

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

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

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF FISH,  
7 WILDLIFE, AND PARKS TO MANAGE THE PRAIRIE DOG AS A SPECIES IN NEED OF MANAGEMENT;  
8 AMENDING SECTION 87-5-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

12 **Section 1.** Section 87-5-102, MCA, is amended to read:

13 **"87-5-102. Definitions.** As used in this part, the following definitions apply:

14 (1) "Account" means the nongame wildlife account established in 87-5-121.

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

17 (3) "Endangered species" means ~~any~~ a species or subspecies of wildlife that is actively threatened  
18 with extinction due to any of the following factors:

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

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

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

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

24 (e) any combination of the foregoing factors.

25 (4) "Management" means the collection and application of biological information for the purposes  
26 of increasing the number of individuals within species and populations of wildlife up to the optimum  
27 carrying capacity of their habitat and maintaining ~~such~~ those levels. The term includes the entire range of  
28 activities that constitute a modern scientific resource program, including but not limited to research,  
29 census, law enforcement, habitat improvement, and education. ~~Also included within the term, when and~~  
30 ~~where appropriate, is~~ The term also includes the periodic or total protection of species or populations as

1 well as regulated taking.

2 (5) "Nongame wildlife" means ~~any~~ a wild mammal, bird, amphibian, reptile, fish, mollusk,  
3 crustacean, or other wild animal not otherwise legally classified by statute or regulation of this state.  
4 Animals designated by statute or regulation of this state as predatory in nature are not classified as  
5 nongame wildlife for purposes of this part. Prairie dogs are nongame wildlife and may be managed and  
6 regulated under this part. Management and control by counties and the department of agriculture pursuant  
7 to Title 7, chapter 22, part 22; Title 7, chapter 22, part 25; and Title 80, chapter 7, part 11, is permitted  
8 as long as it is consistent with any management plan approved by both the department and the department  
9 of agriculture.

10 (6) "Optimum carrying capacity" means that point at which a given habitat can support healthy  
11 populations of wildlife species, having regard to the total ecosystem, without diminishing the ability of the  
12 habitat to continue that function.

13 (7) "Person" means ~~any~~ an individual, firm, corporation, association, or partnership.

14 (8) "Take" means to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill  
15 wildlife.

16 (9) "Wildlife" means ~~any~~ a wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or  
17 other wild animal or any part, product, egg, or offspring or the dead body or parts ~~thereof~~ of the animal."

18

19 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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