



AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MANAGE CERTAIN SPECIES; REVISING THE DEFINITION OF "MANAGEMENT"; AMENDING SECTION 87-5-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

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

- (1) "Account" means the nongame wildlife account established in 87-5-121.
- (2) "Commercial purposes" means the collection, harvest, possession, or transportation of a species or subspecies of nongame wildlife from the wild with the intent to barter, offer for sale, ship or transport for eventual sale, or sell the animal or any part of the animal.
- (3) "Ecosystem" means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.
- (4) "Endangered species" means a species or subspecies of wildlife that is actively threatened with extinction due to any of the following factors:
 - (a) the destruction, drastic modification, or severe curtailment of its habitat;
 - (b) its overutilization for scientific, commercial, or sporting purposes;
 - (c) the effect on it of disease, pollution, or predation;
 - (d) other natural or artificial factors affecting its prospects of survival or recruitment within the state; or
 - (e) any combination of the foregoing factors.
- (5) "Management" means the collection and application of biological information for the purposes of ~~increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining those levels~~ conserving populations of wildlife consistent with other uses of land and habitat. The term includes the entire range of activities that constitute a modern scientific resource program, including but not limited to research, census, law enforcement, habitat improvement, control, and education. The

term also includes the periodic ~~or total~~ protection of species or populations as well as regulated taking.

(6) "Nongame wildlife" means a wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise ~~legally classified by statute or regulation of this state~~ legally classified by statute or regulation of this state. ~~Animals designated by statute or regulation of this state as predatory in nature are not classified as nongame wildlife for purposes of this part.~~ Animals designated by statute or regulation of this state as predatory in nature are not classified as nongame wildlife for purposes of this part.

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

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

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

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

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

- END -

I hereby certify that the within bill,
HB 0443, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 443

INTRODUCED BY MENAHAN, PHILLIPS

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