

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 concurred 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. Sprinth  
2 INTRODUCED BY Devlin E. Meier Levi Thor Levi Thor Levi Thor  
3 Hayes M. Hansen John John John  
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."

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.

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

(5) any death, escape, release, transfer of custody, 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

## F I S C A L N O T E

Form BD-15

In compliance with a written request received February 4, 1985, 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

*David L Hunter*  
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.

SECOND READING  
HB 611



HOUSE BILL NO. 611

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

6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ANY  
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,"

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

15       Section 1. Tattooing of bears, wolves, mountain lions,  
16       or coyotes -- when required -- penalty. (1) Any bear, wolf,  
17       mountain lion, or coyote that is captured alive to be later  
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 TATOOED 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.

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           **tit(A)** the person by whom the animal was captured or  
16    is held in captivity;

17       f2}(B) the location of the capture or captivity;  
18       f3}(C) the date the animal was tattooed;  
19       f4}(D) the purpose of the captivity or capture; and  
20       f5}(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



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

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

8 (1) CAPTURED AND RELEASED AS PART OF AN ONGOING GAME  
9 MANAGEMENT PROGRAM OR AN ONGOING PREDATOR CONTROL PROGRAM  
10 UNLESS SUCH ANIMALS HAVE BEEN INVOLVED IN LIVESTOCK KILLING;  
11 OR  
12 (2) CAPTURED AND RELEASED AS PART OF A SCIENTIFIC,  
13 EDUCATIONAL, OR RESEARCH PROGRAM AS CERTIFIED BY THE  
14 DEPARTMENT.

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

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

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 611

3 House Fish and Game Committee

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THIRD READING  
HB 611

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8 MOUNTAIN LIONS, OR COYOTES CAPTURED OR HELD IN CAPTIVITY BE  
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10 AND-PARKS OR OTHERWISE PERMANENTLY IDENTIFIED; PROVIDING A  
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13           Section 2. Tattoo records. (1) The department shall  
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18 (2)(B) the location of the capture or captivity:

19 f37(C) the date the animal was tattooed;

20            ~~†††(D)~~ the purpose of the captivity or capture; and

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22 custody, or other disposition of such animal.

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24 CHARGED, WHICH MAY NOT EXCEED THE ADMINISTRATIVE COST OF  
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11      UNLESS SUCH ANIMALS HAVE BEEN INVOLVED IN LIVESTOCK KILLING;  
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-End-

# COMMITTEE OF THE WHOLE AMENDMENT

Mar 29, 1985

DATE

4:30

TIME

SENATE

HOUSE BILL

No. 611

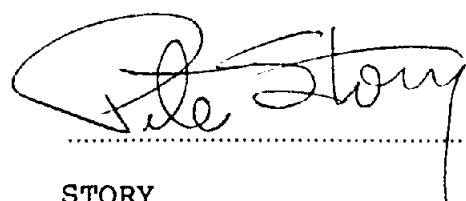
third reading copy ( blue ) as follows:  
Color

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

(B)  
ADOPT

REJECT



STORY

## STATEMENT OF INTENT

HOUSE BILL 611

## House Fish and Game Committee

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REFERENCE BILL  
*HB611*



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