

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **SUBCOMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION**

**Call to Order:** By **CHAIRMAN JOHN "SAM" ROSE**, on March 20, 1995,  
at 8:06 A.M.

#### **ROLL CALL**

##### **Members Present:**

Rep. John "Sam" Rose, Vice Chairman (Majority) (R)  
Rep. Dick Green (R)  
Rep. George Heavy Runner (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Doug Sternberg, Legislative Council  
Jaelene Racicot, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing: Subcommittee to discuss SB 389  
Executive Action: None

*{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}*

#### **DISCUSSION ON SB 389**

The amendments were presented and **Dr. Clarence Siroky, Department of Livestock** explained the amendments. The first amendment would require all game farm animals to be tagged. **Dr. Siroky** said that there were some mule deer game farms that did not tag their animals. **EXHIBIT 1**

**Doug Sternberg, Legislative Council**, explained the intent of the bill.

**Lon Mitchell, Department of Livestock**, felt it would be hard to control and track the animals

**Paul Sihler, Department of Fish, Wildlife and Parks (FWP)**, thought that tagging was necessary, but he felt there would be problems with the state tagging animals.

**SEN. TVEIT** wanted to know how FWP were tagging at the present time.

*{Tape: 1; Side: B; Approx. Counter: 000; Comments: n/a.}*

**SEN. TVEIT** wondered if they would be in violation the animals were not tagged.. **Paul Sihler** didn't know and he would have to research the issue further.

**Lon Mitchell** questioned the language on page 4, line 24 - 27. He said the Department of Livestock was responsible for the control, tracking and distribution of identification tags used for the marking of game farm animals. He said the Department of Livestock "shall" require that within 30 days of importation or prior to January 1st of each year, each game farm animal would be marked with identification. He asked the committee to strike the language.

**Jim Richards, Montana Wildlife Federation**, wondered if there would be problems with the language in the bill. **Lon Mitchell** stated that the Department of Livestock would be responsible for the tagging of animals.

**Paul Sihler** did not want the language deleted on page 4, line 24 through 27. He said that was the core of the agreement in the Senate and without the language he could not live with the bill.

**Doug Sternberg** thought they could leave in the special marking of animals and add the temporary waiver upon the registration for a game farm license. Then he explained page 5, line 11 and offered amendment #7.

**Dr. Siroky** commented on the tagging of a dead animal and if that was necessary.

**Paul Sihler** felt the language for amendments 9 & 10 were good and he felt it was needed to further clarify the language within the bill.

*{Tape: 2; Side: A; Approx. Counter: 000; Comments: None.}*

**Doug Sternberg** explained the amendments described in "Amendments to SB 389 (Gray Bill)." **EXHIBIT 2**

**Paul Sihler** commented on the issue of theft of game animals. He felt they needed the ability to check game animal and to enforce the regulations granted to them. He said in the Senate subcommittee there was an effort to separate the responsibilities between the Department of Fish, Wildlife and Parks and the Department of Livestock. He stated the current law would give them joint authority to regulate the industry.

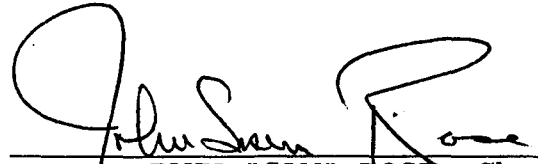
**Marc Bridges, Department of Livestock**, questioned the search warrant clause and if problems would occur in the future because of the way it was written.


**SEN. TVEIT** thought the fees were exorbitant and he questioned if the fee were fair. **Mr. Sihler** agreed with **SEN. TVEIT**. He stated the Department was going to need an additional FTE to handle the game farm work and therefore money was needed to administer the program.

**REP. ROSE** requested to see the figures of the costs involved with the FTE and controlling the game farm industry.

ADJOURNMENT

Adjournment: 8:51 a.m.

  
\_\_\_\_\_  
JOHN "SAM" ROSE, Chairman

  
\_\_\_\_\_  
JAELENE RACICOT, Secretary

JR/jr

Montana Department of Fish, Wildlife and Parks  
Proposed Amendments to SB 389

SUMMARY OF REASONS FOR REQUESTING OUR AMENDMENTS

Amendment #1

One of FWP's primary interests in regulating game farms is to prevent theft of Montana's native elk and deer. To insure proper ownership, all game farm animals are required to be tagged, and game farmers are required to report the number of animals they own and the animals' identification numbers to the department. Amendment #1 ensures that FWP can inspect game farm animals in order to compare the total number and identification of animals reported versus animals actually present.

Amendments #2 and #3

The game farm industry should pay its fair share of the cost of regulating the industry. Right now, license money paid by Montana hunters pays for over 90% of the department's cost of regulating game farms.

This amendment would generate about \$45,000 annually from license renewal fees (3,000 game farm animals x \$15/head) and \$2,000 to \$5,000 annually from initial license fees, depending on the number of license applications (\$500/initial license).

The department is developing an estimate of costs for 1995 for permit renewals and for new licenses. This information will be provided when it has been finalized.

Amendment #4

This is a clean-up amendment that clarifies language in an amendment from the Senate committee.

Amendment #5

The purpose of this amendment is to ensure that animals under quarantine are not mixed with the rest of the herd. Recently, a game farmer imported to his game farm 52 game animals that are required to be quarantined for 45-120 days. The game farmer does not have an approved quarantine facility. The language in this amendment has been modified since the House hearing to allow for either a quarantine facility or a quarantine plan approved by the Department of Livestock.

Amendments #6 and #7

The Department of Livestock and the FWP both have a legitimate interest in the importation of game farm animals. However, because the division of responsibilities is such that FWP classifies animals restricted from importation and DoL actually issues the importation permit, FWP cannot find out what animals actually have been imported to the state unless that information is provided to us by DoL. The purpose of this amendment is to provide a mechanism for FWP to receive that information. The language in this amendment has been modified since the House hearing.

Amendments to Senate Bill No. 389  
Third Reading Copy

Requested by Fish, Wildlife and Parks  
For the Committee on Agriculture, Livestock and Irrigation

Prepared by Paul Sihler  
March 16, 1995

1. Page 3, line 1.  
Following: "recordkeeping."  
Insert: "inspection of animals to insure compliance with report and recordkeeping requirements,"
2. Page 4, line 1.  
Following: "license fee"  
Insert: "of \$500"  
Following: "renewal fee"  
Insert: "of \$15 per game farm animal with a minimum annual renewal fee of \$50."
3. Page 4, lines 1 through 7.  
Strike: the remainder of subsection 1 in its entirety
4. Page 4, line 26.  
Following: "that"  
Strike: "1"  
Insert: "all imported game farm animals are marked"  
Following: "IMPORTATION"  
Strike: "OR"  
Insert: "and that all other game farm animals are marked"  
Following: "YEAR"  
Strike: ", each"  
Insert: ". Each"
5. Page 6.  
Following: line 7  
Insert: "(4) Each game farm must have a quarantine facility inspected and approved by the department of livestock or a quarantine plan approved by the department of livestock."
6. Page 7, line 25.  
Strike: "may"  
Insert: "shall"
7. Page 7, line 30.  
Following: "1"  
Insert: "A copy of each importation permit issued by the department of livestock must be provided to the department within 10 days of issuance. Additional pertinent information on imported animals must be provided to the department as it is received."

Amendments to SB 389 (Gray Bill)

- (1) Page <sup>2</sup>~~3~~ at line <sup>16</sup>~~11~~  
New Subsection: (1) Cloven-Hoofed ungulates means all animals of the order Artiodactyla, except the families suidae, camelidae, and hippopotamidae, are game farm animals under the definition described in 87-4-406(5), MCA, provided that the following animals in the families suidae and bovidae are not considered game farm animals under 87-4-406(5), MCA: domestic pigs, domestic cows and yaks, domestic sheep, domestic goats which are not naturally occurring in the wild in its country of origin, and bison.
- (2) renumber all other subsections accordingly.
- (3) Page <sup>3</sup>~~5~~ at line <sup>27</sup>~~17~~  
after the word "license"  
strike: (,) and the licensee may deal with them as provided for in this part.  
insert: (.)
- (4) Page <sup>4</sup>~~6~~ at line <sup>25</sup>~~28~~  
after: "animals."  
strike: "The department of livestock shall require that, within 30 days of importation or prior to January 1 of each year, each game farm animal be marked with identification that:  
(a) is unique to the animal;  
(b) is nontransferable;  
(c) has an emblem owned and registered by the department of livestock that is embossed in each identification tag; and  
(d) allows for the identification of game farm animals from a distance.  
(5) Game farm animals must be lawfully acquired by the licensee.  
Only a licensee may run or lease a game farm animal.
- (5) Page 7 at line 10  
(6) should be renumbered (5)
- (6) Page <sup>5</sup>~~7~~ at line <sup>11</sup>~~20~~  
after: "department of livestock"  
strike: "stock inspector"  
insert: designated agent

- (7) Page <sup>5</sup>~~7~~ at line <sup>13</sup>24  
after: "department official."  
strike: ~~"This section applies to all game farm animals, whether alive or dead."~~  
insert: All dead game farm animals must be reported to the department of livestock within one working day.
- (8) Page <sup>7</sup>~~12~~ at line <sup>30</sup>4  
subsection to "Chapter 2, Part 7."  
insert: Copies of import permits issued by the department of livestock must be shared with the department of fish, wildlife and parks within (10) calendar days. Other pertinent documentation for importation will be shared as it becomes available.
- (9) Page <sup>8</sup>~~12~~ at line <sup>2</sup>7  
subsequent to: "a threat"  
insert: other than disease or parasites
- (10) Page <sup>8</sup>~~12~~ at line <sup>3</sup>9  
subsequent to: "as they occur".  
insert: The department of livestock shall determine through scientific investigation the disease threat posed by cloven-hoofed ungulates.



SB 389

SENATE BILL NO. 389

INTRODUCED BY TVEIT, HARGROVE, DEVLIN, SWYSGOOD, JABS, MESAROS,  
L. NELSON, GAGE, BECK, JENKINS, DEBRUYCKER, KEATING, PECK,  
MCCANN, BENEDICT, FORRESTER, HOLLAND, WILSON, BROWN, FOSTER,  
TOEWS, ZOOK, REHBEIN

BY REQUEST OF THE SENATE AGRICULTURE, LIVESTOCK, AND IRRIGATION  
COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE ADMINISTRATION  
AND REGULATION OF GAME FARMS BY THE DEPARTMENT OF FISH, WILDLIFE,  
AND PARKS AND THE DEPARTMENT OF LIVESTOCK; REVISING GAME FARM  
PROVISIONS REGARDING LICENSURE, FEES, DEFINITIONS, INSPECTIONS,  
IMPORTATION, AND REPORTING; CREATING THE GAME FARM ADVISORY  
COUNCIL; AMENDING SECTIONS 87-4-406, 87-4-408, 87-4-410, 87-4-411,  
87-4-414, 87-4-415, 87-4-417, 87-4-419, 87-4-422, 87-4-424,  
AND 87-4-426, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill in order to  
clarify rulemaking authority of the department of fish, wildlife,  
and parks and the department of livestock with regard to the  
administration and regulation of game farms. It is intended that  
rules promulgated pursuant to Title 87, chapter 4, part 4, be  
adopted in accordance with the Montana Negotiated Rulemaking Act,  
Title 2, chapter 5, part 1.

(1) It is intended that the department of fish, wildlife,  
and parks have primary authority with regard to rules governing:

(a) game farm licensure;

- (b) reporting requirements;
  - (c) exterior fencing requirements;
  - (d) classification of species the importation of which may present a threat to the state's wildlife population; and
  - (e) general enforcement of game farm licensing violations;
- AND

(F) THE DEFINITION OF "REASONABLE TIME" IN THE CONTEXT OF 87-4-419(2), WHICH MUST REFLECT SPECIFIC SEASONAL ISSUES RELATED TO BREEDING AND DISEASE.

(2) It is intended that the department of livestock have primary authority with regard to rules governing:

- (a) transportation and identification of game farm animals;
- (b) health inspection and game farm quarantines, including interior facilities; and
- (c) importation restrictions on exotic species.

(3) It is intended that the department of livestock's rules address the issue of immediate depopulation of game farm animals that test positive for tuberculosis.

(4) It is intended that both the department of fish, wildlife, and parks and the department of livestock consider the feasibility of using DNA as an additional method of identification of game farm animals.

(5) It is intended that the game farm advisory council advise both the department of fish, wildlife, and parks and the department of livestock regarding the administration of game farm operations, which may include input into the rules adopted pursuant to [this act].

② (6) It is the intent of the legislature that in adopting rules pursuant to 87-4-426(6), the department of fish, wildlife,

and parks provide for a timely and simplified process for minor amendments to an existing license. This may include, when appropriate, a categorical exclusion under the provisions of Title 75, chapter 1, part 1.

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

Section 1. Section 87-4-406, MCA, is amended to read:

"87-4-406. Definitions. As used in this part, the following definitions apply:

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(1) "Cloven-hoofed ungulates" means all animals of the order Artiodactyla, except the families suidae, camelidae, and hippopotamidae, are game farm animals under the definition described in 87-4-406(5), provided that the following animals in the families suidae and bovidae are not considered game farm animals under 87-4-406(5):

(a) domestic pigs;

(b) domestic cows and yaks;

(c) domestic sheep;

(d) domestic goats that are not naturally occurring in the wild in its country of origin; and

(e) bison.

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

(2)(3) "Facilities" means perimeter fences and other enclosures that provide for the confinement, handling, and quarantine of game farm animals.

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

~~(4)~~(5) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, or selling game farm animals or parts of game farm animals, as authorized under this part.

(3) ~~(5)~~(6) "Game farm animal" means a privately owned caribou, ~~reindeer~~, black bear, mountain lion, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat  
(4) indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department.

~~(6)~~(7) "Person" means an individual, firm, corporation, association, or partnership."

Section 2. Section 87-4-408, MCA, is amended to read:

"87-4-408. ~~Department jurisdiction -- applicability of livestock laws and rules~~ Jurisdiction. (1) The department has primary jurisdiction over game farms with regard to licensing, reports and recordkeeping, exterior fencing, classification of exotic species, removal of game farm animals under 87-4-410, inspection under 87-4-413, and enforcement of the functions listed in this subsection.

(2) ~~A game farm licensee must also comply with all applicable laws and rules administered by the~~ The department of livestock has primary jurisdiction over game farms relating to marking, inspection, transportation, importation, quarantine,  
(5) interior facilities, and health and relating to the enforcement of the functions listed in this subsection."

Section 3. Section 87-4-410, MCA, is amended to read:

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"87-4-410. Removal of game animals. (1) If game animals are present on the land ~~which~~ that is to be covered by a game farm license, the license ~~shall~~ must be issued but must be conditioned upon the applicant complying with this section.

(2) Before the fence surrounding any ~~such~~ land to be covered by a game farm may be closed, all game animals must ~~to the extent possible~~ to the extent possible be driven therefrom from the land by the applicant, at the applicant's expense and under the ~~direction~~ observation of a representative of the department.

(3) If at the time the license is issued all game animals cannot be removed from the licensed land, the applicant and a representative of the department shall decide within 60 days the approximate number of remaining game animals of each indigenous species. This number is the "base number".

(4) The department may remove the base number of game animals from the game farm, ~~at the expense of the department,~~ by ~~trapping them~~ within 120 days from the date the number was determined.

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

(6) After compliance with this section, any animals from the base number that remain and their progeny belong to the

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licensee, and the licensee may deal with them as provided for in this part. A licensee may request a waiver for animals from the base number on a licensed game farm if circumstances require that the animals remain on the game farm without marking or identification."

SECTION 4. SECTION 87-4-411, MCA, IS AMENDED TO READ:

"87-4-411. License and renewal fees -- deposit of fees. (1) The department shall charge an initial game farm license fee of \$200 and shall charge an annual renewal fee of \$50 based on the following scale:

(a) a game farm with 1 to 20 game farm animals, an initial license fee of \$200 and an annual renewal fee of \$50;

(b) a game farm with 21 to 60 game farm animals, an initial license fee of \$300 and an annual renewal fee of \$100; and

(c) a game farm with more than 60 game farm animals, an initial license fee of \$400 and an annual renewal fee of \$200.

(2) ~~(a)~~ The ~~one-half of the~~ THE fees must be deposited in the state special revenue fund for the use of the department for purposes of this part.

~~(b) One-half of the fees must be deposited in the state special revenue fund for the use of the department of livestock in administering its game farm responsibilities."~~

Section 5. Section 87-4-414, MCA, is amended to read:

"87-4-414. Game farm animals as private property -- source -- marking. (1) All game farm animals lawfully possessed on a licensed game farm are private property for which the licensee is responsible as provided by law.

(2) The licensee may acquire, breed, grow, keep, pursue, ~~capture, handle,~~ harvest, use, sell, or dispose of the game farm animals and their progeny in any quantity and at any time of year as long as the licensee complies with the requirements of this part.

(3) A licensee shall mark each game farm animal in a manner approved by the department of livestock, as required under subsection (4), and that indicates ownership and provides individual identification of animals for inspection, transportation, reporting, and taxation purposes.

(4) The department of livestock is responsible for the control, tracking, and distribution of identification tags used for the marking of game farm animals. The department of livestock shall require that, WITHIN 30 DAYS OF IMPORTATION OR PRIOR TO JANUARY 1 OF EACH YEAR, each game farm animal be marked with identification that:

(a) is unique to the animal;

(b) is nontransferable;

(c) has an emblem owned and registered by the department of livestock that is embossed on each identification tag; and

(d) allows for the identification of game farm animals from a distance.

(5) Upon the request of a licensee, the department of livestock may by rule grant a temporary waiver as to the manner of identification if necessary to address a special circumstance. The department of livestock shall issue the waiver for a limited period of time.

~~(5)(6)~~ Game farm animals must be lawfully acquired by the licensee. Only a licensee may own or lease a game farm animal. A

FWP  
game farm animal may be kept only on a licensed game farm. A licensee who keeps a game farm animal owned by, leased to, or leased from another person shall comply with all the requirements of this part as if the animal belonged to the licensee. Records and reports submitted by the licensee pursuant to 87-4-417 must identify any game farm animal kept by the licensee during the reporting period and the name and address of the owner or lessee.

~~(5)(6)(7)~~ Except for importation permits and health certificates required under 81-2-703, laws applicable to game animals do not apply to game farm animals raised on a licensed game farm."

Section 6. Section 87-4-415, MCA, is amended to read:

⑩  
"87-4-415. Transportation and sale, and disposal of game farm animals -- quarantine. (1) Prior to selling, transferring, transporting, or disposing of one or more game farm animals, the game farm licensee shall contact the department of livestock to request an inspection by a department of livestock ~~steck~~ inspector designated agent for all game farm animals, except carnivores and omnivores. In the case of carnivores and omnivores, the game farm licensee shall contact the department to request an inspection by a department official. ~~This section applies to all game farm animals, whether alive or dead~~ All dead game farm animals, except carnivores and omnivores, must be reported to the department of livestock within one working day.

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(2) (a) Inspection under subsection (1), except inspection of carnivores and omnivores, ~~must include examination of the game farm animal and all marks, tags, and tattoos to identify ownership prior to issuance of a certificate of inspection.~~



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~~(b) A certificate of inspection must be made in triplicate and must specify:~~

~~(i) the date of inspection;~~  
~~(ii) the place of origin and destination of the shipment;~~  
~~(iii) the name and address of the owner of the game farm animals and of the purchaser or transferee;~~

~~(iv) be conducted pursuant to 81-3-203(1) through (3) and must include the number, species, age, and sex, AND INDIVIDUAL IDENTIFICATION NUMBERS of game farm animals transported or disposed of;~~

~~(v) ear tag numbers and tattoos on each animal; and~~  
~~(vi) any other information that the department of livestock may require.~~

~~(c) A copy of the certificate must be:~~

~~(i) retained by the inspector;~~  
~~(ii) furnished by the inspector to the owner or shipper of the game farm animals, to accompany the animals to their destination;~~

~~(iii) filed by the inspector with the department of livestock within 5 days of inspection; and~~

~~(iv) provided by the department of livestock to the department within 10 days of inspection.~~

(b) A copy of the certificate of inspection must be provided by the department of livestock to the department within 10 days of the inspection.

(3) The department of livestock may quarantine any game farm animal pending inspection and health certification. The department shall advise the department of livestock regarding the importation or transportation of any game farm animal that the

department reasonably believes may be infected with a disease specific to wildlife."

Section 7. Section 87-4-417, MCA, is amended to read:

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"87-4-417. Records and reporting -- rules. (1) Each game farm licensee shall keep and maintain for 3 years accurate written records of all purchases, transfers, and sales, births, and deaths of game farm animals, showing:

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

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

(c) individual identification of each game farm animal that was purchased, transferred, or sold, or born or that died.

(2) Within Unless a different reporting frequency has been established pursuant to subsection (3), within 2 weeks after January 1, ~~April 1,~~ and ~~September~~ July 1 of each year, the game farm licensee shall file a report with the ~~director~~ department, showing the number and species of game farm animals that were on hand as of January 1, ~~April 1,~~ and ~~September~~ July 1 and the number and species of game farm animals that escaped, that were bought, sold, ~~or propagated~~ transferred, recaptured, or born, or that died during the reporting period.

(3) The department may by rule identify conditions under which:

(a) more frequent reports are required to allow the department to adequately monitor game farms where violations have

occurred or where problems are being resolved; and

13 (b) less frequent reports are required because of a history of proper game farm maintenance or a historical absence of violations. The department may establish by rule the conditions under which the frequency of reporting requirements may be reduced to one report a year or increased to three reports a year. The department may establish by rule the conditions under which a licensee may submit an abbreviated report. In adopting those rules, the department shall consider the number of animals present on a game farm, the number of reported transactions during previous reporting periods, a history of accurate recordkeeping, and a historical absence of violations"

Section 8. Section 87-4-419, MCA, is amended to read:

"87-4-419. Escape from game farm -- effect. (1) If a game farm animal escapes from a game farm, the game farm licensee shall immediately notify the department of its escape and shall make every reasonable effort to recapture it. If the escaped animal cannot be recaptured within a reasonable time 10 days of notification A REASONABLE TIME, the department may kill the animal. If recapture or killing of the animal is unsuccessful within a reasonable time, it the animal becomes the property of the state.

(2) THE DEPARTMENT SHALL BY RULE ADOPT A DEFINITION OF "REASONABLE TIME", AS USED IN THIS SECTION, TAKING INTO CONSIDERATION SPECIFIC SEASONAL ISSUES RELATED TO BREEDING AND DISEASE."

Section 9. Section 87-4-422, MCA, is amended to read:

"87-4-422. Rulemaking. (1) The department may adopt and enforce rules that are necessary to implement the provisions of this part over which the department has primary jurisdiction and to coordinate regulation of game farms with the department of livestock.

⑭ ~~(2) The rules may address but are not limited to the classifying of cloven-hoofed ungulates, requirements for facilities, reporting and recordkeeping requirements, transportation and importation, restrictions on importation, identification, sale of animal parts, and the care and maintenance of game farm animals.~~

⑮ ~~(3)(2) The department of livestock may adopt rules addressing the transportation and importation of game farm animals, restrictions on importation, identification, sale of game farm animal parts, quarantine, and interior facilities, health regulations, and the care and maintenance of game farm animals.~~

⑯ ~~(3) Rules promulgated pursuant to this part must be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1."~~

Section 10. Section 87-4-424, MCA, is amended to read:

"87-4-424. ~~Department restrictions~~ Restrictions on importation of certain species -- classification. (1) The department ~~or the department~~ of livestock <sup>SHALL</sup> ~~may~~ restrict from importation for purposes of game farming any species or subspecies and their hybrids with native species that are determined through scientific investigation to pose a threat to native wildlife or livestock through nonspecific genetic

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dilution, habitat degradation or competition caused by feral populations of escaped game farm animals, parasites, or disease. Importation permitted by the department of livestock must comply with the requirements of Title 81, chapter 2, part 7. Copies of import permits issued by the department of livestock must be shared with the department within 10 calendar days. Other pertinent documentation for importation must be shared as it becomes available.

(2) In order to properly regulate importation:

(a) the department shall classify cloven-hoofed ungulates that have been determined through scientific investigation to pose a threat to native wildlife or livestock through nonspecific genetic dilution or habitat degradation or competition caused by feral populations of escaped game farm animals and notify the department of livestock of any changes in classification as they occur; and

(b) the department of livestock shall classify cloven-hoofed ungulates that have been determined through scientific investigation to pose a threat to native wildlife or livestock through parasites or disease."

Section 11. Section 87-4-426, MCA, is amended to read:

"87-4-426. Criteria for issuance of license -- fencing and enclosure requirements -- rules. (1) A game farm license may be issued by the department only to an applicant:

(a) who owns or leases the premises on which the operations are to be conducted;

(b) who has not been or whose principal manager has not been convicted of or who has not forfeited bond of \$100 or more

for more than one violation of the fish and game laws or applicable regulations of any state or the United States within a 5-year period prior to application;

(c) who has not or whose principal manager has not at any time pleaded guilty to or been convicted of a felony, unless civil rights have been restored pursuant to law. A person may not apply for licensure during any time in which a deferred or suspended felony sentence is in effect.

(d) who is or whose principal manager is at least 18 years of age.

(2) A game farm license must be issued by the department if:

(a) the applicant has properly fenced the perimeter of the land upon which the game farm is to be located with fencing designed and constructed to prevent the escape of the species of game farm animal kept on the game farm and to prevent the entry of the same species of game animal or other native game animal species capable of interbreeding with or contracting diseases or parasites from game farm animals;

(b) the application is for a single location;

(c) it is demonstrated that the applicant or the applicant's principal manager has the necessary skills to properly care for game farm animals or intends to employ a person who has those necessary skills; and

(d) the application has not been denied under this section or issued with stipulations under subsection (3).

(3) An application for a game farm license may be denied in its entirety or issued with stipulations if necessary to prevent public safety hazards or significant negative impacts to

Montana's wildlife resources. Denial of an application or stipulations attached to a game farm license must be based on one or more of the following potential impacts ascribed to the physical location of the proposed game farm:

(a) substantial loss or destruction of critical seasonal game animal habitat or habitat of federally designated threatened or endangered species under the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq., including but not limited to traditional critical breeding, birthing, rearing, and wintering areas;

(b) blockage or disruption of major traditional seasonal migration corridors or major travel routes;

(c) unacceptable threat of introduction or transmission of serious diseases or parasites to native wildlife populations, as determined by the state veterinarian appointed pursuant to 81-1-301;

(d) unacceptable threat of escape of captive game farm animals and establishment of feral populations that would result in habitat damage or competition with or genetic pollution of native wildlife populations;

(e) the creation of a significant threat to the safety of the general public and surrounding landowners by the shooting of game farm animals.

(4) If the department determines that it will propose, within the time allowed under 87-4-409(3), to deny a game farm license or issue a license with stipulations, the applicant must be given an opportunity to make changes to the application within 30 days of receipt of the department's written determination in order to mitigate or correct any problems or deficiencies. The department shall reconsider the application with the proposed

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changes within 30 days of receipt of changes to the application before granting, proposing to deny, or proposing to issue the license with stipulations.

(5) An applicant may request that the commission review a department proposal to deny a game farm license or to issue a license with stipulations by petitioning the commission for review within 10 days of the department's proposed decision. The commission shall decide whether to grant the license, propose to deny the license, or issue the license with stipulations. The commission's decision then becomes the department's proposed decision, subject to an opportunity for hearing under 87-4-428.

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(6) The department shall by rule:

(a) establish criteria for the classification of amendments to an existing license as major or minor; and

(b) establish an expeditious amendment process for minor amendments."

NEW SECTION. Section 12. Game farm advisory council -- appointment of members -- duties. (1) There is a game farm advisory council to advise the department and the department of livestock on the administration of game farms in this state.

(2) The game farm advisory council is composed of five members, appointed by the governor as follows:

(a) one member of the board of livestock or the department of livestock;

(b) one member of the fish, wildlife, and parks commission or the department;

(c) one member who is a representative of the game farm industry;



(d) one member who is a veterinarian licensed to practice veterinary medicine in this state; and

(e) one member who is a representative of the sportspersons of Montana.

(3) Members of the game farm advisory council shall serve 2-year terms. A member may serve one additional consecutive 2-year term.

(4) The game farm advisory council is attached to the department and the department of livestock in an advisory capacity only, as defined in 2-15-102. The department and the department of livestock shall provide staff support and assistance necessary for the council to perform its functions.

(5) Council members are not entitled to compensation or travel expenses as provided in 2-15-122.

NEW SECTION. Section 13. Codification instruction.

[Section ~~11~~ 12] is intended to be codified as an integral part of Title 87, chapter 4, part 4, and the provisions of Title 87, chapter 4, part 4, apply to [section ~~11~~ 12].

NEW SECTION. Section 14. Effective date. [This act] is effective July 1, 1995.

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Agriculture

HOUSE OF REPRESENTATIVES  
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SUBCOMMITTEE

DATE 3/20/95

DEPARTMENT(S)

DIVISION

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NAME	REPRESENTING	
MARC BREEDER	DEPT. OF LIVESTOCK	
Lon Mitchell	Dept. of Livestock	
Clarence J. Siroky	Dept. of Livestock	
Paul Suhn	Fish, Wildlife Parks	
Jim Richard	MT. Wildlife Fed	
Les Graham	MGBA	
Norris Joensen	MGBA	
Jack Salvendy	Dept. of Livestock	
Cook Mortensen	Dept. of Livestock	
<del>DENNIS IVERSEN</del>	<del>GAME BREEDERS</del>	
Sam Rose	Chr. of Sub-Comm.	
Dick Green	Comm. Member	
Pat Graham	F W P	

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