

HOUSE BILL NO. 661

Introduced: 02/05/83

Referred to Committee on Fish & Game: 02/05/83

Hearing: 2/10/83

Report: 02/10/83, Do Not Pass

Bill Killed: 02/12/83

1 House BILL NO. 661
2 INTRODUCED BY Ream Nisbet

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A NONGAME
5 WILDLIFE ADVISORY COUNCIL AND PROVIDE RESPONSIBILITIES FOR
6 THE COUNCIL; AMENDING SECTION 87-5-102, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 ~~(1) "Council" means the Montana nongame wildlife~~
13 ~~advisory council provided for in [section 2].~~

14 ~~†††121~~ "Ecosystem" means a system of living organisms
15 and their environment, each influencing the existence of the
16 other and both necessary for the maintenance of life.

17 ~~†††131~~ "Endangered species" means any species or
18 subspecies of wildlife actively threatened with extinction
19 due to any of the following factors:

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

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

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

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

3 (e) any combination of the foregoing factors.

4 ~~†††141~~ "Management" means the collection and
5 application of biological information for the purposes of
6 increasing the number of individuals within species and
7 populations of wildlife up to the optimum carrying capacity
8 of their habitat and maintaining such levels. The term
9 includes the entire range of activities that constitute a
10 modern scientific resource program including but not limited
11 to research, census, law enforcement, habitat acquisition
12 and improvement, and education. Also included within the
13 term, when and where appropriate, is the periodic or total
14 protection of species or populations as well as regulated
15 taking.

16 ~~†††151~~ "Nongame wildlife" means any wild mammal, bird,
17 amphibian, reptile, fish, mollusk, crustacean, or other wild
18 animal not otherwise legally classified by statute or
19 regulation of this state. Animals designated by statute or
20 regulation of this state as predatory in nature are not
21 classified as nongame wildlife for purposes of this part.

22 ~~†††161~~ "Optimum carrying capacity" means that point at
23 which a given habitat can support healthy populations of
24 wildlife species, having regard to the total ecosystem,
25 without diminishing the ability of the habitat to continue

1 that function.

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

4 ~~(7)(2)~~ "Take" means to harass, hunt, capture, or kill
5 or attempt to harass, hunt, capture, or kill wildlife.

6 ~~(8)(2)~~ "Wildlife" means any wild mammal, bird,
7 reptile, amphibian, fish, mollusk, crustacean, or other wild
8 animal or any part, product, egg, or offspring or the dead
9 body or parts thereof."

10 **NEW SECTION.** Section 2. Montana nongame wildlife
11 advisory council. (1) There is a Montana nongame wildlife
12 advisory council.

13 (2) The council consists of six members appointed by
14 the governor.

15 (3) The members appointed must be chosen as follows:

16 (a) two members representing agricultural interests;

17 (b) two members representing wildlife conservation
18 interests;

19 (c) one professional wildlife biologist; and

20 (d) one member representing industrial interests.

21 (4) Council members shall serve 2-year terms.

22 (5) The council is allocated to the department of
23 fish, wildlife, and parks for administrative purposes only.

24 (6) The council is not subject to the provisions of
25 2-15-122 except as otherwise provided in [section 3].

1 **NEW SECTION.** Section 3. Meetings and structure. (1)

2 The council shall meet at least twice annually and shall
3 meet at other times at the request of the department or on
4 the call of the chairman or a majority of its members.

5 (2) The members are entitled to reimbursement for
6 their expenses in conducting council business in the amounts
7 provided for in 2-15-122(5).

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

11 (4) A majority of the membership of the council
12 constitutes a quorum to conduct business.

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

15 **NEW SECTION.** Section 4. Responsibilities of council.
16 The council shall:

17 (1) advise the department as to the management of
18 nongame wildlife;

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

21 (3) propose rules and activities affecting nongame
22 wildlife management;

23 (4) solicit and assess public comments concerning
24 nongame wildlife management; and

25 (5) prepare for the public and the legislature a

1 biennial report on the nongame wildlife program.

2 ~~NEW SECTION.~~ Section 5. Consultation with the
3 council. (1) The director and the department shall consult
4 with the council:

5 (a) before adopting any regulations as provided in
6 87-5-105 and 87-5-110;

7 (b) before establishing any program as provided in
8 87-5-103; or

9 (c) in adopting any policies for the implementation of
10 the nongame wildlife program.

11 (2) The director and the department shall give the
12 utmost consideration to implementing and revising any
13 proposed regulations, programs, or policies in accordance
14 with the recommendations of the council.

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

18 ~~NEW SECTION.~~ Section 6. Codification instruction. (1)
19 Section 2 is intended to be codified as an integral part of
20 Title 2, chapter 15, part 34.

21 (2) Sections 3 through 5 are intended to be codified
22 as an integral part of Title 87, chapter 5, part 1, and the
23 provisions of Title 87, chapter 5, part 1, apply to sections
24 3 through 5.

-End-

STATE OF MONTANA

REQUEST NO. 353-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 661 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 661 establishes a six member nongame advisory council and provides compensation and per diem be paid to each member.

ASSUMPTIONS:

- 1) Assume only two meetings per year.
- 2) Assume each meeting lasts one day.
- 3) Compensation for each member is \$25 per day.
- 4) Assume average round trip mileage is 400 miles reimbursed at 20¢ per mile.
(Average based on total distances from Helena to each of the seven FWP regional headquarters as we do not know from which areas members will be appointed.)
- 5) Assume per diem will be \$37.50 per day.
- 6) Assume effective date will be 7/1/83.

FISCAL IMPACT:

	<u>FY84</u>	<u>FY85</u>
Under Current Law	-0-	-0-
Under Proposed Law	<u>\$1,710</u>	<u>\$1,710</u>
Increased Expenditures	<u>\$1,710</u>	<u>\$1,710</u>

TECHNICAL NOTE:

No funding source provided.

FISCAL NOTE 13:G/1


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-14-83