

HOUSE BILL NO. 581

INTRODUCED BY WALLIN, ELLISON

IN THE HOUSE

January 31, 1985	Introduced and referred to Committee on Fish and Game.
February 1, 1985	Fiscal Note requested.
February 7, 1985	Fiscal Note returned.
February 13, 1985	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 18, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 19, 1985	Introduced and referred to Committee on Fish and Game.
March 15, 1985	Committee recommend bill be concurred in. Report adopted.
March 21, 1985	Second reading, concurred in.
March 23, 1985	Third reading, concurred in. Ayes, 46; Noes, 2.
	Returned to House.

IN THE HOUSE

March 25, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1                    HOUSE BILL NO. 581

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4    A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE  
5    DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ISSUE AVICULTURAL  
6    PERMITS FOR THE TAKING OF MIGRATORY GAME BIRDS FOR  
7    PROPAGATION PURPOSES; AMENDING SECTION 87-4-902, MCA."

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

10        NEW SECTION. Section 1. Taking migratory game birds  
11    for propagation -- avicultural permit. (1) The department  
12    may issue avicultural permits for taking, capturing, and  
13    possessing migratory game birds, as defined in 87-2-101(7),  
14    for the purpose of propagation. Before issuing an  
15    avicultural permit, the department must determine that the  
16    applicant has been issued the appropriate federal permit or  
17    that the applicant will receive the appropriate federal  
18    permit subject to concurrence by the department.

19        (2) An avicultural permit issued under this section  
20    must specify:

21        (a) the species of migratory game birds allowed to be  
22    taken under the permit;

23        (b) whether eggs or hatched birds, or both, may be  
24    taken;

25        (c) the number of eggs or hatched birds, or both, that

1    may be taken;

2        (d) areas in which collection may be made;

3        (e) means by which collection may be made;

4        (f) the time period for which the permit is valid; and

5        (g) any other conditions imposed by the department  
6    under rules adopted pursuant to subsection (5).

7        (3) Hatched migratory game birds or their eggs taken  
8    under an avicultural permit issued in accordance with this  
9    section remain the property of the state and may be disposed  
10    of only with the permission of the department. Progeny of  
11    hatched migratory game birds taken under permit as provided  
12    in this section become the private property of the holder of  
13    the permit who propagates such migratory game birds, and the  
14    owner may sell or transfer such birds as private property,  
15    subject to any applicable state or federal law or  
16    regulation.

17        (4) An applicant for a migratory game bird avicultural  
18    permit who is denied a permit by the department may seek a  
19    remedy under the contested case hearing provisions of Title  
20    2, chapter 4.

21        (5) The department shall adopt rules implementing this  
22    section.

23        Section 2. Section 87-4-902, MCA, is amended to read:

24        "87-4-902. Exemption. This part does not apply to:

25        (1) a person who owns, controls, or propagates game

1 birds for purposes other than sale or conveyance of game  
2 birds or parts thereof and who notifies the department and  
3 receives its written authorization and exemption; or

4 (2) the holder of a migratory game bird avicultural  
5 permit under [section 1]."

6 NEW SECTION. Section 3. Codification instruction.  
7 Section 1 is intended to be codified as an integral part of  
8 Title 87, chapter 2, part 8, and the provisions of Title 87  
9 apply to section 1.

-End-

## STATE OF MONTANA

REQUEST NO. FNN 307-85

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 1, 19 85, there is hereby submitted a Fiscal Note for H.B. 581 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:

Authorize the Department of Fish, Wildlife, and Parks to issue avicultural permits for the taking of migratory game birds for propagation purposes.

ASSUMPTIONS:

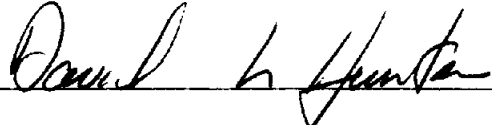
1. The greatest demand for permits will involve swans and cranes.
2. We estimate 30 requests each for the swans and the cranes and 30 requests for all other birds each year.
3. Each permit request will require one day in-office follow-up and one day of field investigation.
4. Investigations of bird populations will be required to determine the impact of removal. This will involve initial investigations of swan and crane populations, and then annual follow-up studies.
5. The birds anticipated to be in greatest demand are found in remote and restrictive habitat. This will make investigations more time consuming.
6. The legislation provides for no permit fee.
7. No permits would be issued the first year because of the need for population studies.

FISCAL IMPACT:Expenditures:

	<u>FY 86</u>		<u>FY 87</u>	
	<u>Current</u>	<u>Proposed</u>	<u>Current</u>	<u>Proposed</u>
Personal Services	-0-	\$12,000	-0-	\$22,560
Operating Expenses	-0-	8,000	-0-	9,382
Total	-0-	\$20,000	-0-	\$31,942
Total Expenditures				
Earmarked Special Rev. Fund	-0-	\$20,000	-0-	\$31,942

Revenue:

None generated under the proposed bill.

  
 \_\_\_\_\_  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning

Date: Feb 2, 1985

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Not applicable.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The permit processing and annual study costs of approximately \$32,000 annually will continue.

TECHNICAL NOTE:

None.

APPROVED BY COMM.  
ON FISH AND GAME

1 STATEMENT OF INTENT

2 HOUSE BILL 581

3 House Fish and Game Committee

4

5 A statement of intent is necessary for this bill  
6 because section 1 grants rulemaking authority to the  
7 department of fish, wildlife, and parks. It is the intent of  
8 the legislature that the department adopt rules providing  
9 for coordination with federal agencies in the issuance of  
10 avicultural permits and enforcement of conditions and  
11 restrictions imposed by the federal migratory game bird  
12 regulations.

13 The legislature intends that the department adopt rules  
14 addressing disposition of migratory game birds that remain  
15 the property of the state under the provisions of this bill.  
16 It is the further intent of the legislature that the  
17 department provide necessary guidelines for the issuance and  
18 exercise of avicultural permits not stated in the bill.

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1 (c) the number of eggs or hatched birds, or both, that  
2 may be taken;

3 (d) areas in which collection may be made;

4 (e) means by which collection may be made;

5 (f) the time period for which the permit is valid; and

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21 ~~27, chapter 4.~~

22 (4) THE DEPARTMENT MAY CHARGE A FEE FOR ISSUING AN  
23 AVICULTURAL PERMIT, IF NECESSARY, NOT TO EXCEED THE COST OF  
24 ISSUING SUCH PERMIT.

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14 NEW SECTION. SECTION 4. TERMINATION. THIS ACT  
15 TERMINATES SEPTEMBER 30, 1989.

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THIRD READING

HB 581

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