

1 SENATE BILL NO. 73

2 INTRODUCED BY CRIPPEN

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING MONTANA LIVESTOCK, AGRICULTURAL
6 INTERESTS, AND WILDLIFE BY MODIFYING THE MANNER IN WHICH THE FISH, WILDLIFE, AND PARKS
7 COMMISSION MAY RESTRICT THE IMPORTATION OF WILDLIFE BY ALLOWING THE COMMISSION TO
8 DEVELOP A LISTING, BY RULE, RESTRICTING AND REGULATING WILDLIFE IMPORTATION; DEFINING
9 "IMPORT"; INCREASING THE PENALTY FOR THE INTENTIONAL IMPORTATION, INTRODUCTION, OR
10 TRANSPLANTATION OF WILDLIFE; AMENDING SECTIONS 87-5-701, 87-5-702, 87-5-703, 87-5-712, AND
11 87-5-721, MCA; REPEALING SECTION 87-5-112, MCA; AND PROVIDING EFFECTIVE DATES."

12
13 STATEMENT OF INTENT

14 A statement of intent is required for this bill because 87-1-712 grants rulemaking authority to the
15 fish, wildlife, and parks commission to regulate and restrict the importation of certain wildlife.

16 The legislature intends that the commission adopt a "clean list" concept to regulate the importation
17 of wildlife into Montana. A "clean list", as established by rule, would allow the importation of only wildlife
18 species that the commission can be reasonably certain will not pose unacceptable risks to native wildlife
19 and habitat, domestic livestock, and the health and safety of humans, thus providing for management of
20 the known, unknown, and unknowable risks of importing wildlife species.

21 It is further intended that the commission first consider those species that are commonly imported
22 into Montana for the purpose of adopting rules addressing those species that would be effective on the
23 effective date of this act, October 1, 1997. This would allow the continued importation of wildlife species
24 that pose minimal impacts or risks, while prohibiting or restricting the importation of wildlife species that
25 may impose significant impacts or risks.

26 The legislature intends that the commission adopt rules to implement a petition procedure whereby
27 individuals could request the commission to allow importation of a specific species. The requestor must be
28 required to provide the commission with data and analysis demonstrating that importation of the requested
29 species would create minimal impacts or risks.
30

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

2
3 **Section 1.** Section 87-5-701, MCA, is amended to read:

4 **"87-5-701. Purpose.** The legislature finds that in order to protect the native wildlife and plant
5 species of Montana, ~~and~~ to protect the agricultural production of Montana, and to protect human health
6 and safety, it is necessary to provide for the control of ~~the importation, of~~ importation for introduction, ~~and~~
7 ~~the of~~ transplantation or introduction of wildlife in the state. Serious threats, known and unknown, to the
8 well-being of native wildlife and plant species, ~~and~~ to agricultural production, and to human health and
9 safety, resulting from the intentional or accidental introduction of wildlife into natural habitats, necessitate
10 the prohibition of importation, of ~~the~~ importation for introduction, ~~and the of~~ transplantation or introduction
11 of wildlife into natural habitats unless it can be shown that no harm will result from ~~such~~ the transplantation
12 or introduction. Any importation for introduction or the transplantation or introduction permitted must be
13 conducted in a manner to ~~assure~~ ensure that the introduced or transplanted population can be controlled
14 if harm arises from unforeseen effects."

15
16 **Section 2.** Section 87-5-702, MCA, is amended to read:

17 **"87-5-702. Definitions.** For purposes of this part, the following definitions apply:

18 (1) "Feral" means the appearance in a natural habitat of an animal that has escaped ~~domestication~~
19 captivity and become wild.

20 (2) "Import" means to receive, to bring or have brought, or to ship into the state any wildlife from
21 a location outside the state.

22 (3) "Importation" means the act of bringing into the state any wildlife.

23 (4) "Introduction" means the release of or attempt to release, intentional or otherwise, wildlife
24 from outside the state into natural habitats of the state.

25 (5) "Natural habitat" means any area in which the introduction of wildlife species may result in
26 an uncontrolled, naturally reproducing population of that species becoming established.

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

29 (7) "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or
30 other wild animal or the egg, sperm, embryo, or offspring ~~thereof~~ of the wild animal."

1 **Section 3.** Section 87-5-703, MCA, is amended to read:

2 **"87-5-703. Applicability to other provisions for importation or introduction of wildlife.** Sections
3 ~~87-5-701 through 87-5-704, 87-5-711, 87-5-713 through 87-5-716, and 87-5-721 do not apply to the~~
4 ~~importation of wildlife for the commercial pet trade or~~ All sections in this part apply to the importation or
5 introduction of wildlife in addition to the provisions on importation or introduction of wildlife contained in
6 the following laws:

7 (1) Title 80;

8 (2) 87-3-207 and 87-3-208;

9 (3) 87-3-221 through 87-3-224 or 87-3-209, 87-3-210, and 87-3-225 through 87-3-227;

10 (4) 87-4-422;

11 (5) ~~87-5-112;~~

12 ~~(6)~~ 87-5-205;

13 ~~(7)~~(6) 87-5-302; or

14 ~~(8)~~(7) Title 81, chapter 2."

15

16 **Section 4.** Section 87-5-712, MCA, is amended to read:

17 **"87-5-712. Authority for commission to control importation generally of certain wildlife species**
18 ~~-- adoption of rules regarding importation.~~ (1) The commission may, after public hearing, list by
19 ~~administrative rule wildlife species that may be imported as pets, prohibited from importation imported for~~
20 ~~captive breeding for research or commercial purposes or, imported for the commercial pet trade, or imported~~
21 ~~for any other reason~~ if the commission finds, based on scientific investigation, that the species, because
22 of behavioral traits or other biological considerations, would ~~not~~ be readily subject to control by ~~man~~
23 ~~humans~~ while in captivity ~~or~~ and that if released into natural habitat would not pose a substantial threat
24 to native wildlife and plants or agricultural production or would not pose a risk to human health and safety,
25 domestic livestock, or native wildlife through disease transmission, ecological or environmental damage,
26 or threats to health or safety.

27 (2) A person may not import into the state any wildlife species unless the importation of that
28 species is allowed by the commission and the person obtains any required permit from the department.

29 (3) The commission shall adopt rules, based on the hearings, investigations, and findings required
30 in subsection (1), listing:

1 (a) wildlife species that may not be imported;

2 (b) wildlife species that may be imported under established conditions and controls and pursuant
3 to a permit issued by the department; and

4 (c) wildlife species that may be imported without any restrictions because they present minimal
5 disease, ecological, environmental, safety, or health risks.

6 (4) This section does not apply to wildlife whose importation is allowed and regulated by another
7 provision of law.

8 (5) Any importation of wildlife must also comply with the requirements of the department of
9 livestock pursuant to Title 81."

10

11 **Section 5.** Section 87-5-721, MCA, is amended to read:

12 **"87-5-721. Penalty -- license and permit revocation and denial.** (1) Except as provided in
13 subsection (2), a person who violates a provision of this part is guilty of a misdemeanor punishable as
14 provided in 87-1-102, and the department, upon conviction of the person, shall revoke any license or permit
15 issued by it under this title to the person and deny any application by the person for a license or permit
16 under this title for a period not to exceed 2 years from the date of the conviction.

17 (2) A person who intentionally imports, introduces, or transplants fish or wildlife in violation of this
18 part:

19 (a) is guilty of a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000 or
20 imprisonment for not more than 6 months, or both;

21 (b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
22 damages may be recovered on behalf of the public by the department or by the county attorney of the
23 county in which the violation occurred, in a civil action in a court of competent jurisdiction. Money
24 recovered by the department or a county attorney must be deposited in the state special revenue fund as
25 provided in 87-1-601(1).

26 (c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or
27 forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt,
28 fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the
29 effects of the violation exceeds 24 months, a person may be required to forfeit the privilege to hunt, fish,
30 or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or

1 mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime
2 of that person."

3

4 NEW SECTION. **Section 6. Repealer.** Section 87-5-112, MCA, is repealed.

5

6 NEW SECTION. **Section 7. Effective dates.** (1) Except as provided in subsection (2), [this act]
7 is effective October 1, 1997.

8 (2) To facilitate rulemaking by the fish, wildlife, and parks commission, [section 4(1) and (3) and
9 this section] are effective on passage and approval, but rules adopted pursuant to [section 4] may not
10 become effective before October 1, 1997.

11

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0073, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act protecting Montana livestock, agricultural interests and wildlife by modifying the manner in which the Fish, Wildlife and Parks Commission may restrict the importation of wildlife by allowing the commission to develop a listing, by rule, restricting and regulating wildlife importation; defining "import"; and increasing the penalty for intentional importation, introduction or transplation of wildlife.

ASSUMPTIONS:

1. The Fish, Wildlife and Parks Commission will adopt rules to establish a clean list of species that can be imported.
2. It will take the department 62 days to review species and develop formal rules.
3. Twelve applications will be received and reviewed annually. The department will spend eight hours reviewing each application.
4. The department will redirect responsibilities of existing staff to prepare the initial clean list and to perform the application reviews.
4. The department will implement a public education effort on the program. This will include development of a brochure (\$1,800) and 30 second public service announcements (\$500).
5. Distribution and printing of species lists will be \$200 a year.
6. Annually, the enforcement division will require and 30 days of care and feeding for confiscated animals. (\$5/day).
7. The Department of Livestock (DOL) regulates the importation and exportation of domesticated animals.
8. DOL is responsible for the prevention of disease outbreak and potential transmittal of diseases to other animals or humans.

FISCAL IMPACT:

<u>Fish, Wildlife and Parks:</u>	<u>FY98</u> <u>Difference</u>	<u>FY99</u> <u>Difference</u>
Operations	2,650	350
<u>Funding:</u>		
General License Account (02)	2,650	350
<u>Net Impact on Fund Balance: (Revenue minus expense)</u>		
General License Account(02)	(2,650)	(350)

Dave Lewis 1-11-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Bruce D. Crippen 1-13-97
 BRUCE D. CRIPPEN, PRIMARY SPONSOR DATE

Fiscal Note for SB0073, as introduced

SB 73

APPROVED BY COM ON AGRICULTURE,
LIVESTOCK & IRRIGATION

1 SENATE BILL NO. 73

2 INTRODUCED BY CRIPPEN

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING MONTANA LIVESTOCK, AGRICULTURAL
6 INTERESTS, AND WILDLIFE BY MODIFYING THE MANNER IN WHICH THE FISH, WILDLIFE, AND PARKS
7 COMMISSION MAY RESTRICT THE IMPORTATION AND POSSESSION OF WILDLIFE BY ALLOWING THE
8 COMMISSION TO DEVELOP A LISTING, BY RULE, RESTRICTING AND REGULATING WILDLIFE
9 IMPORTATION AND POSSESSION; DEFINING "IMPORT" AND "POSSESSION"; INCREASING THE PENALTY
10 FOR THE INTENTIONAL IMPORTATION, POSSESSION, INTRODUCTION, OR TRANSPLANTATION OF
11 WILDLIFE; AMENDING SECTIONS 87-5-701, 87-5-702, 87-5-703, 87-5-712, AND 87-5-721, MCA;
12 REPEALING SECTION 87-5-112, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

13
14 STATEMENT OF INTENT

15 A statement of intent is required for this bill because 87-1-712 grants rulemaking authority to the
16 fish, wildlife, and parks commission to regulate and restrict the importation AND POSSESSION of certain
17 wildlife.

18 The legislature intends that the commission adopt a "clean list" concept to regulate the importation
19 of wildlife into Montana. A "clean list", as established by rule, would allow the importation of only wildlife
20 species that the commission can be reasonably certain will not pose unacceptable risks to native wildlife
21 and habitat, domestic livestock, and the health and safety of humans, thus providing for management of
22 the known, unknown, and unknowable risks of importing wildlife species. SPECIFICALLY, COMMISSION
23 RULES WOULD ESTABLISH A "CLEAN LIST" OF WILDLIFE SPECIES THAT MAY BE IMPORTED INTO THE
24 STATE WITHOUT RESTRICTION, A "DIRTY LIST" OF WILDLIFE SPECIES THAT MAY NOT BE IMPORTED
25 INTO THE STATE BECAUSE OF THE RISKS THAT THEY PRESENT, AND A "GRAY LIST" OF WILDLIFE
26 SPECIES THAT MAY BE IMPORTED INTO THE STATE UNDER ESTABLISHED CONDITIONS AND
27 CONTROLS PURSUANT TO AN IMPORTATION AND POSSESSION AUTHORIZATION ISSUED BY THE
28 DEPARTMENT OF FISH, WILDLIFE, AND PARKS. THE AUTHORIZATION MUST BE CLEARLY
29 DISTINGUISHED FROM ANIMAL IMPORTATION PERMITS ISSUED BY THE DEPARTMENT OF LIVESTOCK
30 PURSUANT TO TITLE 81, CHAPTER 2, PART 7.

1 It is further intended that the commission first consider those species that are commonly imported
 2 into Montana for the purpose of adopting rules addressing those species that would be effective on the
 3 effective date of this act, October 1, 1997. This would allow the continued importation AND POSSESSION
 4 of wildlife species that pose minimal impacts or risks, while prohibiting or restricting the importation AND
 5 POSSESSION of wildlife species that may impose significant impacts or risks. IT IS INTENDED THAT THE
 6 DEPARTMENT OF FISH, WILDLIFE, AND PARKS CONSULT WITH THE DEPARTMENTS OF AGRICULTURE,
 7 LIVESTOCK, AND PUBLIC HEALTH AND HUMAN SERVICES IN DEVELOPING THE RULES.

8 The legislature intends that the commission adopt rules to implement a petition procedure whereby
 9 individuals could request the commission to allow importation AND POSSESSION of a specific species. The
 10 requestor must be required to provide the commission with data and analysis demonstrating that
 11 importation of the requested species would create minimal impacts or risks.

12 THE LEGISLATURE INTENDS THAT REGULARLY ESTABLISHED AND RECOGNIZED ZOOS
 13 OPERATING AS NONPROFIT ORGANIZATIONS OR EDUCATIONAL INSTITUTIONS WITHIN THE STATE BE
 14 EXEMPT FROM THE PROVISIONS OF THIS BILL IF THE ZOO OR INSTITUTION ESTABLISHES THAT THE
 15 PROPOSED FACILITIES ARE ADEQUATE AND SUFFICIENT TO PROVIDE SECURE CONFINEMENT FOR THE
 16 WILDLIFE IN QUESTION. IT IS INTENDED THAT COMMISSION RULES ESTABLISH WHICH ZOOS AND
 17 EDUCATIONAL INSTITUTIONS QUALIFY FOR THIS EXEMPTION AND INCLUDE A DEFINITION OF WHAT
 18 CONSTITUTES A SECURE FACILITY.

19 THE LEGISLATURE INTENDS THAT COMMISSION RULES DIRECT COORDINATION BETWEEN THE
 20 DEPARTMENTS OF LIVESTOCK AND FISH, WILDLIFE, AND PARKS REGARDING EDUCATIONAL EFFORTS
 21 AND SPECIFIC IMPORTATION AND POSSESSION CONDITIONS, TO ENSURE PUBLIC AWARENESS OF THE
 22 NEED TO COMPLY WITH DISEASE TESTING AND QUARANTINE REQUIREMENTS ADMINISTERED BY THE
 23 DEPARTMENT OF LIVESTOCK, IN ADDITION TO THE REQUIREMENTS OF THIS BILL.

24

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

26

27 **Section 1.** Section 87-5-701, MCA, is amended to read:

28 **"87-5-701. Purpose.** The legislature finds that in order to protect the native wildlife and plant
 29 species of Montana, ~~and~~ to protect the agricultural production of Montana, and to protect human health
 30 and safety, it is necessary to provide for the control of ~~the~~ importation AND POSSESSION, of importation

1 for introduction, ~~and the~~ of transplanta~~tion~~ or introduction of wildlife in the state. Serious threats, known
 2 and unknown, to the well-being of native wildlife and plant species, ~~and~~ to agricultural production, and to
 3 human health and safety, resulting from the intentional or accidental introduction of wildlife into natural
 4 habitats, necessitate the prohibition of importation AND POSSESSION, of ~~the~~ importation for introduction,
 5 and ~~the~~ of transplanta~~tion~~ or introduction of wildlife into natural habitats unless it can be shown that no
 6 harm will result from ~~such~~ the transplanta~~tion~~ or introduction. Any importation for introduction or the
 7 transplanta~~tion~~ or introduction permitted must be conducted in a manner to ~~assure~~ ensure that the
 8 introduced or transplanted population can be controlled if harm arises from unforeseen effects."
 9

10 **Section 2.** Section 87-5-702, MCA, is amended to read:

11 **"87-5-702. Definitions.** For purposes of this part, the following definitions apply:

12 (1) "Feral" means the appearance in a natural habitat of an animal AND ANY OFFSPRING that ~~has~~
 13 HAVE escaped ~~domestication~~ captivity and become wild.

14 (2) "Import" means to receive, to bring or have brought, or to ship into the state any wildlife from
 15 a location outside the state.

16 (3) "Importation" means the act of bringing into the state any wildlife.

17 ~~(3)(4)~~ (4) "Introduction" means the release of or attempt to release, intentional or otherwise, wildlife
 18 from outside the state into natural habitats of the state.

19 ~~(4)(5)~~ (5) "Natural habitat" means any area in which the introduction of wildlife species may result in
 20 an uncontrolled, naturally reproducing population of that species becoming established.

21 (6) "POSSESSION" MEANS TO OWN OR HAVE CONTROL OVER AN ANIMAL FOR PERSONAL USE
 22 OR RESALE.

23 ~~(5)(6)(7)~~ (7) "Transplantation" means the release of or attempt to release, intentional or otherwise,
 24 wildlife from one place within the state into natural habitats in another part of the state.

25 ~~(6)(7)(8)~~ (8) "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean,
 26 or other wild animal or the egg, sperm, embryo, or offspring ~~thereof~~ of the wild animal."
 27

28 **Section 3.** Section 87-5-703, MCA, is amended to read:

29 **"87-5-703. Applicability to other provisions for importation or introduction of wildlife.** ~~Sections~~
 30 ~~87-5-701 through 87-5-704, 87-5-711, 87-5-713 through 87-5-716, and 87-5-721 do not apply to the~~

1 ~~importation of wildlife for the commercial pet trade or~~ All sections in this part apply to the importation or
 2 ~~introduction of wildlife in addition to~~ THIS PART DOES NOT AFFECT THE APPLICABILITY OF the provisions
 3 on importation or introduction of wildlife contained in the following laws:

- 4 (1) Title 80;
- 5 (2) 87-3-207 and 87-3-208;
- 6 (3) 87-3-221 through 87-3-224 or 87-3-209, 87-3-210, and 87-3-225 through 87-3-227;
- 7 (4) 87-4-422;
- 8 (5) ~~87-5-112;~~
- 9 ~~(6)~~ 87-5-205;
- 10 ~~(7)(6)~~ 87-5-302; or
- 11 ~~(8)(7)~~ Title 81, chapter 2."

12
 13 **Section 4.** Section 87-5-712, MCA, is amended to read:

14 **"87-5-712. Authority for commission to control importation generally of certain wildlife species**
 15 **-- adoption of rules regarding importation.** (1) The commission may, after public hearing, list by
 16 ~~administrative rule~~ wildlife species that may be imported AND POSSESSED as pets, prohibited from
 17 ~~importation~~ imported AND POSSESSED for captive breeding for research or commercial purposes ~~or,~~
 18 imported AND POSSESSED for the commercial pet trade, or imported AND POSSESSED for any other
 19 reason if the commission finds, based on scientific investigation AND CONSULTATION WITH THE
 20 DEPARTMENTS OF LIVESTOCK, AGRICULTURE, AND PUBLIC HEALTH AND HUMAN SERVICES IN THEIR
 21 AREAS OF EXPERTISE, that the species, because of behavioral traits or other biological considerations,
 22 would ~~not~~ be readily subject to control by ~~man~~ humans while in captivity ~~or~~ and that if released into natural
 23 habitat would not pose a substantial threat to native wildlife and plants or agricultural production or would
 24 not pose a risk to human health and safety, domestic livestock, or native wildlife through disease
 25 transmission, ecological or environmental damage, or threats to health or safety.

26 (2) A person may not import into the state AND POSSESS any wildlife species unless the
 27 importation AND POSSESSION of that species is allowed by the commission and the person obtains any
 28 required permit AUTHORIZATION from the department.

29 (3) The commission shall adopt rules, based on the hearings, investigations, and findings required
 30 in subsection (1), listing:

1 (a) wildlife species that may not be imported AND POSSESSED;

2 (b) wildlife species that may be imported AND POSSESSED under established conditions and
 3 controls and pursuant to a permit AN AUTHORIZATION issued by the department; and

4 (c) wildlife species that may be imported AND POSSESSED without any restrictions because they
 5 present minimal disease, ecological, environmental, safety, or health risks.

6 (4) This section does not apply to wildlife whose importation is allowed and WHOSE POSSESSION
 7 IS regulated by another provision of law. THE FOLLOWING STATUTES:

8 (A) 87-3-210 AND 87-3-222 THROUGH 87-3-227; AND

9 (B) TITLE 87, CHAPTER 4, PARTS 4 AND 8 THROUGH 10.

10 (5) THE COMMISSION SHALL ADOPT RULES TO PROVIDE THAT AN EDUCATIONAL INSTITUTION
 11 OR A ZOOLOGICAL GARDEN CHARTERED BY THE STATE AS A NONPROFIT CORPORATION MAY IMPORT
 12 WILDLIFE WITHOUT COMPLYING WITH THE PROCEDURES SET OUT IN THIS SECTION IF PROPER AND
 13 ADEQUATE FACILITIES ARE USED TO CONTAIN THE IMPORTED WILDLIFE.

14 ~~(5)~~(6) Any importation of wildlife must also comply with the requirements of the department of
 15 livestock pursuant to Title 81."

16
 17 **Section 5.** Section 87-5-721, MCA, is amended to read:

18 **"87-5-721. Penalty -- license and permit revocation and denial.** (1) Except as provided in
 19 subsection (2), a person who violates a provision of this part is guilty of a misdemeanor punishable as
 20 provided in 87-1-102, and the department, upon conviction of the person, shall revoke any license or permit
 21 issued by it under this title to the person and deny any application by the person for a license or permit
 22 under this title for a period not to exceed 2 years from the date of the conviction.

23 (2) A person who intentionally imports, POSSESSES, introduces, or transplants fish or wildlife in
 24 violation of this part:

25 (a) is guilty of a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000 or
 26 imprisonment for not more than 6 months, or both;

27 (b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
 28 damages may be recovered on behalf of the public by the department or by the county attorney of the
 29 county in which the violation occurred, in a civil action in a court of competent jurisdiction. Money
 30 recovered by the department or a county attorney must be deposited in the state special revenue fund as

1 provided in 87-1-601(1).

2 (c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or
 3 forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt,
 4 fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the
 5 effects of the violation exceeds 24 months, a person may be required to forfeit the privilege to hunt, fish,
 6 or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or
 7 mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime
 8 of that person.

9 (3) THE DEPARTMENT SHALL INSTITUTE AND ADMINISTER AN AMNESTY PROGRAM FOR
 10 WILDLIFE POSSESSED AS OF JANUARY 1, 1998, THAT IS NOT IN COMPLIANCE WITH THE PROVISIONS
 11 OF THIS PART. UNTIL JANUARY 1, 1999, A PERSON WHO REPORTS THEIR NONCOMPLIANCE TO THE
 12 DEPARTMENT MAY NOT BE PROSECUTED FOR A VIOLATION BASED ON THE REPORTED
 13 NONCOMPLIANCE. POSSESSION AUTHORIZATION MAY BE PROVIDED BY THE DEPARTMENT FOR
 14 SPECIES POSSESSED AS OF JANUARY 1, 1998, AND THE AUTHORIZATION MAY INCLUDE ANY
 15 CONDITIONS AND RESTRICTIONS NECESSARY TO MINIMIZE RISKS."

16

17 NEW SECTION. Section 6. Repealer. Section 87-5-112, MCA, is repealed.

18

19 NEW SECTION. Section 7. Effective dates. (1) Except as provided in subsection (2), [this act]
 20 is effective ~~October 1, 1997~~ JANUARY 1, 1998.

21 (2) To facilitate rulemaking by the fish, wildlife, and parks commission, [section 4(1) ~~and~~ (3), AND
 22 (5) and this section] are effective on passage and approval, but rules adopted pursuant to [section 4] may
 23 not become effective before ~~October 1, 1997~~ JANUARY 1, 1998.

24

25 NEW SECTION. SECTION 8. TERMINATION. [SECTION 5(3)] TERMINATES JANUARY 1, 1999.

26

-END-

1 SENATE BILL NO. 73

2 INTRODUCED BY CRIPPEN

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING MONTANA LIVESTOCK, AGRICULTURAL
6 INTERESTS, AND WILDLIFE BY MODIFYING THE MANNER IN WHICH THE FISH, WILDLIFE, AND PARKS
7 COMMISSION MAY RESTRICT THE IMPORTATION AND POSSESSION OF WILDLIFE BY ALLOWING THE
8 COMMISSION TO DEVELOP A LISTING, BY RULE, RESTRICTING AND REGULATING WILDLIFE
9 IMPORTATION AND POSSESSION; DEFINING "IMPORT" AND "POSSESSION"; INCREASING THE PENALTY
10 FOR THE INTENTIONAL IMPORTATION, POSSESSION, INTRODUCTION, OR TRANSPLANTATION OF
11 WILDLIFE; AMENDING SECTIONS 87-5-701, 87-5-702, 87-5-703, 87-5-712, AND 87-5-721, MCA;
12 REPEALING SECTION 87-5-112, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO SECOND READING COPY
(YELLOW) FOR COMPLETE TEXT.**