

HOUSE BILL NO. 770

INTRODUCED BY REAM, YELLOWTAIL, E. SMITH, RANEY

IN THE HOUSE

February 11, 1985	Introduced and referred to Committee on Fish and Game.  Fiscal Note requested.
February 15, 1985	Fiscal Note returned.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.  Statement of Intent attached.  Bill printed and placed on members' desks.
February 22, 1985	Second reading, do pass.  Considered correctly engrossed.
February 23, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Fish and Game.
March 27, 1985	Committee recommend bill be concurrent in as amended. Report adopted.  Statement of Intent amended.
March 29, 1985	Second reading, concurred in.

April 1, 1985

Third reading, concurred in.  
Ayes, 48; Noes, 0.

Returned to House with  
amendments and amended  
Statement of Intent.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments  
and amended Statement of  
Intent concurred in.

On motion, rules suspended and  
bill placed on third reading  
this day.

Third reading, amendments  
and amended Statement of  
Intent concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 770  
 2 INTRODUCED BY Ream Upshawtail E. Smith  
 3 Kang

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONTROL THE  
 5 IMPORTATION FOR INTRODUCTION AND THE TRANSPLANTATION OR  
 6 INTRODUCTION OF WILDLIFE; AMENDING SECTION 87-3-105, MCA."

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

9 Section 1. Section 87-3-105, MCA, is amended to read:

10 "87-3-105. Unlawful introduction-of-animals to import  
 11 for introduction or to introduce or transplant wildlife. #t  
 12 Except as provided in [section 12], it is unlawful for any  
 13 person to import for introduction or to transplant or  
 14 introduce any ~~fish--or-fish-eggs-into-any-body-of-water-in~~  
 15 ~~the-state-and-it-is-unlawful-for-any-person--to--transplant~~  
 16 ~~or--introduce-any-species-of-game-birds,-game-or-fur-bearing~~  
 17 ~~animals,-or-nongame~~ wildlife into the state of Montana  
 18 ~~without---first---having--obtained--authorization--from--the~~  
 19 ~~department unless done in accordance with the provisions of~~  
 20 [sections 2 through 13]."

21 NEW SECTION. Section 2. Purpose. The legislature  
 22 finds that in order to protect the native wildlife and plant  
 23 species of Montana and to protect the agricultural  
 24 production of Montana, it is necessary to provide for the  
 25 control of the importation for introduction and the

1 transplantation or introduction of wildlife in the state.  
 2 Serious threats, known and unknown, to the well-being of  
 3 native wildlife and plant species and to agricultural  
 4 production, resulting from the introduction of wildlife into  
 5 natural habitats, necessitate the prohibition of the  
 6 importation for introduction and the transplantation or  
 7 introduction of wildlife into natural habitats unless it can  
 8 be shown that no harm will result from such transplantation  
 9 or introduction. Any importation for introduction or the  
 10 transplantation or introduction permitted must be conducted  
 11 in a manner to assure that the introduced or transplanted  
 12 population can be controlled if harm arises from unforeseen  
 13 effects.

14 NEW SECTION. Section 3. Definitions. For purposes of  
 15 [sections 2 through 13], the following definitions apply:

- 16 (1) "Feral" means the appearance in a natural habitat  
 17 of an animal that has escaped domestication and become wild.
- 18 (2) "Importation" means the act of bringing into the  
 19 state any wildlife.
- 20 (3) "Introduction" means the release of or attempt to  
 21 release, intentional or otherwise, wildlife into natural  
 22 habitats of the state from outside the state.
- 23 (4) "Natural habitat" means any area in which the  
 24 introduction of wildlife species may result in an  
 25 uncontrolled, naturally reproducing population of that



1 species becoming established.

2 (5) "Transplantation" means the release of or attempt  
3 to release, intentional or otherwise, wildlife from one  
4 place within the state into natural habitats in another part  
5 of the state.

6 (6) "Wildlife" means any wild mammal, bird, reptile,  
7 amphibian, fish, mollusk, crustacean, or other wild animal  
8 or the egg or offspring thereof.

9 NEW SECTION. Section 4. Control of importation for  
10 introduction and transplantation or introduction of  
11 wildlife. Except as otherwise provided, the importation fo  
12 introduction or the transplantation or introduction of a  
13 wildlife is prohibited unless the commission determines,  
14 based upon scientific investigation and after public  
15 hearing, that a species of wildlife poses no threat of harm  
16 to native wildlife and plants or to agricultural production  
17 and that the transplantation or introduction of a species  
18 has significant public benefits.

19 NEW SECTION. Section 5. Control of wildlife species  
20 permitted to be transplanted or introduced. Any wildlife  
21 species listed in [section 10] or approved by the commission  
22 for introduction or transplantation may be introduced or  
23 transplanted only subject to a plan developed by the  
24 department to assure that the population can be controlled  
25 if any unforeseen harm should occur.

1 NEW SECTION. Section 6. Extermination or control of  
2 transplanted or introduced wildlife species posing threat.  
3 With the exception of the species listed in [section 10],  
4 any wildlife species transplanted or introduced in the state  
5 may be exterminated or controlled by the department if the  
6 commission, after scientific investigation by the department  
7 and after public hearing, determines that the species poses  
8 harm to native wildlife or plants or to agricultural  
9 production. If the threat of harm is immediate, the  
10 commission may by emergency rule, without hearing, authorize  
11 the department to take immediate action to control or  
12 exterminate a transplanted or introduced wildlife species.

13 NEW SECTION. Section 7. Authority for commission to  
14 control importation generally of certain wildlife species.  
15 The commission may, after public hearing, list by  
16 administrative rule wildlife species prohibited from  
17 importation for captive breeding for research or commercial  
18 purposes or for the commercial pet trade if the commission  
19 finds, based on scientific investigation, that the species,  
20 because of behavioral traits or other biological  
21 considerations, would not be readily subject to control by  
22 man while in captivity or that if released into natural  
23 habitat would pose a substantial threat to native wildlife  
24 and plants or agricultural production.

25 NEW SECTION. Section 8. Authority of department to

1 control feral animals. The department may control or  
2 exterminate any feral animal found posing a threat to native  
3 wildlife and plants.

4 NEW SECTION. Section 9. Consultation with the  
5 departments of agriculture and livestock. The commission and  
6 the department shall consult with the departments of  
7 agriculture and livestock in all matters relating to the  
8 control of wildlife species that may have a harmful effect  
9 on agricultural production or livestock operations in the  
10 state.

11 NEW SECTION. Section 10. Wildlife species authorized  
12 for introduction or transplanted. (1) The following  
13 wildlife species may be introduced or transplanted by the  
14 department:

- 15 (a) gray (Hungarian) partridge (*Perdix perdix*);
- 16 (b) chukar partridge (*Alectoris chukar*);
- 17 (c) ring-necked pheasant (*Phasianus colchicus*);
- 18 (d) turkey (*Meleagris gallopavo*);
- 19 (e) rainbow trout (*Salmo gairdneri*);
- 20 (f) golden trout (*Salmo aquabonita*);
- 21 (g) brown trout (*Salmo trutta*);
- 22 (h) brook trout (*Salvelinus fontinalis*);
- 23 (i) lake trout (*Salvelinus namaycush*);
- 24 (j) northern pike (*Esox lucius*);
- 25 (k) black bullhead (*Ictalurus melas*);

- 1 (l) yellow bullhead (*Ictalurus natalis*);
- 2 (m) largemouth bass (*Micropterus salmoides*);
- 3 (n) smallmouth bass (*Micropterus dolomieu*);
- 4 (o) pumpkinseed sunfish (*Lepomis gibbosus*);
- 5 (p) bluegill (*Lepomis macrochirus*);
- 6 (q) green sunfish (*Lepomis cyanellus*);
- 7 (r) rock bass (*Ambloplites rupestris*);
- 8 (s) black crappie (*Pomoxis nigromaculatus*);
- 9 (t) white crappie (*Pomoxis annularis*);
- 10 (u) yellow perch (*Perca flavescens*);
- 11 (v) walleye (*Stizostedion vitreum*);
- 12 (w) cisco (tulibee) (*Coregonus artedii*);
- 13 (x) spottail shiner (*Notropis hudsonius*);
- 14 (y) kokanee salmon (*Oncorhynchus nerka*);
- 15 (z) chinook salmon (*Oncorhynchus tshawytscha*);
- 16 (aa) lake whitefish (*Coregonus clupeaformis*);
- 17 (bb) golden shiner (*Notemigonus crysoleucas*).

18 (2) The commission may by rule authorize the  
19 department to transplant or introduce species of wildlife  
20 not listed in subsection (1).

21 NEW SECTION. Section 11. Rulemaking. (1) The  
22 commission may adopt rules to implement [sections 2 through  
23 7 and 10]. In implementing [section 5], the commission may  
24 adopt rules approving species of wildlife that may be  
25 introduced by the department. In implementing [section 6],

1 the commission may adopt rules to authorize the control or  
 2 extermination by the department of introduced wildlife  
 3 species.

4 (2) The department may adopt rules to implement  
 5 [sections 5, 6, and 8]. In implementing [sections 5 and 6],  
 6 the department may not adopt rules in the subject areas  
 7 reserved to the commission in subsection (1).

8 NEW SECTION. Section 12. Applicability to other  
 9 provisions for importation or introduction of wildlife.  
 10 [Sections 2 through 13] do not apply to the importation of  
 11 wildlife for the commercial pet trade or to the provision  
 12 on importation or introduction of wildlife contained in t  
 13 following laws:

- 14 (1) 87-3-207 and 87-3-208;
- 15 (2) 87-3-221 through 87-3-224;
- 16 (3) 87-4-422;
- 17 (4) 87-5-112;
- 18 (5) 87-5-205;
- 19 (6) 87-5-302; or
- 20 (7) Title 81, chapter 2.

21 NEW SECTION. Section 13. Penalty -- license and  
 22 permit revocation and denial. A person who violates a  
 23 provision of [sections 2 through 13] is guilty of a  
 24 misdemeanor punishable as provided in 87-1-102, and the  
 25 department, upon conviction of the person, shall revoke any

1 license or permit issued by it under this title to the  
 2 person and deny any application by the person for a license  
 3 or permit under this title for a period not to exceed 2  
 4 years from the date of the conviction.

5 NEW SECTION. Section 14. Codification instruction.  
 6 Sections 2 through 13 are intended to be codified as an  
 7 integral part of Title 87, chapter 5, and the provisions of  
 8 Title 87 apply to sections 2 through 13.

-End-

## STATE OF MONTANA

## FISCAL NOTE

REQUEST NO. FNN 398-85Form BD-15

In compliance with a written request received February 11, 19 85, there is hereby submitted a Fiscal Note for House Bill 770 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:

An act to control the importation for introduction and the transplantaion or introduction of wildlife.

ASSUMPTIONS:

1. A current law exists which already gives the department authority to authorize importation and release of wildlife species. The authority for control of species escaping or becoming feral is unclear under the current law and is defined under the proposed statute.
2. The department currently spends approximately 65 days responding to requests and investigations pertaining to the current law.
3. Additional costs to the department would be initial costs incurred to control or exterminate a population of feral mute swan.
4. The long-range costs should not be significantly greater than costs under the current law.

FISCAL IMPACT:Expenditures:

	<u>FY 1986</u>			<u>FY 1987</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
State Special Revenue						
Personal Services	\$ 6,000	\$ 6,912	\$ 912	\$ 6,000	\$ 6,000	\$ -0-
Operating Expenses	1,000	2,000	1,000	1,000	1,000	-0-
	\$ 7,000	\$ 8,912	\$ 1,912	\$ 7,000	\$ 7,000	\$ -0-

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Not applicable

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

We do not predict any significant expenditures over current levels except to control a population of feral mute swans. Any additional costs in subsequent fiscal years would be minimal and on a case by case basis.

TECHNICAL NOTE:

None

*David L Hunter*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: Feb 15, 1985

HB 770

APPROVED BY COMM.  
ON FISH AND GAME

1 STATEMENT OF INTENT

2 HOUSE BILL 770

3 House Fish and Game Committee

4

5 A statement of intent is required for this bill because  
6 section 11 grants rulemaking authority to both the fish and  
7 game commission and the department of fish, wildlife, and  
8 parks. Section 11 specifies what sections each entity may  
9 implement.

10 It is the intent of the legislature that the department  
11 adopt detailed rules pertaining to the procedure for  
12 accepting and processing applications for permission to  
13 import for introduction, introduce, or transplant wildlife.  
14 The department should address information such as names of  
15 applicants, species of wildlife, source of obtaining  
16 wildlife, purpose for introducing or transplanting, benefit  
17 to the public, potential for harm, and processing fee.

18 It is the intent of the legislature that the commission  
19 review proposals for the introduction or transplantation of  
20 wildlife species in the state on a case-by-case basis. It is  
21 also the intent of the legislature that the department  
22 develop a plan for those applications approved by the  
23 commission to assure that the population can be controlled  
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12        NEW SECTION. Section 10. Wildlife species authorized  
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 16 APPROVAL OF THE COMMISSION:

- 17        (a) gray (Hungarian) partridge (*Perdix perdix*);
- 18        (b) chukar partridge (*Alectoris chukar*);
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 11 provisions for importation or introduction of wildlife.  
 12 [Sections 2 THROUGH 6 AND 8 through 13] do not apply to the  
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 15 contained in the following laws:

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- 17 †1) (2) 87-3-207 and 87-3-208;
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24 NEW SECTION. Section 13. Penalty -- license and  
 25 permit revocation and denial. A person who violates a

1 provision of [sections 2 through 13] is guilty of a  
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 3 department, upon conviction of the person, shall revoke any  
 4 license or permit issued by it under this title to the  
 5 person and deny any application by the person for a license  
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 7 years from the date of the conviction.

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 9 Sections 2 through 13 are intended to be codified as an  
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 11 Title 87 apply to sections 2 through 13.

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## 1 STATEMENT OF INTENT

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14 wildlife is prohibited unless the commission determines,  
15 based upon scientific investigation and after public  
16 hearing, that a species of wildlife poses no threat of harm  
17 to native wildlife and plants or to agricultural production  
18 and that the transplantation or introduction of a species  
19 has significant public benefits.

20 NEW SECTION. Section 5. Control of wildlife species  
21 permitted to be transplanted or introduced. Any wildlife  
22 species listed in [section 10] or approved by the commission  
23 for introduction or transplantation may be introduced or  
24 transplanted only subject to a plan developed by the  
25 department to assure that the population can be controlled

1 if any unforeseen harm should occur.

2 NEW SECTION. Section 6. Extermination or control of  
3 transplanted or introduced wildlife species posing threat.  
4 With the exception of the species listed in [section 10],  
5 any wildlife species transplanted or introduced in the state  
6 may be exterminated or controlled by the department if the  
7 commission, after scientific investigation by the department  
8 and after public hearing, determines that the species poses  
9 harm to native wildlife or plants or to agricultural  
10 production. If the threat of harm is immediate, the  
11 commission may by emergency rule, without hearing, authorize  
12 the department to take immediate action to control or  
13 exterminate a transplanted or introduced wildlife species.

14 NEW SECTION. Section 7. Authority for commission to  
15 control importation generally of certain wildlife species.  
16 The commission may, after public hearing, list by  
17 administrative rule wildlife species prohibited from  
18 importation for captive breeding for research or commercial  
19 purposes or for the commercial pet trade if the commission  
20 finds, based on scientific investigation, that the species,  
21 because of behavioral traits or other biological  
22 considerations, would not be readily subject to control by  
23 man while in captivity or that if released into natural  
24 habitat would pose a substantial threat to native wildlife  
25 and plants or agricultural production.

1        NEW SECTION. Section 8. Authority of department to  
 2 control feral animals. The department may control or  
 3 exterminate any feral animal found posing a threat to native  
 4 wildlife and plants.

5        NEW SECTION. Section 9. Consultation with the  
 6 departments of agriculture and livestock. The commission and  
 7 the department shall consult with the departments of  
 8 agriculture and livestock in all matters relating to the  
 9 control of wildlife species that may have a harmful effect  
 10 on agricultural production or livestock operations in the  
 11 state.

12        NEW SECTION. Section 10. Wildlife species authorized  
 13 for introduction or transplantation. (1) The following  
 14 wildlife species may be introduced or transplanted by the  
 15 department BASED UPON SCIENTIFIC INVESTIGATION AND UPON  
 16 APPROVAL OF THE COMMISSION:

- 17        (a) gray (Hungarian) partridge (*Perdix perdix*);
- 18        (b) chukar partridge (*Alectoris chukar*);
- 19        (c) ring-necked pheasant (*Phasianus colchicus*);
- 20        (d) turkey (*Meleagris gallopavo*);
- 21        (e) rainbow trout (*Salmo gairdneri*);
- 22        (f) golden trout (*Salmo aquabonita*);
- 23        (g) brown trout (*Salmo trutta*);
- 24        (h) brook trout (*Salvelinus fontinalis*);
- 25        (i) lake trout (*Salvelinus namaycush*);

- 1        (j) northern pike (*Esox lucius*);
- 2        (k) black bullhead (*Ictalurus melas*);
- 3        (l) yellow bullhead (*Ictalurus natalis*);
- 4        (m) largemouth bass (*Micropterus salmoides*);
- 5        (n) smallmouth bass (*Micropterus dolomieu*);
- 6        (o) pumpkinseed sunfish (*Lepomis gibbosus*);
- 7        (p) bluegill (*Lepomis macrochirus*);
- 8        (q) green sunfish (*Lepomis cyanellus*);
- 9        (r) rock bass (*Ambloplites rupestris*);
- 10       (s) black crappie (*Pomoxis nigromaculatus*);
- 11       (t) white crappie (*Pomoxis annularis*);
- 12       (u) yellow perch (*Perca flavescens*);
- 13       (v) walleye (*Stizostedion vitreum*);
- 14       (w) cisco (tulibee) (*Coregonus artedii*);
- 15       (x) spottail shiner (*Notropis hudsonius*);
- 16       (y) kokanee salmon (*Oncorhynchus nerka*);
- 17       (z) chinook salmon (*Oncorhynchus tshawytscha*);
- 18       (aa) lake whitefish (*Coregonus clupeaformis*);
- 19       (bb) golden shiner (*Notemigonus crysoleucas*).
- 20       (2) The commission may by rule authorize the  
 21 department to transplant or introduce species of wildlife  
 22 not listed in subsection (1).

23        NEW SECTION. Section 11. Rulemaking.        (1) The  
 24 commission may adopt rules to implement [sections 2 through  
 25 7 and 10]. In implementing [section 5], the commission may



1 adopt rules approving species of wildlife that may be  
2 introduced by the department. In implementing [section 6],  
3 the commission may adopt rules to authorize the control or  
4 extermination by the department of introduced wildlife  
5 species.

6 (2) The department may adopt rules to implement  
7 [sections 5, 6, and 8]. In implementing [sections 5 and 6],  
8 the department may not adopt rules in the subject areas  
9 reserved to the commission in subsection (1).

10 NEW SECTION. Section 12. Applicability to other  
11 provisions for importation or introduction of wildlife.  
12 [Sections 2 THROUGH 6 AND 8 through 13] do not apply to the  
13 importation of wildlife for the commercial pet trade or to  
14 the provisions on importation or introduction of wildlife  
15 contained in the following laws:

16 (1) TITLE 80;

17 (2) 87-3-207 and 87-3-208;

18 (3) 87-3-221 through 87-3-224;

19 (4) 87-4-422;

20 (5) 87-5-112;

21 (6) 87-5-205;

22 (7) 87-5-302; or

23 (8) Title 81, chapter 2.

24 NEW SECTION. Section 13. Penalty -- license and  
25 permit revocation and denial. A person who violates a

1 provision of [sections 2 through 13] is guilty of a  
2 misdemeanor punishable as provided in 87-1-102, and the  
3 department, upon conviction of the person, shall revoke any  
4 license or permit issued by it under this title to the  
5 person and deny any application by the person for a license  
6 or permit under this title for a period not to exceed 2  
7 years from the date of the conviction.

8 NEW SECTION. Section 14. Codification instruction.  
9 Sections 2 through 13 are intended to be codified as an  
10 integral part of Title 87, chapter 5, and the provisions of  
11 Title 87 apply to sections 2 through 13.

-End-

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 770

3 House Fish and Game Committee  
4

5 A statement of intent is required for this bill because  
6 section ~~11~~ 10 grants rulemaking authority to both the fish  
7 and game commission and the department of fish, wildlife,  
8 and parks. Section ~~11~~ 10 specifies what sections each entity  
9 may implement.

10 It is the intent of the legislature that the department  
11 adopt detailed rules pertaining to the procedure for  
12 accepting and processing applications for permission to  
13 import for introduction, introduce, or transplant wildlife.  
14 The department should address information such as names of  
15 applicants, species of wildlife, source of obtaining  
16 wildlife, purpose for introducing or transplanting, benefit  
17 to the public, potential for harm, and processing fee.

18 It is the intent of the legislature that the commission  
19 review proposals for the introduction or transplantation of  
20 wildlife species in the state on a case-by-case basis. It is  
21 also the intent of the legislature that the department  
22 develop a plan for those applications approved by the  
23 commission to assure that the population can be controlled  
24 if unforeseen harm should occur.

HOUSE BILL NO. 770

INTRODUCED BY REAM, YELLOWTAIL, E. SMITH, RANEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO CONTROL THE IMPORTATION FOR INTRODUCTION AND THE TRANSPLANTATION OR INTRODUCTION OF WILDLIFE; AMENDING SECTION 87-3-105, MCA."

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

Section 1. Section 87-3-105, MCA, is amended to read:

"87-3-105. Unlawful introduction-of-animals to import for introduction or to introduce or transplant wildlife. Except as provided in [section 12 11], it is unlawful for any person to import for introduction or to transplant or introduce any fish--or-fish-eggs-into-any-body-of-water-in the-state,-and-it-is-unlawful-for-any-person--to--transplant or--introduce-any-species-of-game-birds,-game-or-fur-bearing animals,-or-nongame wildlife into the state of Montana without---first---having--obtained--authorization--from--the department unless done in accordance with the provisions of [sections 2 through 12 12]."

NEW SECTION. Section 2. Purpose. The legislature finds that in order to protect the native wildlife and plant species of Montana and to protect the agricultural production of Montana, it is necessary to provide for the control of the importation for introduction and the

transplantation or introduction of wildlife in the state. Serious threats, known and unknown, to the well-being of native wildlife and plant species and to agricultural production, resulting from the introduction of wildlife into natural habitats, necessitate the prohibition of the importation for introduction and the transplantation or introduction of wildlife into natural habitats unless it can be shown that no harm will result from such transplantation or introduction. Any importation for introduction or the transplantation or introduction permitted must be conducted in a manner to assure that the introduced or transplanted population can be controlled if harm arises from unforeseen effects.

NEW SECTION. Section 3. Definitions. For purposes of [sections 2 through 12 12], the following definitions apply:

- (1) "Feral" means the appearance in a natural habitat of an animal that has escaped domestication and become wild.
(2) "Importation" means the act of bringing into the state any wildlife.
(3) "Introduction" means the release of or attempt to release, intentional or otherwise, wildlife FROM OUTSIDE THE STATE into natural habitats of the state from-outside-the state.
(4) "Natural habitat" means any area in which the introduction of wildlife species may result in an



1 uncontrolled, naturally reproducing population of that  
2 species becoming established.

3 (5) "Transplantation" means the release of or attempt  
4 to release, intentional or otherwise, wildlife from one  
5 place within the state into natural habitats in another part  
6 of the state.

7 (6) "Wildlife" means any wild mammal, bird, reptile,  
8 amphibian, fish, mollusk, crustacean, or other wild animal  
9 or the egg or offspring thereof.

10 NEW SECTION. Section 4. Control of importation for  
11 introduction and transplantation or introduction of  
12 wildlife. Except as otherwise provided, the importation for  
13 introduction or the transplantation or introduction of any  
14 wildlife is prohibited unless the commission determines,  
15 based upon scientific investigation and after public  
16 hearing, that a species of wildlife poses no threat of harm  
17 to native wildlife and plants or to agricultural production  
18 and that the transplantation or introduction of a species  
19 has significant public benefits.

20 NEW SECTION. Section 5. Control of wildlife species  
21 permitted to be transplanted or introduced. Any wildlife  
22 species listed in [section 10 9] or approved by the  
23 commission for introduction or transplantation may be  
24 introduced or transplanted only subject to a plan developed  
25 by the department to assure that the population can be

1 controlled if any unforeseen harm should occur.

2 NEW SECTION. Section 6. Extermination or control of  
3 transplanted or introduced wildlife OR FERAL species posing  
4 threat. With the exception of the species listed in [section  
5 10 9], any wildlife OR FERAL species transplanted or  
6 introduced in the state may be exterminated or controlled by  
7 the department if the commission, after scientific  
8 investigation by the department and after public hearing,  
9 determines that the species poses harm to native wildlife or  
10 plants or to agricultural production. If the threat of harm  
11 is immediate, the commission may by emergency rule, without  
12 hearing, authorize the department to take immediate action  
13 to control or exterminate a transplanted or introduced  
14 wildlife OR FERAL species.

15 NEW SECTION. Section 7. Authority for commission to  
16 control importation generally of certain wildlife species.  
17 The commission may, after public hearing, list by  
18 administrative rule wildlife species prohibited from  
19 importation for captive breeding for research or commercial  
20 purposes or for the commercial pet trade if the commission  
21 finds, based on scientific investigation, that the species,  
22 because of behavioral traits or other biological  
23 considerations, would not be readily subject to control by  
24 man while in captivity or that if released into natural  
25 habitat would pose a substantial threat to native wildlife

1 and plants or agricultural production.

2 ~~NEW SECTION. Section 8. Authority of department to~~  
 3 ~~control feral animals. The department may control or~~  
 4 ~~exterminate any feral animal found posing a threat to native~~  
 5 ~~wildlife and plants.~~

6 NEW SECTION. Section 8. Consultation with the  
 7 departments of agriculture and livestock. The commission and  
 8 the department shall consult with the departments of  
 9 agriculture and livestock in all matters relating to the  
 10 control of wildlife species that may have a harmful effect  
 11 on agricultural production or livestock operations in the  
 12 state.

13 NEW SECTION. Section 9. Wildlife species authorized  
 14 for introduction or transplantation. (1) The following  
 15 wildlife species may be introduced or transplanted by the  
 16 department BASED UPON SCIENTIFIC INVESTIGATION AND UPON  
 17 APPROVAL OF THE COMMISSION:

- 18 (a) gray (Hungarian) partridge (*Perdix perdix*);
- 19 (b) chukar partridge (*Alectoris chukar*);
- 20 (c) ring-necked pheasant (*Phasianus colchicus*);
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- 25 (h) brook trout (*Salvelinus fontinalis*);

- 1 (i) lake trout (*Salvelinus namaycush*);
- 2 (j) northern pike (*Esox lucius*);
- 3 (k) black bullhead (*Ictalurus melas*);
- 4 (l) yellow bullhead (*Ictalurus natalis*);
- 5 (m) largemouth bass (*Micropterus salmoides*);
- 6 (n) smallmouth bass (*Micropterus dolomieu*);
- 7 (o) pumpkinseed sunfish (*Lepomis gibbosus*);
- 8 (p) bluegill (*Lepomis macrochirus*);
- 9 (q) green sunfish (*Lepomis cyanellus*);
- 10 (r) rock bass (*Ambloplites rupestris*);
- 11 (s) black crappie (*Pomoxis nigromaculatus*);
- 12 (t) white crappie (*Pomoxis annularis*);
- 13 (u) yellow perch (*Perca flavescens*);
- 14 (v) walleye (*Stizostedion vitreum*);
- 15 (w) cisco (tulibee) (*Coregonus artedii*);
- 16 (x) spottail shiner (*Notropis hudsonius*);
- 17 (y) kokanee salmon (*Oncorhynchus nerka*);
- 18 (z) chinook salmon (*Oncorhynchus tshawytscha*);
- 19 (aa) lake whitefish (*Coregonus clupeaformis*);
- 20 (bb) golden shiner (*Notemigonus crysoleucas*).

21 (2) The commission may by rule AND SUBJECT TO THE  
 22 PROVISIONS OF [SECTION 4] authorize the department to  
 23 transplant or introduce species of wildlife not listed in  
 24 subsection (1).

25 NEW SECTION. Section 10. Rulemaking. (1) The

1 commission may adopt rules to implement [sections 2 through  
 2 7 and ~~10~~ 9]. In implementing [section 5], the commission may  
 3 adopt rules approving species of wildlife that may be  
 4 introduced by the department. In implementing [section 6],  
 5 the commission may adopt rules to authorize the control or  
 6 extermination by the department of introduced wildlife  
 7 species.

8 (2) The department may adopt rules to implement  
 9 [sections 5, ~~AND 6, and 8~~. In implementing [sections 5 and  
 10 6], the department may not adopt rules in the subject areas  
 11 reserved to the commission in subsection (1).

12 NEW SECTION. Section 11. Applicability to other  
 13 provisions for importation or introduction of wildlife.  
 14 [Sections 2 THROUGH 6 AND 8 through ~~13~~ 12] do not apply to  
 15 the importation of wildlife for the commercial pet trade or  
 16 to the provisions on importation or introduction of wildlife  
 17 contained in the following laws:

- 18 (1) TITLE 80;
- 19 ~~(2)~~ (2) 87-3-207 and 87-3-208;
- 20 ~~(3)~~ (3) 87-3-221 through 87-3-224;
- 21 ~~(4)~~ (4) 87-4-422;
- 22 ~~(5)~~ (5) 87-5-112;
- 23 ~~(6)~~ (6) 87-5-205;
- 24 ~~(7)~~ (7) 87-5-302; or
- 25 ~~(8)~~ (8) Title 81, chapter 2.

1 NEW SECTION. Section 12. Penalty -- license and  
 2 permit revocation and denial. A person who violates a  
 3 provision of [sections 2 through ~~13~~ 12] is guilty of a  
 4 misdemeanor punishable as provided in 87-1-102, and the  
 5 department, upon conviction of the person, shall revoke any  
 6 license or permit issued by it under this title to the  
 7 person and deny any application by the person for a license  
 8 or permit under this title for a period not to exceed 2  
 9 years from the date of the conviction.

10 NEW SECTION. Section 13. Codification instruction.  
 11 Sections 2 through ~~13~~ 12 are intended to be codified as an  
 12 integral part of Title 87, chapter 5, and the provisions of  
 13 Title 87 apply to sections 2 through ~~13~~ 12.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 3

March 26, 1985

MR. PRESIDENT

We, your committee on SENATE FISH AND GAME

having had under consideration HOUSE BILL No. 770

third reading copy (blue color)

(YELLOWTAIL WILL CARRY)

CONTROL IMPORTING FOR INTRODUCING; INTRODUCING; & TRANSPLANTING WILDLIFE

Respectfully report as follows: That HOUSE BILL No. 770

be amended as follows:

1. Statement of intent, line 6. Following: "section" Strike: "11" Insert: "10"

2. Statement of Intent, line 8. Following: "Section" Strike: "11" Insert: "10"

3. Page 1, line 12. Following: "section" Strike: "12" Insert: "11"

4. Page 1, line 20. Following: "through" Strike: "13" Insert: "12"

5. Page 2, line 15. Following: "through" Strike: "13" Insert: "12"

(continued)

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Carroll

Chairman.

HB 770 Page 2 of 3

March 26, 1985

6. Page 3, line 22. Following: "section" Strike: "10" Insert: "9"

7. Page 4, line 3. Following: "wildlife" Insert: "or feral"

8. Page 4, line 4. Following: "section" Strike: "10" Insert: "9"

9. Page 4, line 5. Following: "wildlife" Insert: "or feral"

10. Page 4, line 13. Following: "wildlife" Insert: "or feral"

11. Page 5, lines 1 through 5. Strike: section 8 in its entirety Renumber: subsequent sections

12. Page 6, line 20. Following: "rule" Insert: "and subject to the provisions of [section 4]"

13. Page 6, line 25. Following: "7 and" Strike: "10" Insert: "9"

14. Page 7, line 7. Following: "sections 5" Strike: ", " Insert: "and" Following: "6" Strike: ", and 8"

15. Page 7, line 12. Following: "through" Strike: "13" Insert: "12"

16. Page 8, line 1. Following: "through" Strike: "13" Insert: "12"

(continued)

Carroll

HB 770  
Page 3 of 3

..... March 26, ..... 1985.....

17. Page 8, line 9.  
Following: "through"  
Strike: "13"  
Insert: "12"

18. Page 8, line 11.  
Following: "through"  
Strike: "13"  
Insert: "12"

KB  
And, as amended  
BE CONCURRED IN

*Max Conover*  
.....  
MAX CONOVER, Chairman