

HOUSE FISH AND GAME COMMITTEE

March 17, 1983

The meeting was called to order by Chairman Les Nilson in room 420 of the Capitol Building at 12:30 p.m., with all members present except Representatives Daily and Manuel, who were excused.

Chairman Nilson opened the meeting to an EXECUTIVE SESSION.

SENATE BILL 448

Rep. Ellison referred to page 9 of the gray copy of Senate Bill 448. (see exhibit 1) On this \$15. tag, it is going to cost more to get a deer off a game farm than to buy a tag from the Fish and Game Department. Why does it have to be this much?

Chairman Nilson replied if they have an animal that is an indigenous species, how would the game warden know this was not a deer from off the hill? Rep. Swift replied I talked to two people on the task force. They said the only way they arrived at the figure of \$15., was a mention of that figure and they all agreed to it. I would like to see an amendment to this bill.

Rep. Ellison asked Mr. Flynn why it is necessary to charge this fee to issue the tag. The response was the conflict is centered around the concern of the sporting public that if these animals come off game farm property, they should be identified. This figure includes the administrative costs. The sporting public felt appeased by having some sort of a fee. This is a compromise that was agreed upon by all parties.

Chairman Nilson asked Mr. Flynn to respond as to the feeling of the game farmers concerning the proposed amendments. The reply was to any amendments, this is the bill that was agreed upon by the game farmers, sportsmen, and the Department of Fish, Wildlife, and Parks. I would not advise changing the bill at this point.

Rep. Saunders stated the individual who buys this license knows he is going to get a deer.

Rep. Swift said the only thing I am looking at is the cost consistent with and comparable to what other people pay for a tag. There is very little cost to the department.

Mr. Flynn said the testimony the game farmers offered stated that this \$15. would be used 99% of the time in the case of the non-resident hunter. We could compare the \$15. to \$275. for an elk tag, or \$100. for a deer tag.

Rep. Jensen moved Senate Bill 448, BE CONCURRED IN.

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Rep. Jensen moved the amendments to Senate Bill 448, the motion carried unanimously.

Rep. Jensen moved Senate Bill 448, BE CONCURRED IN as amended, the motion carried unanimously. Representatives Ream and Spaeth left proxy votes of yes.

Rep. Mueller moved to amend the statement of intent, the motion carried unanimously.

1. Statement of Intent, line 12.

Following: "Sections."

Insert: "It is intended that the license fees to be set by the department be in an amount commensurate with the costs of processing the applications and administering the provisions of the act."

Mr. Jim Flynn, Department of Fish, Wildlife, and Parks, expressed his thanks and the thanks of the Department for the work of the committee during this legislative session.

Robert Van Der Vere, Helena, also expressed his thanks to committee members.

SENATE BILL 126

Rep. Ellison said the subcommittee has met on this bill and the best we can come up with are these amendments.

1. Title, line 7.

Strike: "OR LEASES PRIVATE"

Insert: "REAL"

2. Page 1, line 22.

Strike: "PRIVATE"

Insert: "REAL"

3. Page 1, line 23.

Strike: "or leases"

Rep. Mueller moved the amendments to Senate Bill 126. Rep. Mueller said this doesn't accomplish some of the things we wanted to accomplish. There is no way to stop Mr. Harmon from doing what he is doing with these amendments. We don't want to interfere with what a man is doing on his private property.

Rep. Devlin said I think there should be something, in years to come, to address this whole idea of outfitting on your own property. There should be some sort of a test that wouldn't be as stringent.

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Chairman Nilson said the department was well aware of what Mr. Harmon was doing. He was arrested but the local authorities refused to prosecute.

The amendments to Senate Bill 126 passed unanimously.

Rep. Mueller moved Senate Bill 126, BE CONCURRED IN as amended, the motion carried 11 to 3, with Representatives Nisbet, Ream, and Spaeth voting no. Representatives Ream and Spaeth left proxy votes.

Chairman Nilson adjourned the meeting at 1:00 p.m.



LES NILSON, Chairman



Cheryl Fredrickson, secretary

1 SENATE BILL NO. 448

2 INTRODUCED BY LANE, TOWE, E. SMITH, BOYLAN,

3 CHRISTIAENS, FULLER, GALT, MAZUREK

4 BY REQUEST OF THE DEPARTMENTS OF

5 AGRICULTURE AND FISH, WILDLIFE, AND PARKS

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE GAME ANIMAL
8 FARMS, GAME BIRD FARMS, AND FUR FARMS; REPEALING SECTIONS
9 87-4-401 THROUGH 87-4-405, MCA."

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

12 Section 1. Definitions. As used in [sections 1 through
13 18], the following definitions apply:

14 ~~(1) "DEPARTMENT" MEANS THE DEPARTMENT OF FISH,~~
15 ~~WILDLIFE, AND PARKS.~~

16 ~~(2)~~(2) "Game animals" means game animals as defined in
17 87-2-101 that are not the lawful property of any private
18 person.

19 ~~(3)~~(3) "Game farm" means the enclosed land area upon
20 which game farm animals may be kept for purposes of
21 obtaining, rearing in captivity, keeping, and selling game
22 animals or parts of game animals, as authorized under
23 [sections 1 through 18].

24 ~~(4)~~(4) "Game farm animal" means a privately owned
25 caribou, bear, mountain lion, white-tailed deer, mule deer,

1 elk, moose, antelope, mountain sheep, or mountain goat
2 indigenous to the state of Montana or any other
3 cloven-hoofed ungulate as classified by the department.

4 ~~(4)(5)~~ "Game farm shooting license" means the license
5 required under [~~sections 1 through 21~~ SECTION 16] for a game
6 farm licensee OPERATOR to hunt the game farm animals
7 indigenous to the state of Montana on his game farm.

8 ~~(5)(6)~~ "Person" means an individual, firm,
9 corporation, association, or partnership.

10 Section 2. License required. No person may operate a
11 game farm in this state without first obtaining a game farm
12 license from the department.

13 Section 3. Department jurisdiction -- applicability
14 of livestock laws and rules. (1) The department has primary
15 jurisdiction over game farms.

16 (2) A game farm licensee must also comply with all
17 applicable laws and rules administered by the department of
18 livestock.

19 Section 4. Application for license -- limitations on
20 issuance. (1) Any person desiring to obtain a game farm
21 license shall make written application to the department.
22 The application shall specify:

23 (a) the applicant's name;

24 (b) the applicant's address;

25 (c) the exact legal description of the land upon which

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1 the game farm is to be located, together with the nature of
2 the applicant's title thereto, whether in fee, under lease,
3 by contract for deed, or otherwise;

4 (d) the species of game animals proposed to be kept or
5 reared on the game farm;

6 (e) the type of fencing contemplated;

7 (f) the source from which the applicant intends to
8 acquire the game animals;

9 (g) if the applicant is not a Montana resident, the
10 name and address of a Montana resident designated by the
11 applicant as his local agent;

12 (h) if the applicant is a corporation, the full names
13 and addresses of all stockholders owning more than 10% of
14 the stock in the corporation; and

15 (i) information demonstrating that the applicant is
16 responsible.

17 (2) A game farm license ~~may~~ SHALL be issued only to a
18 responsible applicant who owns or leases the premises on
19 which the operations are to be conducted and who has
20 properly fenced the land upon which the game farm is to be
21 located. The fencing must be designed and constructed to
22 prevent the escape of the species of game farm animals kept
23 on the land and to prevent the entry of the same species of
24 game animals.

25 (3) Within 60 days of receiving the application, the

1 department shall notify the applicant of its decision to
2 approve or deny the application. If required fencing has not
3 been completed, the department ~~may~~ **SHALL** approve the
4 application ~~only~~ subject to completion of the fencing. If
5 the application is denied, the department shall specify the
6 reasons for denial.

7 Section 5. Removal of game animals. (1) If game
8 animals are present on the land which is to be covered by a
9 game farm license, the license ~~may~~ **SHALL** be issued but must
10 be conditioned upon the applicant complying with this
11 section.

12 (2) Before the fence surrounding any such land may be
13 closed, all game animals must to the extent possible be
14 driven therefrom by the applicant, at the applicant's
15 expense and under the direction of a representative of the
16 department.

17 (3) If at the time the license is issued all game
18 animals cannot be removed from the licensed land, the
19 applicant and a representative of the department shall
20 decide the approximate number of **REMAINING** game farm animals
21 of each indigenous species ~~that-the-applicant-will-raise~~
22 thereon. This number is the "base number".

23 (4) The department may remove the base number of game
24 animals from the game farm by trapping them within 120 days
25 from the date the number was determined.

1 (5) If the department decides not to remove the game
2 animals or if some game animals were not successfully
3 removed by trapping, the public must be granted access to
4 harvest those game animals during a special hunt set for
5 that purpose during the next regularly scheduled hunting
6 season. All administrative costs incurred by the department
7 in arranging the special hunt or providing for hunting on
8 the applicant's land during the regular season must be
9 reimbursed by the applicant.

10 (6) After compliance with this section, any animals
11 from the base number that remain and their progeny belong to
12 the licensee, and the licensee may deal with them as
13 provided for in [sections 1 through 18].

14 Section 6. License and renewal fees -- deposit of
15 fees. (1) The department shall charge an initial game farm
16 license fee of \$100 and for each year thereafter shall
17 charge an annual renewal fee of \$25.

18 (2) The fees must be deposited in the earmarked
19 revenue fund for the use of the department for purposes of
20 [sections 1 through 18].

21 Section 7. Term of license -- nontransferability.
22 (1) A game farm license expires on January 31 of the year
23 succeeding the year of issuance. Application for renewal
24 must be made before a license expires. The department shall
25 renew the license upon payment of the renewal fee if the

1 licensee has not violated any provisions of--[sections--1
2 through--18]--or--conditions under which the license was
3 granted.

4 (2) A game farm license is nontransferable.

5 Section 8. Inspection. (1) Upon receipt of an
6 application for a game farm license, the department shall
7 inspect the land proposed to be covered by the license.

8 (2) After issuance of a game farm license, the
9 department may inspect the game farm or the licensee's game
10 farm books on a scheduled basis or on such other reasonable
11 basis as-it-considers AS MAY BE DETERMINED necessary.

12 Section 9. Game farm animals as private property. (1)
13 All game farm animals lawfully raised on a licensed game
14 farm are the private property of the licensee.

15 (2) The licensee may acquire, breed, grow, keep,
16 pursue, capture, kill, use, sell, or dispose of the game
17 farm animals and their progeny in any quantity, at any time
18 of year, and in any manner, as long as he complies with the
19 requirements of [sections 1 through 18].

20 (3) Before allowing hunting of any game FARM animals
21 on a game farm, the game farm licensee must obtain a game
22 farm shooting license from the department.

23 (4) The laws applicable to game animals do not apply
24 to game farm animals raised on a licensed game farm.

25 Section 10. Transportation and sale of game farm

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1 animals. ~~{1}-No-person-may-sell,-dispose-of,-or-transport-a~~
2 ~~living-game-farm-animal-except-as-provided-in-this-section~~

3 {2}(1) Whenever the licensee of a licensed game farm
4 sells or disposes of one or more game farm animals, he
5 shall, at the same time, deliver to the recipient or attach
6 to OTHERWISE CAUSE TO ACCOMPANY each such game farm animal
7 an invoice or bill of sale signed by the licensee or his
8 agent stating the number of the game farm license, the date
9 of disposition, the species, the number disposed of, and the
10 name and address of the transferee. This invoice or bill of
11 sale authorizes transportation of the game farm animal or
12 animals being sold, transferred, or disposed of.

13 {3}(2) Within ~~24--hours--of~~ A REASONABLE TIME AFTER
14 disposition, the licensee or his agent shall mail postpaid a
15 duplicate of the invoice or bill of sale to the department
16 of livestock and the department.

17 Section 11. Sale of game parts, meats, and byproducts.
18 ~~{1}-No-person-may-sell,-dispose-of,-or-transport-the~~
19 ~~carcass,-parts,-or-byproducts-of-a-game-farm-animal-except~~
20 ~~as-provided-in-this-section~~

21 {2}(1) A game farm licensee may sell or otherwise
22 dispose of the carcass, parts, or byproducts of a properly
23 identified game farm animal taken from a game farm, ONLY
24 upon preparing an invoice or bill of sale and attaching a
25 copy of it to the carcass or container and keeping a copy

1 for his records. Upon the attaching of the invoice or bill
2 of sale to the carcass, parts, or byproducts of the game
3 farm animal, the same may be transported within the state to
4 the transferee named on the invoice or bill of sale.

5 ~~(3)~~(2) The licensee may sell game farm animals for
6 meat upon compliance with all applicable health laws.

7 Section 12. Records and reporting. (1) Each game farm
8 licensee shall keep and maintain for 3 years accurate
9 written records of all purchases, transfers, and sales of
10 game farm animals, showing:

11 (a) the number of each species of game farm animal
12 purchased by the game farm licensee and from whom purchased;

13 (b) the number of each species of game farm animal
14 transferred or sold, the date of transfer or sale, and the
15 name and address of the person to whom the transfer or sale
16 was made; and

17 (c) identification by-number of each game farm animal
18 purchased, transferred, or sold.

19 (2) On or before January 31 of each year, the game
20 farm licensee shall file a report with the director, showing
21 the number and species of game FARM animals on hand as of
22 January 1 and the number and species of game FARM animals
23 bought or sold during the past year.

24 Section 13. Unlawful capture. No person may capture,
25 take, or otherwise acquire any game animal in this state for

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1 use on a game farm EXCEPT AS PROVIDED IN SECTION 5.

2 Section 14. Escape from game farm -- effect. If a
3 game FARM animal escapes from a game farm, the game farm
4 licensee shall immediately notify the department of its
5 escape and shall make every reasonable effort to recapture
6 it. If the escaped animal cannot be recaptured within a
7 reasonable time, it becomes the property of the state.

8 Section 15. Taxation. All game farm animals raised on
9 a game farm ~~must~~ MAY be assessed as personal property of the
10 owner.

11 Section 16. Game farm shooting license. (1) Before a
12 game farm licensee may hunt any ~~indigenous~~ game FARM animals
13 INDIGENOUS TO THE STATE of Montana on his game farm, he must
14 first obtain a game farm shooting license.

15 (2) The department shall issue to a game farm licensee
16 a game farm shooting license on an annual basis for the
17 number of animals that he wishes to hunt.

18 (3) The department shall issue individual tags to the
19 game farm licensee at a charge of \$15 a tag. The tags must
20 contain such information as the department requires. A tag
21 must be attached to each animal immediately after it is
22 killed and must accompany the animal until it is taken to
23 its final destination.

24 Section 17. Rulemaking. (1) The department may adopt
25 and enforce ONLY SUCH rules AS ARE necessary to implement

1 the provisions of [sections 1 through 18].

2 (2) The rules ~~must~~ MAY address but are not limited to
3 classifying of cloven-hoofed ungulates, fencing
4 requirements, reporting requirements, transportation and
5 importation, identification, sale of animal parts, the care
6 and maintenance of game farm animals, and game farm shooting
7 licenses.

8 Section 18. Revocation of license. (1) A game farm
9 license may be revoked for failure to operate the game farm
10 according to the provisions of [sections 1 through 18] or
11 rules adopted under [sections 1 through 18].

12 (2) Upon discovery of a violation, the department
13 shall give notice of the violation to the licensee, with a
14 statement of a specific time in which the violation must be
15 corrected.

16 (3) Upon failure of the licensee to correct the
17 violation, the department may institute revocation
18 proceedings. If the department institutes revocation
19 proceedings, it shall provide reasonable notice and
20 opportunity for a hearing to the licensee. After hearing and
21 upon proof of violation, the department may revoke the game
22 farm license.

23 Section 19. Current licenses valid. ~~[[~~ A game farm
24 having a valid license on October 1, 1983, ~~may~~ SHALL receive
25 a game farm license ~~in-the-manner-provided-by--[sections--1~~

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through--10]--for-renewal-of-game-farm-licenses, except that no-renewal-fee-may-be-charged-until--1--year--after--initial-licensure-under-this-section.

(2) A GAME BIRD FARM HAVING A VALID LICENSE ON OCTOBER 1, 1983, SHALL RECEIVE A GAME BIRD FARM LICENSE.

(3) A FUR FARM HAVING A VALID LICENSE ON OCTOBER 1, 1983, SHALL RECEIVE A FUR FARM LICENSE.

Section 20. Game birds defined. For purposes of [sections 20 through 35], "game THE FOLLOWING DEFINITIONS APPLY:

(1) "GAME birds" means all birds defined as game birds in 87-2-101, except that the only pheasants included are ring-necked pheasants, and quail are not included.

(2) "GAME BIRD FARM" MEANS AN ENCLOSED AREA UPON WHICH GAME BIRDS MAY BE KEPT FOR PURPOSES OF OBTAINING, REARING IN CAPTIVITY, KEEPING, AND SELLING GAME BIRDS OR PARTS OF GAME BIRDS AS AUTHORIZED UNDER [SECTIONS 20 THROUGH 35].

Section 21. Exemption. [Sections 20 through 35] do not apply to a person who owns, controls, or propagates game birds for purposes other than sale or conveyance of game birds or parts thereof and who notifies the department and receives its written authorization and exemption.

Section 22. Game bird farm license required. Except as provided in [section 21], no person may own, control, or propagate game birds unless he holds a current game bird

1 farm license from the department.

2 Section 23. Application for game bird farm license --
3 limitation on issuance. (1) A person desiring to obtain a
4 game bird farm license shall make a written application to
5 the department. The application must specify:

6 (a) the name of the applicant;

7 (b) his address;

8 (c) the species of game bird and any plans to
9 propagate them;

10 (d) the legal description of the lands to be included;

11 (e) the type of fence or enclosure that the applicant
12 contemplates erecting;

13 (f) the source of game birds; and

14 (g) for a nonresident owner, the name and address of a
15 local resident agent.

16 (2) (a) A game bird farm license may ~~may~~ SHALL be issued
17 only to a responsible applicant who owns or leases the
18 premises on which the operations are to be conducted and who
19 has properly fenced or otherwise enclosed the place where
20 such game bird farm is to be located.

21 (b) Any game bird farm owned by a nonresident must
22 have a resident agent who is responsible for the daily
23 operation of the farm and who is authorized by the
24 nonresident owner to receive service of process.

25 (3) Within 30 days of receiving the application, the

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1 department shall notify the applicant of its decision to
2 approve or deny the application. If IHE required fencing or
3 enclosure has not been completed, the department ~~may~~ **SHALL**
4 approve the application ~~only~~ subject to the fencing or
5 enclosure being completed. If the application is denied, the
6 department shall specify the reasons for denial.

7 Section 24. License and renewal fee -- deposit of
8 fees. (1) Game bird farm license and annual renewal fees
9 must be set by department rule ~~in amounts not to exceed \$100~~
10 ~~for initial licensing and \$25 for annual renewal.~~

11 (2) The fees must be deposited in the earmarked
12 revenue fund for the use of the department for purposes of
13 [sections 20 through 35].

14 Section 25. Term of permit -- conditions --
15 changes in operation. (1) A game bird farm license is valid
16 only for the license year for which it is issued. The
17 licensee shall apply for renewal annually, and the
18 department shall renew the license if the licensee has not
19 violated any provision of ~~[sections 20 through 35]~~ **rates**
20 ~~adopted under [sections 20 through 35] or any condition of~~
21 ~~the license~~ **UNDER WHICH THE LICENSE WAS GRANTED.**

22 (2) The licensee shall notify the department of any
23 proposed changes in the species managed or in the size or
24 location of the enclosure prior to the institution of such
25 change.

1 Section 26. License nontransferable. A game bird farm
2 license is nontransferable.

3 Section 27. Inspection. Upon receipt of an
4 application, the department shall inspect the game bird farm
5 facilities and shall thereafter inspect the facilities at
6 ~~least--biennially--The-department-may-inspect-any-game-bird~~
7 ~~farm-or~~ AND the records required to be kept by such farm at
8 ~~any--reasonable--time~~ ON A SCHEDULED BASIS OR ON SUCH OTHER
9 REASONABLE BASIS AS MAY BE DETERMINED NECESSARY.

10 Section 28. Game farm birds as private property. All
11 birds lawfully raised in a licensed game bird farm are the
12 private property of the licensee, and the licensee may sell
13 or transfer such birds as private property.

14 Section 29. Transportation of birds. Any birds
15 purchased for use on a game bird farm or any birds raised on
16 a game bird farm may be transported only in compliance with
17 Title 81, chapter 2, part 7, and applicable administrative
18 rules.

19 Section 30. Sale of meat. A licensee may sell game
20 ~~FARM~~ birds or parts thereof only in compliance with all
21 health laws applicable to the sale of game meat.

22 Section 31. Records and reporting. (1) Each licensee
23 shall keep accurate records of the number and species of
24 birds purchased, transferred, or sold and the name of each
25 person to whom or from whom such birds were purchased,

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1 transferred, or sold.

2 (2) On or before January 31 of each year, each
3 licensee shall file a report with the director, showing the
4 number and species of birds on hand on January 1 and the
5 number and kinds of birds purchased, transferred, or sold
6 during the past year. All records described in this section
7 must be kept for not less than 3 years.

8 Section 32. Rulemaking. The department may adopt and
9 enforce ONLY SUCH rules AS ARE necessary to implement the
10 provisions of [sections 20 through 35]. The rules must MAY
11 address but are not limited to fencing requirements,
12 reporting requirements, the care and maintenance of birds
13 held by game bird farm operators, and licensing requirements
14 for applicants.

15 Section 33. Release of birds. Game bird farm licensees
16 may release birds into the wild only with the prior approval
17 of the director.

18 Section 34. Field trials -- permits. (1) As used in
19 this section, "field trial" means an examination to
20 determine the ability of dogs to point, flush, or retrieve
21 game birds.

22 (2) No person may conduct a field trial unless he has
23 received a permit under this section. Applicants for a
24 permit to conduct a field trial must make application to the
25 director upon a form furnished by the department for that

1 purpose. The application must be signed and sworn to by the
2 applicant, stating the applicant's name and address, the
3 name and address of any national affiliate, the place for
4 the field trial clearly defined, the date or dates of the
5 proposed field trial, whether live birds are to be used, and
6 any other information required by the director to determine
7 the advisability of granting permission for the proposed
8 field trial. The application must state that if a permit is
9 granted, the applicant will carefully flush all wild game
10 birds from fields used for the field trial each day before
11 the field trial begins and will not permit dogs to run free
12 in fields that have not been carefully flushed. The
13 application must be presented to the director not less than
14 20 days prior to the date proposed for the field trial.

15 (3) The director may refuse any application that he
16 determines is not in the best interests of the protection,
17 preservation, propagation, and conservation of game birds in
18 this state. Any denial by the director of such application
19 must state the reasons therefor and must be mailed to the
20 applicant within 10 days of receipt of the application.

21 (4) No applicant receiving a permit to conduct a field
22 trial may violate or authorize violation of any of the terms
23 of the permit.

24 (5) All live game birds used in a field trial must be
25 tagged before being planted or released and may be planted

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1 or released only in the presence of a representative of the
2 department. If an untagged bird is shot during any field
3 trial, the person to whom the permit was issued must
4 immediately replace it with a live bird.

5 (6) (a) Dogs may be trained in open fields at any time
6 without permission of the director only if:

7 (i) no live game birds are killed or captured during
8 training; and

9 (ii) the training is more than 1 mile from any bird
10 nesting or management area or game preserve.

11 (b) A person may train dogs with a method that will
12 kill birds acquired from a game bird farm only after
13 receiving a written permit from the department and only in
14 compliance with the terms of the permit.

15 Section 35. Revocation of license. (1) A game bird
16 farm license may be revoked for failure to operate the game
17 bird farm according to provisions of [sections 20 through
18 35] or rules adopted under [sections 20 through 35].

19 (2) Upon discovery of a violation, the department
20 shall give notice of such violation to the licensee, with a
21 statement of a specific time by which the violation must be
22 corrected.

23 (3) Upon failure of the licensee to correct the
24 violation, the department may institute revocation
25 proceedings. If the department institutes revocation

1 proceedings, it shall provide reasonable notice and
 2 opportunity for a hearing to the licensee. After hearing,
 3 upon proof of violation, the department may revoke the game
 4 bird farm license.

5 Section 36. Definition. For purposes of [sections 36
 6 through 48], "furbearer" THE FOLLOWING DEFINITIONS APPLY:

7 (1) "FURBEARER" means a marten or sable, otter,
 8 muskrat, fisher, bobcat, lynx, wolverine, or beaver. The
 9 term does not include fox or mink.

10 (2) "FUR FARM" MEANS THE ENCLOSED LAND AREA UPON WHICH
 11 FURBEARERS MAY BE KEPT FOR PURPOSES OF OBTAINING, REARING IN
 12 CAPTIVITY, KEEPING, AND SELLING FURBEARERS OR PARTS OF
 13 FURBEARERS AS AUTHORIZED UNDER [SECTIONS 36 THROUGH 48].

14 Section 37. Fur farm license required --
 15 applicability. (1) Except as provided in subsection (2), no
 16 person may own, control, or propagate furbearers unless he
 17 holds a current fur farm license from the department.

18 (2) [Sections 36 through 48] do not apply to the
 19 ownership, control, or propagation of furbearers if the
 20 ownership, control, or propagation is not for the sale or
 21 conveyance of furbearers or parts thereof.

22 Section 38. Application for permit. (1) Any person
 23 desiring to obtain a fur farm license shall make a written
 24 application to the department. The application must specify:

25 (a) the name of the applicant;

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1 (b) his address;

2 (c) species of furbearers and any plan to propagate
3 them;

4 (d) the legal description of the lands to be included;

5 (e) the type of fence that the applicant contemplates
6 erecting;

7 (f) the source of furbearers.

8 (2) (a) A fur farm license ~~may~~ **SHALL** be issued only to
9 a responsible applicant who owns or leases the premises on
10 which the operations are to be conducted and who has
11 properly fenced the place where such fur farm is to be
12 located.

13 (b) Any fur farm owned by a nonresident must have a
14 resident agent who is responsible for the daily operation of
15 the fur farm and who is authorized by the nonresident owner
16 to receive service of process.

17 (3) Within 30 days of receiving the application, the
18 department shall notify the applicant of its decision to
19 approve or deny the application. If required fencing has not
20 been completed, the department ~~may~~ **SHALL** approve the
21 application ~~only~~ subject to the fencing being completed. If
22 the application is denied, the department shall specify the
23 reasons for denial.

24 Section 39. License and renewal fee -- deposit. (1)
25 Fur farm license and annual renewal fees must be set by

1 department rule in-amounts-not-to-exceed--\$100--for--initial
2 licensing-and-\$25-for-annual-renewal.

3 (2) The fees must be deposited in the earmarked
4 revenue fund for the use of the department for purposes of
5 [sections 36 through 48].

6 Section 40. Term of permit -- conditions -- changes
7 in operation. (1) A fur farm license is valid only for the
8 license year in which it is issued. The licensee shall apply
9 for renewal annually, and the department shall renew the
10 license if the licensee has not violated any provision of
11 ~~[sections 36 through 48]~~ rules adopted under ~~--[sections 36~~
12 ~~through 48]~~ or any condition of the license UNDER WHICH IT
13 WAS GRANTED.

14 (2) The licensee shall notify the department of any
15 proposed changes in the species managed or in the size or
16 location of the enclosure prior to the institution of such
17 change.

18 Section 41. License nontransferable. A fur farm
19 license is nontransferable.

20 Section 42. Inspection. Upon receipt of an application
21 for a license, the department shall inspect each fur farm
22 and thereafter shall inspect each fur farm biennially. ~~The~~
23 ~~department may inspect any fur farm or~~ AND the records
24 required to be kept by such fur farm ~~at any reasonable time~~
25 ON A SCHEDULED BASIS OR ON SUCH OTHER REASONABLE BASIS AS

Ex. 1

1 MAY_BE_DETERMINED_NECESSARY.

2 Section 43. Furbearers as private property. All
3 furbearers lawfully raised on a licensed fur farm are the
4 private property of the licensee, and the licensee may sell
5 or transfer such furbearers as private property.

6 Section 44. Transportation of furbearers. Any
7 furbearers purchased for use on a fur farm or any furbearers
8 raised on a fur farm may be transported only in compliance
9 with Title 81, chapter 2, part 7, and applicable
10 administrative rules.

11 Section 45. Sale of furs. A fur farm owner who desires
12 to sell furs shall comply with all the requirements of Title
13 87, chapter 4, part 3.

14 Section 46. Records and reporting. (1) Each licensee
15 shall keep accurate records of the number and species of
16 furbearers purchased, transferred, or sold and the name of
17 each person to whom or from whom such furbearers were
18 purchased, transferred, or sold.

19 (2) On or before January 31 of each year, each
20 licensee shall file a report with the director, showing the
21 number and species of furbearers on hand on January 1 and
22 the number and species of furbearers purchased, transferred,
23 or sold during the past year. All records described in this
24 section must be kept for not less than 3 years.

25 Section 47. Rulemaking. The department may adopt and

1 enforce ONLY SUCH rules AS ARE necessary to implement
2 [sections 36 through 48]. The rules ~~must~~ MAY address but are
3 not limited to fencing requirements, reporting requirements,
4 the care and maintenance of the furbearers held by fur farm
5 operators, and licensing requirements for applicants.

6 Section 48. Revocation of license. (1) A fur farm
7 license may be revoked for failure to operate the fur farm
8 according to the provisions of [sections 36 through 48] or
9 rules adopted under [sections 36 through 48].

10 (2) Upon discovery of a violation, the department
11 shall give notice of such violation to the licensee, with a
12 statement of a specific time by which the violation must be
13 corrected.

14 (3) Upon failure of the licensee to correct the
15 violation, the department may institute revocation
16 proceedings. If the department institutes revocation
17 proceedings, it shall provide reasonable notice and
18 opportunity for a hearing to the licensee. After hearing,
19 upon proof of violation, the department may revoke the fur
20 farm license.

21 THERE IS A NEW MCA SECTION THAT READS:

22 Section 49. Fee limitation for multiple licenses. If a
23 person is issued more than one license under [sections 1
24 through 48], the total assessment for initial fees or for
25 renewal fees for all licenses issued to such person may not

Ex. 1

1 exceed the amount of the largest individual license fee.

2 THERE IS A NEW MCA SECTION THAT READS:

3 Section 50. Waiver of initial fee. No initial license
4 fee may be assessed against any person who held a game farm,
5 game bird farm, or fur farm permit on October 1, 1983,
6 unless there is a break in licensing of more than 1 year.

7 Section 51. Repealer. Sections 87-4-401 through
8 87-4-405, MCA, are repealed.

9 Section 52. Codification instruction. Sections 1
10 through 18 and 20 through 48 49 are intended to be codified
11 as an integral part of Title 87, and the provisions of Title
12 87 apply to sections 1 through 18 and 20 through 48 49.

-End-

STANDING COMMITTEE REPORT

1 of 7

March 17, 19 83

MR. **SPEAKER:**

We, your committee on **FISH AND GAME**

having had under consideration **SENATE** Bill No. **443**

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**A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE GAME ANIMAL
FARMS, GAME BIRD FARMS, AND FUR FARMS; REPEALING SECTIONS
87-4-401 THROUGH 87-4-405, MCA."**

Respectfully report as follows: That **SENATE** Bill No. **448**
be amended as follows:

AMENDMENTS BEGIN ON 2 of 7

**X
DRAFT**

March 17, 19 83

AMENDMENTS TO SENATE BILL 448

1. Statement of Intent, line 12.

Following: "sections."

Insert: "It is intended that the license fees to be set by the department be in an amount commensurate with the costs of processing the applications and administering the provisions of the act."

2. Page 1.

Following: line 13

Insert: "(1) "Department" means the department of fish, wildlife, and parks."

Re-number: subsequent subsections

3. Page 2, line 3.

Strike: "sections 1 through 21"

Insert: "section 16"

4. Page 2, line 4.

Strike: "licensee"

Insert: "operator"

5. Page 3, line 15.

Strike: "may"

Insert: "shall"

6. Page 4, line 1.

Strike: "may"

Insert: "shall"

7. Page 4, line 2.

Strike: "only"

8. Page 4, line 7.

Strike: "may"

Insert: "shall"

9. Page 4, line 17.

Following: "number of"

Insert: "remaining"

10. Page 4, line 17

Strike: "farm"

11. Page 4, line 18.

Strike: "that the applicant will raise thereon"

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Amendments to SB 448
Page 2 of 6

12. Page 5, line 23.

Following: "provisions"

Strike: "remainder of line 23 through "conditions" on line 24

13. Page 6, line 8.

Strike: "as it considers"

Insert: "as may be determined"

14. Page 6, line 17

Following: "game"

Insert: "farm"

15. Page 6, lines 23 and 24.

Strike: subsection (1) in its entirety

Re-number: subsequent subsections

16. Page 7, lines 2 and 3

Strike: "attach to"

Insert: "otherwise cause to accompany"

17. Page 7, line 10.

Strike: "24 hours of"

Insert: "a reasonable time after"

18. Page 7, lines 15 through 17.

Strike: subsection (1) in its entirety

Re-number: subsequent subsections

19. Page 7, line 20.

Following: "farm,"

Insert: "only"

20. Page 8, line 14.

Strike: "by number"

21. Page 8, line 18.

Following: "game"

Insert: "farm"

22. Page 8, line 19.

Following: "game"

Insert: "farm"

23. Page 8, line 23.

Following: "farm"

Insert: "except as provided in [section 5]"

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Amendments to SB 448

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24. Page 8, line 25.
Following: first "game"
Insert: "farm"

25. Page 9, line 6.
Strike: "must"
Insert: "may"

26. Page 9, line 9.
Strike: "indigenous"
Following: "game"
Insert: "farm"
Following: "animal"
Insert: "indigenous to the state"

27. Page 9, line 22.
Following: "enforce"
Insert: "only such"
Following: "rules"
Insert: "as are"

28. Page 9, line 24.
Strike: "must"
Insert: "may"

29. Page 10, line 20.
Following: "valid."
Insert: "(1)"

30. Page 10, line 21.
Strike: "may"
Insert: "shall"

31. Page 10, line 22
Following: "license"
Strike: remainder of line 22 through "section" on line 25
Insert: "(2) A game bird farm having a valid license on October 1, 1983, shall receive a game bird farm license.
(3) A fur farm having a valid license on October 1, 1983, shall receive a fur farm license."

32. Page 11, line 2.
Following: "35],"
Strike: "game"
Insert: "the following definitions apply: (1) *Game**"

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Amendments to SB 448

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33. Page 11.

Following: line 5

Insert: "(2) "Game bird farm" means an enclosed area upon which game birds may be kept for purposes of obtaining, rearing in captivity, keeping, and selling game birds or parts of game birds as authorized under [sections 20 through 35]."

34. Page 12, line 4.

Strike: "may"

Insert: "shall"

35. Page 12, line 15.

Following: "If"

Insert: "the"

36. Page 12, line 16.

Strike: "may"

Insert: "shall"

37. Page 12, line 17.

Strike: "only"

38. Page 12, line 22.

Following: "rule"

Strike: remainder of line 22 through "renewal" on line 23.

39. Page 13, line 7.

Following: "provision"

Strike: remainder of line 7 through "license" on line 9

Insert: "under which the license was granted"

40. Page 13, line 18.

Following: second "facilities"

Strike: remainder of line 18 through "or" on line 20

Insert: "and"

41. Page 13, line 20.

Following: "such farm"

Strike: remainder of line 20 through "time" on line 21

Insert: "on a scheduled basis or on such other reasonable basis as may be determined necessary"

42. Page 14, line 6.

Following: "game"

Insert: "farm"

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43. Page 14, line 21.

Following: "enforce"

Insert: "only such"

Following: "rules"

Insert: "as are"

44. Page 14, line 22.

Strike: "must"

Insert: "may"

45. Page 17, line 17.

Strike: "furbearer"

Insert: "the following definitions apply: (1) "Furbearer"

46. Page 17, following line 19

Insert: "(2) "Fur farm" means the enclosed land area upon which furbearers may be kept for purposes of obtaining, rearing in captivity, keeping, and selling furbearers or parts of furbearers as authorized under [sections 36 through 48]."

47. Page 18, line 14.

Strike: "may"

Insert: "shall"

48. Page 19, line 1.

Strike: "may"

Insert: "shall"

49. Page 19, line 2.

Strike: "only"

50. Page 19, line 7.

Following: "rule"

Strike: remainder of line 7 through "renewal" on line 8

51. Page 19, line 16.

Following: "provision"

Strike: remainder of line 16 through "license" on line 18

Insert: "under which it was granted"

52. Page 20, line 2.

Following: "farm"

Strike: remainder of line 2 through "or" on line 3

Insert: "and"

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Amendments to SB 448

Page 6 of 6

53. Page 20, line 4.

Strike: "at any reasonable time"

Insert: "on a scheduled basis or on such other reasonable basis
as may be determined necessary"

54. Page 21, line 4.

Following: "enforce"

Insert: "only such"

Following: "rules"

Insert: "as are"

55. Page 21, line 5.

Strike: "must"

Insert: "may"

56. Page 21.

Following: line 23

Insert: "Section 49. Fee limitation for multiple licenses. If
a person is issued more than one license under [sections 1
through 48], the total assessment for initial fees or for
renewal fees for all licenses issued to such person may not
exceed the amount of the largest individual license fee."Section 50. Waiver of initial fee. No initial license
fee may be assessed against any person who held a game farm,
game bird farm, or fur farm permit on October 1, 1983, unless
there is a break in licensing of more than 1 year."~~Renumber subsequent sections~~

57. Page 22, line 2.

Strike: "48"

Insert: "49"

58. Page 22, line 4.

Strike: "48"

Insert: "49"

59. Page 11, line 1.

Following: "defined."

Insert: "(1)"

60. Page 17, line 16.

Following: "Definition."

Insert: "(1)"

AND AS AMENDED
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 17, 19 83

MR. **SPEAKER:**

We, your committee on **FISH AND GAME**

having had under consideration **SENATE** Bill No. **126**

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PERSON WHO OWNS OR LEASES PRIVATE PROPERTY FOR THE PRIMARY PURSUIT OF BONA FIDE AGRICULTURAL INTERESTS TO PROVIDE OUTFITTING SERVICES FOR CONSIDERATION ON THAT PROPERTY WITHOUT A LICENSE; AMENDING SECTION 87-4-101, MCA."

Respectfully report as follows: That **SENATE** Bill No. **126**

be amended as follows:

1. Title, line 7.
Strike: "OR LEASES PRIVATE"
Insert: "REAL"
2. Page 1, line 22.
Strike: "PRIVATE"
Insert: "REAL"
3. Page 1, line 23.
Strike: "or leases"

AND AS AMENDED
BE CONCURRED IN
EXCESS