

House Bill 787

In The House

February 16, 1981

Introduced and referred
to Committee on Taxation.

February 18, 1981

Rereferred to Committee on
Fish and Game.

1 *Urey* HOUSE BILL NO. 787 *Berg Azzaret*
 2 INTRODUCED BY *Anderson* *Waldron* *Corn* *Paulsen*
 3 *Waldron* *Keedy* *HARP* *Waldron* *Engene* *Zeigler*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A NONGAME
 5 WILDLIFE COUNCIL, A NONGAME WILDLIFE ACCOUNT, AND FUNDING
 6 THROUGH A VOLUNTARY NONGAME WILDLIFE CONTRIBUTION CHECKOFF
 7 ON INCOME TAX FORMS; AMENDING SECTION 87-5-102, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Voluntary checkoff for
 11 nongame wildlife management. (1) Each individual taxpayer
 12 who is required to file an income tax return under Title 15,
 13 chapter 30, may contribute to the funding of management of
 14 nongame wildlife in Montana by marking the appropriate box
 15 on the state income tax return.

16 (2) Each Montana state individual income tax return
 17 form shall contain a provision for indicating a contribution
 18 to the nongame wildlife program in substantially the
 19 following form:

20 Montana nongame wildlife program funding. Check the
 21 appropriate blank if you wish to designate ___\$2, ___\$5, or
 22 ___\$10 of your tax refund, or if you are including ___\$2,
 23 ___\$5, or ___\$10 in addition to the amount of tax owed, to
 24 help fund the nongame wildlife program in Montana. On a
 25 joint return, check the appropriate blank if your spouse

1 wishes to contribute ___\$2, ___\$5, or ___\$10 for the same
 2 purpose.

3 (3) Money received under this section shall be
 4 deposited in the nongame wildlife account created by
 5 [section 7].

6 Section 2. Section 87-5-102, MCA, is amended to read:
 7 "87-5-102. Definitions. As used in this part, the
 8 following definitions apply:

9 ~~(1) "Account" means the nongame wildlife account~~
 10 ~~established in [section 7].~~

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

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

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

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

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

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

25 (e) any combination of the foregoing factors.

1 ~~(3)~~(4) "Management" means the collection and
 2 application of biological information for the purposes of
 3 increasing the number of individuals within species and
 4 populations of wildlife up to the optimum carrying capacity
 5 of their habitat and maintaining such levels. The term
 6 includes the entire range of activities that constitute a
 7 modern scientific resource program including but not limited
 8 to research, census, law enforcement, habitat acquisition
 9 and improvement, and education. Also included within the
 10 term, when and where appropriate, is the periodic or total
 11 protection of species or populations as well as regulated
 12 taking.

13 ~~(4)~~(5) "Nongame wildlife" means any wild mammal, bird,
 14 amphibian, reptile, fish, mollusk, crustacean, or other wild
 15 animal not otherwise legally classified by statute or
 16 regulation of this state. Animals designated by statute or
 17 regulation of this state as predatory in nature are not
 18 classified as nongame wildlife for purposes of this part.

19 ~~(6)~~ "Council" means the Montana nongame wildlife
 20 council provided for in [section 3].

21 ~~(5)~~(7) "Optimum carrying capacity" means that point at
 22 which a given habitat can support healthy populations of
 23 wildlife species, having regard to the total ecosystem,
 24 without diminishing the ability of the habitat to continue
 25 that function.

1 ~~(6)~~(8) "Person" means any individual, firm,
 2 corporation, association, or partnership.

3 ~~(7)~~(9) "Take" means to harass, hunt, capture, or kill
 4 or attempt to harass, hunt, capture, or kill wildlife.

5 ~~(8)~~(10) "Wildlife" means any wild mammal, bird,
 6 reptile, amphibian, fish, mollusk, crustacean, or other wild
 7 animal or any part, product, egg, or offspring or the dead
 8 body or parts thereof."

9 **NEW SECTION.** Section 3. Montana nongame wildlife
 10 council. (1) There is a Montana nongame wildlife council.

11 (2) The council consists of five members, four of whom
 12 shall be appointed by the governor and the fifth who shall
 13 be chosen by the other four members.

14 (3) The members appointed shall be chosen as follows:

15 (a) two members from the membership of nonprofit
 16 agricultural organizations; and

17 (b) two members from the membership of nonprofit
 18 wildlife conservation organizations.

19 (4) Members shall serve 2-year terms.

20 (5) The council is allocated to the department of
 21 fish, wildlife, and parks for administrative purposes only
 22 as provided in 2-15-121.

23 (6) The council is not subject to the provisions of
 24 2-15-122, except as otherwise provided for in [section 4].

25 **NEW SECTION.** Section 4. Council meetings --

1 requirements -- expenses -- procedures. (1) The council
2 shall meet at least twice annually and shall also meet at
3 other times at the request of the department or by the call
4 of the chairman or a majority of the council members.

5 (2) The members are entitled to be paid for their
6 expenses in conducting council business as provided for in
7 2-15-122(5). Any expenses incurred by the council in the
8 conduct of council business shall be paid out of the nongame
9 wildlife account as provided for in [section 7].

10 (3) The council shall elect a chairman and any other
11 officers it considers necessary at its first meeting, after
12 July 1 of each year.

13 (4) A majority of the council constitutes a quorum to
14 conduct business.

15 (5) All recommendations made and actions taken by the
16 council must be by majority vote of the quorum.

17 NEW SECTION. Section 5. Council responsibilities. The
18 council shall:

19 (1) advise the department generally as to the
20 management of nongame wildlife;

21 (2) review and comment upon specific proposals by the
22 department for nongame wildlife management;

23 (3) propose to the department rules and activities
24 affecting nongame wildlife management;

25 (4) solicit and assess public comments concerning

1 nongame wildlife management; and

2 (5) prepare for the public and the legislature a
3 biennial report on the nongame wildlife program.

4 NEW SECTION. Section 6. Department to consult with
5 council. (1) The director and the department shall consult
6 with the council:

7 (a) before adopting any regulations as provided for in
8 87-5-105 and 87-5-110;

9 (b) before establishing any programs as provided for
10 in 87-5-108; or

11 (c) in adopting any policies for the implementation of
12 the nongame wildlife program.

13 (2) The director and the department shall seek to
14 implement and revise any proposed regulations, programs, and
15 policies in accordance with the recommendations of the
16 council.

17 (3) The director and the department shall consider for
18 adoption or implementation any regulations, policies, or
19 activities proposed by the council.

20 NEW SECTION. Section 7. Nongame wildlife account. (1)
21 There is a nongame wildlife account in the earmarked revenue
22 fund provided for in 17-2-102.

23 (2) All money collected under [section 1] shall be
24 deposited in the account.

25 (3) Money in the account shall be used by the

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1 department to provide adequate funding for the nongame
2 wildlife program provided for in this part. The money is
3 available to the department in the same manner as provided
4 in 87-1-601.

5 NEW SECTION. Section 8. Report. The department shall
6 report in detail to the house taxation committee during the
7 1983 session of the legislature the results of any program
8 utilizing money from the nongame wildlife account and shall
9 list in detail how the money collected was used.

10 Section 9. Codification instruction. (1) Section 1 is
11 intended to be codified as an integral part of Title 15,
12 chapter 30, and the provisions of Title 15, chapter 30,
13 apply to section 1.

14 (2) Section 3 is intended to be codified as an
15 integral part of Title 2, chapter 15, part 34.

16 (3) Sections 4 through 8 are intended to be codified
17 as an integral part of Title 87, chapter 5, part 1, and the
18 provisions of Title 87, chapter 5, part 1, apply to sections
19 4 through 8.

-End-