

Senate Bill 18

In The Senate

January 5, 1981	Introduced and referred to Committee on Fish and Wildlife.
January 6, 1981	Fiscal note requested.
January 9, 1981	Fiscal note returned.
February 17, 1981	Committee recommend bill do not pass.

1 SENATE BILL NO. 18
2 INTRODUCED BY TOWE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 REGULATION OF PRIVATE GAME ANIMAL SHOOTING PRESERVES."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Definitions. As used in [this act], unless
9 the context requires otherwise, the following definitions
10 apply:

11 (1) "Private game animal" means those wild animals,
12 except buffalo, that have been lawfully reduced to private
13 possession, including but not limited to those listed in
14 87-2-101(4) and (5), whether obtained within or imported
15 into the state, for hunting as game in a private game animal
16 shooting preserve. Private game animal does not include
17 wildlife hunted in a shooting preserve licensed under Title
18 87, chapter 4, part 5, or wildlife possessed under a game or
19 fur farm permit issued pursuant to 87-4-401 and harvested by
20 the game or fur farm owner or manager or a member of his
21 immediate family.

22 (2) "Private game animal shooting preserve" means
23 privately owned land used for the purpose of containing
24 privately owned and propagated game animals for private
25 hunting.

1 (3) "Operator" means any person, firm, company, or
2 corporation engaged in the operation of a private game
3 animal shooting preserve.

4 Section 2. Private game animal shooting preserve
5 permit. (1) Private game animals may not be possessed for
6 private game animal shooting preserve purposes unless a
7 prospective operator first secures a valid private game
8 animal shooting preserve permit from the department.

9 (2) A private game animal shooting preserve permit
10 application must be tentatively approved if a prospective
11 operator satisfies the department through his application
12 that:

13 (a) the operation would be conducted with lawfully
14 possessed private game animals in a manner that would not
15 adversely affect the public wildlife or domestic animals of
16 the state; and

17 (b) that no public wildlife would be mistakenly
18 harvested as private game animals.

19 (3) A private game animal shooting preserve permit must
20 be issued to a prospective operator possessing a tentatively
21 approved application upon:

22 (a) completion of fencing plans approved by the
23 department pursuant to rules adopted under [section 14] when
24 fencing is made a condition of issuance of a permit as
25 provided in [section 5];

1 (b) removal of public wildlife from the preserve when
2 made a condition of issuance of a permit as provided in
3 [section 6]; and

4 (c) payment of a \$50 annual fee.

5 (4) A permit is valid only for the private game animals
6 specified in the permit. If an operator desires to propagate
7 private game animals not included under his permit, he must
8 obtain written authorization from the department.

9 (5) A person who possesses a game or fur farm permit
10 issued pursuant to 87-4-401 or a shooting preserve permit
11 issued pursuant to 87-4-501 must obtain a private game
12 animal shooting preserve permit before harvesting private
13 game animals in the manner contemplated by [this act].

14 (6) A private game animal shooting preserve permit is
15 valid from the date of issuance until the following occurs:

16 (a) the operator ceases to conduct a private game
17 animal shooting preserve on the premises for which the
18 permit was issued; or

19 (b) the department revokes the permit for nonpayment of
20 the annual permit fee or for violation of any of the other
21 provisions pertaining to private game animal shooting
22 preserves.

23 Section 3. Application for permit. An application for a
24 private game animal shooting preserve permit must contain
25 the following information:

1 (1) the name of the applicant;

2 (2) the proposed location of the private game animal
3 shooting preserve;

4 (3) a description of proposed fencing plans;

5 (4) the species of private game animals to be possessed
6 under the permit;

7 (5) the source from which the private game animals have
8 been or will be acquired; and

9 (6) the method of transporting the private game animals
10 to the private game animal shooting preserve.

11 Section 4. Revocation of permit -- disposition of
12 private game animals. (1) The department may revoke an
13 operator's private game animal shooting preserve permit for
14 violation of the provisions pertaining to private game
15 animal shooting preserves by following the contested case
16 procedures of Title 2, chapter 4, parts 6 and 7.

17 (2) If a private game animal shooting preserve permit
18 is revoked, all private game animals possessed under the
19 permit must be disposed of within 5 months from the final
20 determination in the revocation proceedings or appeal, if
21 taken. All private game animals remaining beyond the
22 disposal period may be disposed of at the discretion of the
23 department.

24 Section 5. Fencing. Fencing adequate to keep separate
25 wildlife in public ownership and private game animals must

1 be a condition of issuance of a private game animal shooting
 2 preserve permit if the department determines that
 3 commingling of public wildlife and private game animals
 4 could occur and would be contrary to the protection,
 5 preservation, and propagation of public wildlife under the
 6 department's charge or domestic animals in the state.

7 Section 6. Removal of publicly owned wildlife. An
 8 operator shall remove publicly owned wildlife from within a
 9 proposed private game animal shooting preserve as ordered by
 10 the department before a private game animal shooting
 11 preserve permit is issued if the department determines that
 12 partial or total removal of public wildlife would be
 13 feasible and a necessary condition to issuance of a permit
 14 to ensure that no public wildlife would be mistakenly
 15 harvested as private game animals.

16 Section 7. Identification of private game animals. Any
 17 private game animal possessed by an operator under a private
 18 game animal shooting preserve permit that could become
 19 commingled with and not readily distinguished from publicly
 20 owned wildlife must be permanently identified with a
 21 nonreusable tag furnished by the department in accordance
 22 with the following:

23 (1) No tag may be sold to anyone other than an operator
 24 who is in lawful possession of the private game animal to be
 25 tagged.

1 (2) Application for a tag must be made within 10 days
 2 of acquisition of the private game animal or 90 days of
 3 birth of private game animal progeny propagated by an
 4 operator.

5 (3) A tag must be attached within 6 months of receipt
 6 and remain attached until the private game animal is killed
 7 and prepared for consumption.

8 (4) No tag may be used to identify more than one
 9 private game animal.

10 (5) No private game animal possessed under a private
 11 game animal shooting preserve permit may be killed, sold, or
 12 donated, nor may possession otherwise be transferred by an
 13 operator until tagged in accordance with this section.

14 (6) Each tag must be sold by the department at cost.

15 Section 8. Disease control. (1) No private game animal
 16 may be imported into the state for private game animal
 17 shooting preserve purposes unless:

18 (a) it has passed a visual inspection for disease by a
 19 veterinarian accredited by the U.S. department of
 20 agriculture pursuant to parts 160 and 161, chapter 1,
 21 subdivision 1, Title 9, code of federal regulations, as
 22 amended or recodified;

23 (b) it is accompanied by an official health certificate
 24 issued by an accredited veterinarian following inspection;

25 (c) it is accompanied by a permit issued by the

1 department of livestock pursuant to administrative rules of
2 Montana (ARM) 32.2.215, as amended or recodified; and

3 (d) the provisions of ARM 32.3.201 through 32.3.211, as
4 amended or recodified, are observed.

5 (2) An operator shall notify the department and the
6 department of livestock prior to transporting live private
7 game animals from his private game animal shooting preserve
8 to another location within or without the state.

9 (3) An operator shall notify the department and the
10 department of livestock of any outbreak of disease in his
11 private game animals.

12 (4) The department and the department of livestock are
13 authorized to treat, quarantine, or destroy diseased private
14 game animals or take other reasonable action appropriate to
15 the severity of the disease factors presenting a threat to
16 wildlife or livestock under their respective control.

17 Section 9. Records -- inspection. (1) An operator must
18 keep a written record which shall include:

19 (a) the number, species, sex, and source of private
20 game animals purchased or under his control;

21 (b) the number, species, and sex of private game
22 animals sold or otherwise disposed of and the name and
23 address of each purchaser or recipient; and

24 (c) the date of each purchase, sale, or other transfer
25 of possession of private game animals.

1 (2) An operator's records and private game animal
2 shooting preserve are open to periodic inspections by the
3 department for the purpose of determining the accuracy of
4 records, the adequacy of identification of private game
5 animals, the adequacy of fencing, and compliance with the
6 laws pertaining to private game animal shooting preserves.
7 The inspection must be conducted during reasonable hours but
8 does not require prior notice.

9 Section 10. Invoice. (1) When an operator sells or
10 transfers possession of any private game animal possessed
11 under a private game animal shooting preserve permit, he
12 shall deliver to the purchaser, donee, transferee, or
13 consignee or attach to a shipment destined to such person an
14 invoice, signed by the operator, stating:

15 (a) his permit number;

16 (b) the date of transfer;

17 (c) the species and sex of the private game animal;

18 (d) the identification tag number; and

19 (e) the name and address of the purchaser, donee,
20 transferee, or consignee.

21 (2) Possession of an invoice containing the information
22 required in subsection (1) and executed by an operator is
23 prima facie evidence that the holder thereof obtained the
24 private game animal specified on the invoice without
25 violating the provisions of Title 87.

1 Section 11. Unlawful capture. No person may capture or
2 take any public wildlife from the wild in this state for use
3 on a private game animal shooting preserve.

4 Section 12. Release of private game animals. No
5 operator may release a private game animal into the wild
6 except as authorized by the department.

7 Section 13. Application of law within preserve. The
8 provisions of Title 87 apply to the harvesting of publicly
9 owned wildlife within the confines of a private game animal
10 shooting preserve.

11 Section 14. Department rulemaking -- fencing --
12 identification. The department may adopt rules pertaining to
13 the types of fencing approved to enclose private game animal
14 shooting preserves and the form of identification of private
15 game animals required.

16 Section 15. Codification instruction. This act is
17 intended to be codified as an integral part of Title 87, and
18 the provisions of Title 87 apply to this act.

-End-

SB/8

STATE OF MONTANA

REQUEST NO. 6-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 18 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to provide for the regulation of private game animal shooting preserves.

Assumptions

There will be 8-10 private shooting preserves. Each private preserve will require 3-4 working days for approximately 8 employees.

<u>Fiscal Impact</u>	<u>FY 1982</u>	<u>FY 1983</u>
Personal Services	\$3,192.32	\$3,875.84
Rule Making Hearing Expense	500.00	
Capital Outlay	<u>100.00</u>	<u> </u>
	\$3,732.92	\$3,875.84
Minus Permit Fee	<u>400.00</u>	<u>400.00</u>
	\$3,392.32	\$3,475.84

Comments

Enactment of Senate Bill 18 will increase both the administrative and enforcement costs and time to properly administer the provisions of this bill. These costs cannot be accurately estimated but could be substantiated if enforcement problems created by this act were magnified by commercial interests in wildlife.

Lyle Manley, for
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 1/9/81