

HOUSE BILL NO. 611

INTRODUCED BY DEVLIN, ELLISON, SWITZER, HOLLIDAY,
ASAY, KEYSER, HANSON, PHILLIPS, ABRAMS, KELLER,
THOFT, NATHE, TVEIT, E. SMITH

IN THE HOUSE

February 1, 1985	Introduced and referred to Committee on Fish and Game.
February 4, 1985	Fiscal Note requested.
February 7, 1985	Fiscal Note returned.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 21, 1985	Bill printed and placed on members' desks.
February 22, 1985	Second reading, do pass as amended. Correctly engrossed.
February 25, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Fish and Game.
March 27, 1985	Committee recommend bill be concurrent in. Report adopted.
March 29, 1985	Second reading, concurred in as amended.

April 1, 1985

Third reading, concurred in.
Ayes, 47; Noes, 1.

Returned to House with
amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments
concurred in.

On motion, rules suspended and
bill placed on third reading this
day.

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 611 E. Smith
 2 INTRODUCED BY Dwain Ellison Smith Lucy May
 3 Heysen M. Hansen Phillips Abraham Heller
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ANY Animal
 5 BEAR, WOLF, MOUNTAIN LION, OR COYOTE CAPTURED OR HELD IN
 6 CAPTIVITY BE PERMANENTLY TATTOOED BY THE DEPARTMENT OF FISH,
 7 WILDLIFE, AND PARKS; PROVIDING A PENALTY; AND PROVIDING
 8 COMPENSATION FOR DAMAGE CAUSED BY SUCH ANIMALS HELD IN
 9 CAPTIVITY."

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

12 Section 1. Tattooing of bears, wolves, mountain lions,
 13 or coyotes -- when required -- penalty. (1) Any bear, wolf,
 14 mountain lion, or coyote that is captured alive to be later
 15 released or which is held in captivity for any purpose must
 16 be reported to the department within 3 days of the capture
 17 or commencement of captivity. If a person capturing or
 18 holding in captivity such animal fails to report an animal
 19 as required by this section, such failure is a misdemeanor
 20 punishable as provided in 87-1-102.

21 (2) The department shall permanently tattoo each
 22 animal reported as required in subsection (1) in a manner
 23 that will provide positive individual identification of such
 24 animal. The department shall charge a fee of \$35 for each
 25 animal tattooed, except for those animals captured or held

1 in captivity by the department. No tattoo is required under
 2 this section if the animal is subject to a permanent,
 3 individual identification process by another state or
 4 federal agency.

5 (3) Any person holding a bear, wolf, mountain lion, or
 6 coyote in captivity shall immediately report to the
 7 department any death, escape, release, transfer of custody,
 8 or other disposition of such animal.

9 Section 2. Tattoo records. The department shall
 10 maintain a record of each animal tattooed by it pursuant to
 11 [section 1]. The record shall indicate:

12 (1) the person by whom the animal was captured or is
 13 held in captivity;

14 (2) the location of the capture or captivity;

15 (3) the date the animal was tattooed;

16 (4) the purpose of the captivity or capture; and

17 (5) any death, escape, release, transfer of custody,
 18 or other disposition of such animal.

19 Section 3. Compensation for damage caused by animal
 20 held in captivity. If any bear, wolf, mountain lion, or
 21 coyote that is held in captivity causes any damage to the
 22 personal property of another person, compensation for such
 23 damage must be paid by the person holding the animal in
 24 captivity.

25 Section 4. Extension of authority. Any existing

1 authority of the department of fish, wildlife, and parks to
2 make rules on the subject of the provisions of this act is
3 extended to the provisions of this act.

4 Section 5. Codification instruction. Sections 1
5 through 3 are intended to be codified as an integral part of
6 Title 87, chapter 1, part 2, and the provisions of Title 87
7 apply to sections 1 through 3.

-End-

STATE OF MONTANA

REQUEST NO. FNN 310-85

FISCAL NOTE

Form BD-15

In compliance with a written request received February 4, 19 85, there is hereby submitted a Fiscal Note for H.B. 611 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:

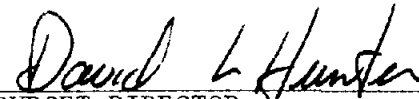
Require that any bear, wolf, mountain lion, or coyote captured or held in captivity be permanently tattooed by the Department of Fish, Wildlife, and Parks; provide a penalty; provide compensation for damage caused by such animals held in captivity.

ASSUMPTIONS:

1. Wild animals currently held in captivity by private individuals are estimated to be 13 mountain lions, 11 bears, 135 wolves and 150 coyotes. In addition to these, the department captures approximately 100 animals annually.
2. We assume the tattoo requirement applies to animals captured by the department in addition to those captured by private individuals.
3. For each animal tattooed, a fee of \$35 will be charged.
4. Each animal will require two days of employee time at \$10.00 per hour.
5. The number of animals tattooed will decrease after the first year. We estimate 50 animals held captive by individuals will require tattoos in each of the subsequent years.

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>
<u>Revenue:</u>		
Current Law	\$ -0-	\$ -0-
Proposed Law	\$ <u>10,815</u>	\$ <u>1,750</u>
Estimated Increase		
To State Special Revenue	\$ 10,815	\$ 1,750


BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 7, 1985

FISCAL IMPACT: (continued)

Expenditures:

Current Law	\$ -0-	\$ -0-
Proposed Law		
Personal Services	\$ 65,440	\$ 24,000
Operating Expenses	<u>66,771</u>	<u>\$ 17,850</u>
 Total Cost To		
State Special Revenue	<u>\$132,211</u>	<u>\$ 41,850</u>
 Net Effect on		
State Special Revenue	(\$121,396)	(\$ 40, 00)

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

None

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Revenue and expenditures should continue at a rate similar to that occurring in FY 1987. If damage is inflicted upon personal property by an animal captured by the department, there will be a resulting cost which we cannot presently determine.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

1. The bill does not define a coyote or wolf. There is doubt as to whether this legislation applies to hybrids.
2. The bill does not specify who is responsible for sedating the animals prior to tattooing or who would be responsible if the animal died while sedated.
3. Section 3 does not define "immediately."
4. This bill does not clearly specify whether the tattoo requirement applies to animals captured by the department.

APPROVED BY COMM.
ON FISH AND GAME

1 STATEMENT OF INTENT

2 HOUSE BILL 611

3 House Fish and Game Committee

4
5 This bill requires a statement of intent because
6 section 4 requires the department of fish, wildlife, and
7 parks to adopt a rule establishing a fee to be charged for
8 receiving reports of the capture of animals listed in the
9 bill and maintaining a record of such reports. It is the
10 intent of the legislature that such fee shall reflect the
11 actual administrative cost incurred by the department in
12 carrying out its responsibility under the bill.

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7 ~~BEAR,--WOLF,--MOUNTAIN-LION,--OR-COYOTE~~ CERTAIN BEARS, WOLVES,
8 MOUNTAIN LIONS, OR COYOTES CAPTURED OR HELD IN CAPTIVITY BE
9 PERMANENTLY TATTOOED BY--THE-DEPARTMENT-OF-FISH,--WILDLIFE,
10 AND-PARKS OR OTHERWISE PERMANENTLY IDENTIFIED; PROVIDING A
11 PENALTY; AND PROVIDING COMPENSATION FOR DAMAGE CAUSED BY
12 SUCH ANIMALS HELD IN CAPTIVITY."

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18 released or which is held in captivity for any purpose must
19 be reported to the department within 3 days of the capture
20 or commencement of captivity. If a person capturing or
21 holding in captivity such animal fails to report an animal
22 as required by this section, such failure is a misdemeanor
23 punishable as provided in 87-1-102.

24 (2) ~~The-department-shall-permanently-tattoo-each~~ EACH
25 animal reported as required in subsection (1) SHALL BE

1 PERMANENTLY TATTOOED in a manner that will provide positive
2 individual identification of such animal. ~~The-department~~
3 ~~shall-charge-a-fee-of-\$35-for-each-animal--tattooed,--except~~
4 ~~for--those--animals--captured--or--held--in-captivity-by-the~~
5 ~~department.~~ No tattoo is required under this section if the
6 animal is subject to a permanent, individual identification
7 process by another state or federal agency.

8 (3) Any person holding a bear, wolf, mountain lion, or
9 coyote in captivity shall immediately report to the
10 department any death, escape, release, transfer of custody,
11 or other disposition of such animal.

12 Section 2. Tattoo records. (1) The department shall
13 maintain a record of each animal ~~tattooed-by~~ REPORTED TO it
14 pursuant to [section 1]. The record shall indicate:

15 ~~1+1~~(A) the person by whom the animal was captured or
16 is held in captivity;

17 ~~1+2~~(B) the location of the capture or captivity;

18 ~~1+3~~(C) the date the animal was tattooed;

19 ~~1+4~~(D) the purpose of the captivity or capture; and

20 ~~1+5~~(E) any death, escape, release, transfer of
21 custody, or other disposition of such animal.

22 (2) THE DEPARTMENT SHALL ESTABLISH BY RULE A FEE TO BE
23 CHARGED, WHICH MAY NOT EXCEED THE ADMINISTRATIVE COST OF
24 MAINTAINING THE RECORD REQUIRED BY THIS SECTION.

25 Section 3. Compensation for damage caused by animal

held in captivity. If any bear, wolf, mountain lion, or coyote that is held in captivity OR THAT ESCAPES FROM SUCH CAPTIVITY causes any damage to the personal property of another person, compensation for such damage must be paid by the person holding OR WHO HELD the animal in captivity.

SECTION 4. EXCEPTIONS. THIS ACT DOES NOT APPLY TO THOSE ANIMALS:

(1) CAPTURED AND RELEASED AS PART OF AN ONGOING GAME MANAGEMENT PROGRAM OR AN ONGOING PREDATOR CONTROL PROGRAM UNLESS SUCH ANIMALS HAVE BEEN INVOLVED IN LIVESTOCK KILLING;

OR

(2) CAPTURED AND RELEASED AS PART OF A SCIENTIFIC, EDUCATIONAL, OR RESEARCH PROGRAM AS CERTIFIED BY THE DEPARTMENT.

Section 5. Extension of authority. Any existing authority of the department of fish, wildlife, and parks to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 6. Codification instruction. Sections 1 through 3 4 are intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87 apply to sections 1 through 3 4.

-End-

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or commencement of captivity. If a person capturing or
holding in captivity such animal fails to report an animal
as required by this section, such failure is a misdemeanor
punishable as provided in 87-1-102.

(2) ~~The department shall permanently tattoo each~~ EACH
animal reported as required in subsection (1) SHALL BE

PERMANENTLY TATTOOED TATTOOED OR OTHERWISE PERMANENTLY
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COMMITTEE OF THE WHOLE AMENDMENT

Mar 29, 1985

SENATE

DATE

4:30

TIME

MR. CHAIRMAN: I MOVE TO AMEND _____ HOUSE BILL _____ No. 611

third reading copy (blue) as follows:
Color

1. Title, line 7.
Following: "WOLVES,"
Insert: "TIGERS,"
2. Page 1, line 15.
Following: "wolves,"
Insert: "tigers,"
3. Page 1, line 17.
Following: line 16
Insert: "tiger,"
4. Page 2, line 9.
Following: "wolf,"
Insert: "tiger,"
5. Page 3, line 2.
Following: "wolf,"
Insert: "tiger"

PC3HB611.681

ADOPT

REJECT

File Story

STORY

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