

HOUSE BILL NO. 283

INTRODUCED BY FUCHS, ANDERSEN, BALLYEAT, ESP, LAIBLE, RICE, SPRAGUE, GLASER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A SUBSTITUTE STATE PLAN FOR WOLF MANAGEMENT IF THE UNITED STATES FISH AND WILDLIFE SERVICE DOES NOT REMOVE THE NORTHERN ROCKY MOUNTAIN OR GRAY WOLF FROM THE UNITED STATES' LIST OF ENDANGERED OR THREATENED WILDLIFE BY JANUARY 1, 2004, UNLESS THE U.S. ASSISTANT SECRETARY OF THE INTERIOR CERTIFIES THAT ADDITIONAL TIME IS NEEDED, OR IF DELISTING OCCURS BY JANUARY 1, 2004, BUT IS CHALLENGED IN COURT; DEFINING THE GRAY WOLF AS A PREDATOR FOR STATE MANAGEMENT PURPOSES UNDER THE SUBSTITUTE PLAN; DIRECTING THE ATTORNEY GENERAL TO ~~SEEK COMPENSATION FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR~~ PREPARE A PROACTIVE OPINION OF STATE OPTIONS REGARDING DELISTING AND POSSIBLE LITIGATION SCENARIOS RELATED TO RECOVERY OF DAMAGES AND COSTS ASSOCIATED WITH WOLF REINTRODUCTION IN MONTANA; REPEALING THE PRESENT STATUTORY WOLF MANAGEMENT PLAN IF DELISTING DOES NOT OCCUR BY JANUARY 1, 2004, OR IF DELISTING OCCURS BY JANUARY 1, 2004, BUT IS CHALLENGED IN COURT; REPEALING SECTION 87-5-131, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. Section 1. Substitute state wolf management plan. (1) The department shall remove the Northern Rocky Mountain or gray wolf from the state list of endangered species and manage wolves within the boundaries of Montana, but outside the boundaries of Yellowstone national park, as predators.

(2) The department, or the department of livestock, pursuant to 81-7-102 and 81-7-103, shall control wolves as predators for the protection and safeguarding of HUMANS, livestock, and huntable game species.

NEW SECTION. Section 2. Attorney general to ~~seek compensation for~~ ANALYZE STATE DELISTING OPTIONS AND POSSIBLE LITIGATION SCENARIOS FOR RECOVERY OF damages and costs associated with wolf reintroduction. Pursuant to 2-15-501(9), the attorney general is directed to ~~initiate litigation against the United States fish and wildlife service for~~ ANALYZE THE STATE'S OPTIONS RELATED TO DELISTING AND, IN COOPERATION WITH THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, PREPARE A PROACTIVE LEGAL OPINION FOR POSSIBLE LITIGATION

SCENARIOS REGARDING RECOVERY OF damages and costs incurred by the state of Montana that are associated with wolf reintroduction. ~~The attorney general may, if desirable, join the states of Idaho and Wyoming in bringing the action.~~

NEW SECTION. Section 3. Repealer. Section 87-5-131, MCA, is repealed.

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 5, part 1, and the provisions of Title 87, chapter 5, part 1, apply to [section 1].

NEW SECTION. Section 5. Effective dates. (1) [Sections 2 and 4 and this section] are effective on passage and approval.

(2) [Sections 1 and 3] are effective:

(a) if the United States fish and wildlife service does not remove the Northern Rocky Mountain or gray wolf from the United States' list of endangered or threatened wildlife by January 1, 2004, UNLESS THE U.S. ASSISTANT SECRETARY OF THE INTERIOR CERTIFIES TO THE STATE IN WRITING THAT DELISTING WILL BE ACCOMPLISHED BY A DATE BETWEEN JANUARY 1, 2004, AND JUNE 1, 2004, IN WHICH CASE [SECTIONS 1 AND 3] ARE EFFECTIVE IF DELISTING IS NOT ACCOMPLISHED BY THE DATE CERTIFIED IN WRITING BY THE U.S. ASSISTANT SECRETARY OF THE INTERIOR; or

(b) if the United States fish and wildlife service does remove the Northern Rocky Mountain or gray wolf from the United States' list of endangered or threatened wildlife by January 1, 2004, and the department of fish, wildlife, and parks removes the wolf from the state list of endangered species, but either delisting is subsequently challenged in court.

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