

HOUSE BILL 806

IN THE HOUSE

February 14, 1979

Introduced and referred to
Committee on Fish and Game.

1 House BILL NO. 806
 2 INTRODUCED BY Kudry

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 CONTROL OF THE IMPORTATION, POSSESSION, AND TRANSPORTATION
 6 WITHIN THE STATE OF NONINDIGENOUS WILDLIFE."
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definition. For the purposes of [this act],
 10 "nonindigenous wildlife" means those species of wildlife
 11 that are not indigenous to the state of Montana and that are
 12 not included in the definitions of "game animals", "game
 13 fish", and "upland game birds" as provided in 87-2-101.

14 Section 2. Commission authorized to adopt rules. The
 15 commission may adopt rules to prevent damage by
 16 nonindigenous wildlife to native wildlife, agricultural
 17 interests, or public health and safety. The commission may
 18 adopt rules for the welfare of any nonindigenous wildlife
 19 imported into and possessed within the state.

20 Section 3. Nonindigenous wildlife -- categories
 21 designated. For the purposes of [this act], the commission
 22 may designate categories of species of nonindigenous
 23 wildlife as follows:

24 (1) species that may not be imported into or possessed
 25 within the state;

1 (2) species that may be imported and possessed by
 2 permit only;

3 (3) species that may be imported and possessed without
 4 a permit; and

5 (4) species that may be potentially harmful.

6 Section 4. Importation permit. The department may
 7 issue permits to individuals, organizations, institutions,
 8 and governmental agencies for the importation of
 9 nonindigenous wildlife in accordance with the rules adopted
 10 pursuant to [this act] by the commission.

11 Section 5. Permit fee -- disposition. The department
 12 may issue a permit only upon application and payment of a
 13 nonrefundable application fee. The amount of the fee shall
 14 be determined by the department. Fees generated by the
 15 applications shall be expended exclusively for the
 16 administration and enforcement of [this act].

17 Section 6. Fee exemption. Institutions of higher
 18 learning, governmental agencies, and other bona fide
 19 scientific institutions as determined by the department are
 20 exempt from payment of the application fee when using
 21 nonindigenous wildlife for research purposes.

22 Section 7. Application for permit. The application for
 23 permits for the importation, possession, or transportation
 24 of nonindigenous wildlife must include:

25 (1) the true scientific name of each species;

- 1 (2) the quantity of each species;
 2 (3) the names and addresses of the consignee and
 3 consignor; and
 4 (4) a description of the methods to be used in the
 5 control and containment of the animals.

6 Section 8. Exception to permit requirement for certain
 7 progeny. The provisions of [this act] and rules adopted
 8 pursuant thereto apply to the progeny of any nonindigenous
 9 wildlife imported or possessed under these laws and rules,
 10 except that no permit is required for the possession of the
 11 progeny if a permit has already been obtained by that owner
 12 for the parent and the progeny are kept at the same site.

13 Section 9. Possession and transportation prohibited
 14 without permit. No person may possess or transport
 15 nonindigenous wildlife except in accordance with the rules
 16 adopted pursuant to [this act] by the commission.

17 Section 10. Escape or release of nonindigenous
 18 wildlife. No person having possession or control of any
 19 nonindigenous wildlife legally imported may intentionally
 20 free or knowingly permit the escape or release of such
 21 wildlife except in accordance with the rules adopted
 22 pursuant to [this act] by the commission.

23 Section 11. Inspection. The department of fish and
 24 game and the department of livestock may inspect the health
 25 and conditions of confinement of wildlife imported,

1 possessed, or transported under permits granted pursuant to
 2 [this act].

3 Section 12. Revocation of permit. The department may
 4 in accordance with the Montana Administrative Procedure Act
 5 revoke the permit of a permittee found not to be in
 6 compliance with [this act] or rules adopted pursuant
 7 thereto.

8 Section 13. Destruction authorized. The department may
 9 destroy any nonindigenous wildlife determined to be
 10 illegally at large and that are of a species designated by
 11 the rules adopted pursuant to [this act] to be potentially
 12 harmful.

13 Section 14. Codification. Sections 1 through 13 are
 14 intended to be codified as an integral part of Title 87,
 15 chapter 5, and the provisions contained in Title 87 apply to
 16 sections 1 through 13.

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