(5)~~(6) "Optimum carrying capacity" means that point at
 24 which a given habitat can support healthy populations of
 25 wildlife species, having regard to the total ecosystem,

1 without diminishing the ability of the habitat to continue
2 that function.

3 ~~(6)~~(7) "Person" means any individual, firm,
4 corporation, association, or partnership.

5 ~~(7)~~(8) "Take" means to harass, hunt, capture, or kill
6 or attempt to harass, hunt, capture, or kill wildlife.

7 ~~(8)~~(9) "Wildlife" means any wild mammal, birds,
8 reptile, amphibian, fish, mollusk, crustacean, or other wild
9 animal or any part, product, egg, or offspring or the dead
10 body or parts thereof."

11 NEW SECTION. Section 2. Nongame wildlife account.
12 (1) There is a nongame wildlife account in the earmarked
13 revenue fund provided for in 17-2-10Z.

14 (2) All money designated under [section 3] shall be
15 deposited in the account.

16 (3) Money in the account shall be used by the
17 department to provide adequate funding for the protection,
18 preservation, and propagation of the nongame wildlife of
19 Montana. The money is available to the department in the
20 same manner as provided in 87-1-601. It is the intent of the
21 legislature that money derived from tax checkoff
22 contributions to the account is supplemental to any other
23 funding and is not to take the place of money which would
24 otherwise be appropriated for nongame wildlife management.

25 NEW SECTION. Section 3. Voluntary checkoff for

1 nongame wildlife management. (1) Each individual taxpayer
2 who is required to file an income tax return under [Title
3 15, chapter 30] and who is entitled to a refund may
4 contribute to the funding of management of nongame wildlife
5 in Montana by marking the appropriate box on the state
6 income tax return.

7 (2) Each Montana state individual income tax return
8 form shall contain a provision for indicating a contribution
9 to nongame wildlife management in substantially the
10 following form:

11 Montana nongame wildlife funding. Check the appropriate
12 blank if you wish to designate \$1, \$5, or
13 \$10 of your tax refund to fund the management of
14 nongame wildlife in Montana. If a joint return, check the
15 appropriate blank if your spouse wishes to designate
16 \$1, \$5, or \$10 for the same purpose.

17 (3) Money received under this section shall be
18 deposited in the nongame wildlife account created by
19 [section 2].

20 Section 4. Codification. (1) It is intended that
21 section 2 be codified as an integral part of Title 87,
22 chapter 5, part 1, and the provisions of Title 87, chapter
23 5, part 1, apply to section 2.

24 (2) It is intended that section 3 be codified as an
25 integral part of Title 15, chapter 30, part 1, and the

LC 0221/01

1 provisions of Title 15, chapter 30, apply to section 3.

-End-

STATE OF MONTANA

Request No. 257-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 1979, there is hereby submitted a Fiscal Note for House Bill 106 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

This revision is being submitted to reflect the additional costs to the Department of Revenue due to the proposed legislation.

DESCRIPTION:

This proposed bill provides funds for the preservation and management of nongame wildlife in Montana.

ASSUMPTION:

Adoption of the proposed income tax refund checkoff for nongame wildlife would necessitate increased expenditures by the Department of Revenue amounting to at least \$2,000 for forms and instructions, and another \$2,000 for data processing; presumably, these expenditures would be funded by an appropriation from the General Fund.

FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Income tax refund checkoff for nongame wildlife (from Fish and Game fiscal note)	\$ 0	\$ 0
under current law	<u>59,852</u>	<u>59,852</u>
under proposed law	<u>59,852</u>	<u>59,852</u>
Total Expenditures		
under current law	0	0
under proposed law	<u>4,000</u>	<u>4,000</u>
Estimated Increase	<u>4,000</u>	<u>4,000</u>
Net Effect		
under current law	0	0
under proposed law	<u>55,852</u>	<u>55,852</u>
Estimated Increase	<u>\$55,852</u>	<u>\$55,852</u>

FUND INFORMATION:

General Fund		
under current law	\$ 0	\$ 0
under proposed law	<u>(4,000)</u>	<u>(4,000)</u>
Estimated Decrease	<u>\$(4,000)</u>	<u>\$(4,000)</u>

Richard J. Tracy for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 6/21/79

Continued on Page 2.

FUND INFORMATION (Cont.):

	<u>FY 80</u>	<u>FY 81</u>
Earmarked Revenue Fund		
for nongame wildlife		
under current law	\$ 0	\$ 0
under proposed law	<u>59,852</u>	<u>59,852</u>
Estimated Increase	<u>\$59,852</u>	<u>\$59,852</u>

(Prepared by the Department of Revenue)

Approved by Committee
on Taxation

HOUSE BILL NO. 106

INTRODUCED BY KESSLER, VINCENT, SHELDEN, McBRIDE,

HUENNEKENS, HARRINGTON, FRATES, DOZIER, COONEY

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FUNDS FOR
THE PRESERVATION AND MANAGEMENT OF NONGAME WILDLIFE IN
MONTANA; AMENDING SECTION 87-5-102, MCA."

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

Section 1. Section 87-5-102, MCA, is amended to read:

"87-5-102. Definitions. As used in this part, the
following definitions apply:

~~(1) "Account" means the nongame wildlife account
established in [section 2].~~

~~(2) "Ecosystem" means a system of living organisms
and their environment, each influencing the existence of the
other and both necessary for the maintenance of life.~~

~~(3) "Endangered species" means any species or
subspecies of wildlife actively threatened with extinction
due to any of the following factors:~~

~~(a) the destruction, drastic modification, or severe
curtailment of its habitat;~~

~~(b) its overutilization for scientific, commercial, or
sporting purposes;~~

(c) the effect on it of disease, pollution, or
predation;

(d) other natural or man-made factors affecting its
prospects of survival or recruitment within the state; or

(e) any combination of the foregoing factors.

~~(4) "Management" means the collection and
application of biological information for the purposes of
increasing the number of individuals within species and
populations of wildlife up to the optimum carrying capacity
of their habitat and maintaining such levels. The term
includes the entire range of activities that constitute a
modern scientific resource program including but not limited
to research, census, law enforcement, habitat acquisition
and improvement, and education. Also included within the
term, when and where appropriate, is the periodic or total
protection of species or populations as well as regulated
taking.~~

~~(5) "Nongame wildlife" means any wild mammal, bird,
amphibian, reptile, fish, mollusk, crustacean, or other wild
animal not otherwise legally classified by statute or
regulation of this state. Animals designated by statute or
regulation of this state as predatory in nature are not
classified as nongame wildlife for purposes of this part.~~

~~(6) "Optimum carrying capacity" means that point at
which a given habitat can support healthy populations of~~

1 wildlife species, having regard to the total ecosystem,
 2 without diminishing the ability of the habitat to continue
 3 that function.

4 {6}{11} "Person" means any individual, firm,
 5 corporation, association, or partnership.

6 {7}{8} "Take" means to harass, hunt, capture, or kill
 7 or attempt to harass, hunt, capture, or kill wildlife.

8 {8}{9} "Wildlife" means any wild mammal, bird,
 9 reptile, amphibian, fish, mollusk, crustacean, or other wild
 10 animal or any part, product, egg, or offspring or the dead
 11 body or parts thereof."

12 NEW SECTION. Section 2. Nongame wildlife account.
 13 (1) There is a nongame wildlife account in the earmarked
 14 revenue fund provided for in 17-2-102.

15 (2) All money designated under [section 3] shall be
 16 deposited in the account.

17 (3) Money in the account shall be used by the
 18 department to provide adequate funding for the protection,
 19 preservation, and propagation of the nongame wildlife of
 20 Montana. The money is available to the department in the
 21 same manner as provided in 87-1-601. It is the intent of the
 22 legislature that money derived from tax checkoff
 23 contributions to the account is supplemental to any other
 24 funding and is not to take the place of money which would
 25 otherwise be appropriated for nongame wildlife management.

1 NEW SECTION. Section 3. Voluntary checkoff for
 2 nongame wildlife management. (1) Each individual taxpayer
 3 who is required to file an income tax return under [Title
 4 15, chapter 30] and who is entitled to a refund may
 5 contribute to the funding of management of nongame wildlife
 6 in Montana by marking the appropriate box on the state
 7 income tax return.

8 (2) Each Montana state individual income tax return
 9 form shall contain a provision for indicating a contribution
 10 to nongame wildlife management in substantially the
 11 following form:

12 Montana nongame wildlife funding. Check the appropriate
 13 blank if you wish to designate \$1, \$5, or
 14 \$10 of your tax refund to fund the management of
 15 nongame wildlife in Montana. If a joint return, check the
 16 appropriate blank if your spouse wishes to designate
 17 \$1, \$5, or \$10 for the same purpose.

18 (3) Money received under this section shall be
 19 deposited in the nongame wildlife account created by
 20 [section 2].

21 SECTION 4. THERE IS A NEW MCA SECTION THAT READS:

22 Report. The department shall report in detail to the
 23 house taxation committee during the 1981 session of the
 24 legislature as to the results of any program utilizing money
 25 from the nongame wildlife account and shall list in detail

1 how the money collected was used.

2 Section 5. Codification. (1) It is intended that
3 section SECTIONS 2 AND 4 be codified as an integral part of
4 Title 87, chapter 5, part 1, and the provisions of Title 87,
5 chapter 5, part 1, apply to section SECTIONS 2 AND 4.

6 (2) It is intended that section 3 be codified as an
7 integral part of Title 15, chapter 30, part 1, and the
8 provisions of Title 15, chapter 30, apply to section 3.

-End-

Taxation

Without Recommendation

HOUSE BILL NO. 106

INTRODUCED BY KESSLER, VINCENT, SHELDEN, McBRIDE,

HUENNEKENS, HARRINGTON, FRATES, DOZIER, COONEY

BY REQUEST OF THE DEPARTMENT OF FISH AND GAME

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

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"87-5-102. Definitions. As used in this part, the following definitions apply:

~~(1) "Account" means the nongame wildlife account established in [section 2].~~

~~††(2) "Ecosystem" means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.~~

~~††(3) "Endangered species" means any species or subspecies of wildlife actively threatened with extinction due to any of the following factors:~~

~~(a) the destruction, drastic modification, or severe curtailment of its habitat;~~

~~(b) its overutilization for scientific, commercial, or sporting purposes;~~

(c) the effect on it of disease, pollution, or predation;

(d) other natural or man-made factors affecting its prospects of survival or recruitment within the state; or

(e) any combination of the foregoing factors.

~~††(4) "Management" means the collection and application of biological information for the purposes of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. The term includes the entire range of activities that constitute a modern scientific resource program including but not limited to research, census, law enforcement, habitat acquisition and improvement, and education. Also included within the term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.~~

~~††(5) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this state. Animals designated by statute or regulation of this state as predatory in nature are not classified as nongame wildlife for purposes of this part.~~

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12 NEW SECTION. Section 2. Nongame wildlife account.

13 (1) There is a nongame wildlife account in the earmarked
 14 revenue fund provided for in 17-2-102.

15 (2) All money designated under [section 3], LESS
 16 ACTUAL ADMINISTRATION COSTS NOT TO EXCEED 2% TO BE RETAINED
 17 BY THE DEPARTMENT OF REVENUE, shall be deposited in the
 18 account.

19 (3) Money in the account shall be used by the
 20 department to provide adequate funding for the protection,
 21 preservation, and propagation of the nongame wildlife of
 22 Montana. The money is available to the department in the
 23 same manner as provided in 87-1-601. It is the intent of the
 24 legislature that money derived from tax checkoff
 25 contributions to the account is supplemental to any other

1 funding and is not to take the place of money which would
 2 otherwise be appropriated for nongame wildlife management.

3 (4) MONEY ACCRUING TO THIS ACCOUNT FROM THE VOLUNTARY
 4 CHECKOFF SET FORTH IN (SECTION 3) MAY NOT BE USED FOR
 5 PROTECTION, PRESERVATION, AND PROPAGATION OF PRAIRIE DOGS,
 6 RICHARDSON'S GROUND SQUIBBELS, AND COLUMBIAN GROUND
 7 SQUIBBELS.

8 NEW SECTION. Section 3. Voluntary checkoff for
 9 nongame wildlife management. (1) Each individual taxpayer
 10 who is required to file an income tax return under {Title
 11 15, chapter 30} and who is entitled to a refund may
 12 contribute to the funding of management of nongame wildlife
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1 deposited in the nongame wildlife account created by
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5 house taxation committee during the 1981 session of the
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9 Section 5. Codification. (1) It is intended that
10 section SECTIONS 2 AND 4 be codified as an integral part of
11 Title 87, chapter 5, part 1, and the provisions of Title 87,
12 chapter 5, part 1, apply to section SECTIONS 2 AND 4.

13 (2) It is intended that section 3 be codified as an
14 integral part of Title 15, chapter 30, part 1, and the
15 provisions of Title 15, chapter 30, apply to section 3.

-End-