

HOUSE BILL 476

Introduced by Grady, et al.

1/27	Introduced
1/28	Referred to Business & Economic Development
1/30	Fiscal Note Requested
2/06	Fiscal Note Received
2/09	Hearing
2/10	Tabled in Committee

1 House BILL NO. 476
 2 INTRODUCED BY Gregory Beck Holman
 3 Rife WHEELER
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE BOARD
 5 OF TAXIDERMY; TRANSFERRING THE LICENSING OF TAXIDERMISTS
 6 FROM THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO THE
 7 DEPARTMENT OF COMMERCE; ESTABLISHING LICENSING CRITERIA,
 8 EXAMINATION REQUIREMENTS, AND FEES FOR THE PRACTICE OF
 9 TAXIDERMY; GRANTING RULEMAKING AUTHORITY TO THE BOARD OF
 10 TAXIDERMY AND DEPARTMENT OF COMMERCE; PROVIDING PENALTIES;
 11 PROVIDING AN EXEMPTION FROM THE SUNRISE LAW; REPEALING
 12 SECTION 87-4-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 13 DATE."

14
 15 STATEMENT OF INTENT

16 A statement of intent is required for this bill because
 17 [sections 3, 5, and 7] grant to the board of taxidermy and
 18 the department of commerce the authority to adopt rules to
 19 implement the provisions of this bill. At a minimum, it is
 20 intended that the rules address:

21 (1) examination and reexamination procedures for
 22 applicants for a taxidermy license, including the time and
 23 manner of the conduct of examinations and reexaminations by
 24 the department;

25 (2) development of application forms, examination and

1 reexamination formats, and other necessary forms;
 2 (3) fees necessary to cover expenses related to
 3 applications for licensure, examination, and reexamination;
 4 (4) insurance required of licensees and any
 5 appropriate bonding requirements and amounts;
 6 (5) appropriate recordkeeping requirements of
 7 licensees; and
 8 (6) establishment of criteria for suspension or
 9 revocation of licensure.

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

12 NEW SECTION. Section 1. Board of taxidermy. (1) There
 13 is a board of taxidermy.

14 (2) The board consists of five members, appointed by
 15 the governor with the consent of the senate. Members serve
 16 for terms of 3 years. The membership consists of:

17 (a) three persons, licensed by the board, who practice
 18 commercial taxidermy in this state;

19 (b) one representative of the department of commerce;
 20 and

21 (c) one member of the general public.

22 (3) The Montana certified professional taxidermy
 23 association may recommend to the governor the three licensed
 24 taxidermist members appointed under subsection (2)(a).

25 (4) The board is allocated to the department for

1 administrative purposes only as prescribed in 2-15-121.

2 NEW SECTION. **Section 2. Definitions.** As used in
3 [sections 2 through 8], the following definitions apply:

4 (1) "Board" means the board of taxidermy established
5 in [section 1];

6 (2) "Department" means the department of commerce
7 provided for in 2-15-1801.

8 (3) "Practice of taxidermy" means a business conducted
9 for profit for the purpose of mounting, preserving, or
10 preparing the skins of any wildlife or any part thereof.

11 NEW SECTION. **Section 3. Powers and duties of board of**
12 **taxidermy -- rulemaking authority.** The board shall by rule:

13 (1) establish minimum insurance requirements as
14 provided in [section 4];

15 (2) establish a system for testing, as provided in
16 [section 5], a person who applies for licensure as a
17 taxidermist;

18 (3) develop appropriate recordkeeping procedures as
19 provided in [section 6];

20 (4) set appropriate fees to cover expenses related to
21 applications for licensure, examination, and reexamination
22 as provided in [section 7];

23 (5) develop any forms or procedures necessary for the
24 proper administration of [sections 2 through 8]; and

25 (6) establish criteria for suspension or revocation of

1 a taxidermy license upon a violation of [sections 2 through
2 8].

3 NEW SECTION. **Section 4. Qualifications for licensure.**

4 To qualify for a license to engage in the practice of
5 taxidermy under [sections 2 through 8], a person shall apply
6 to the board for a license, pass the examination required by
7 [section 5], and pay the appropriate fees established under
8 [section 7]. An applicant for licensure and license renewal
9 shall show to the satisfaction of the board that he:

10 (1) possesses liability insurance in an amount
11 considered sufficient by the board; or

12 (2) has posted an indemnity bond with the board in
13 lieu of the insurance required under subsection (1). The
14 bond must guarantee that any loss resulting from liability
15 for damage to property caused by the applicant's practice of
16 taxidermy will be paid within 30 days after final judgment
17 is entered establishing liability. The bond must guarantee
18 payment in the amount provided for insurance under
19 subsection (1).

20 NEW SECTION. **Section 5. License examination --**
21 **reexamination.** (1) The examination required for licensure
22 as a taxidermist must be a written examination only and in a
23 form sufficient to show an applicant's adequate knowledge
24 and techniques of taxidermy performance, as determined by
25 board rule. The examination must be conducted by the

1 department at times and in the manner determined by
2 department rule.

3 (2) An applicant who fails to pass the examination
4 required by this section may apply to the board for
5 reexamination within 1 year, upon payment of a reexamination
6 fee provided under [section 7].

7 NEW SECTION. **Section 6. Recordkeeping requirements.**

8 (1) A person licensed under [sections 2 through 8] shall
9 keep a written record of:

10 (a) all articles of wildlife in his possession or
11 control;

12 (b) the kind and number of each article of wildlife,
13 by whom the article is owned, and the residence of the
14 owner; and

15 (c) all articles of wildlife shipped and to whom and
16 where shipped.

17 (2) The records must be kept for as long as the
18 articles of wildlife remain in the possession of the
19 licensee, but in any event at least 5 years. The records
20 must be open to inspection by a member of the board at any
21 reasonable time.

22 NEW SECTION. **Section 7. Fees.** (1) The cost of a
23 license to practice taxidermy and for annual license renewal
24 is \$15.

25 (2) The board shall by rule establish other fees

1 commensurate with costs to cover expenses related to
2 applications for licensure, examination, and reexamination
3 under [sections 4 and 5].

4 NEW SECTION. **Section 8. Penalties.** (1) A person who
5 practices taxidermy without meeting the qualifications for
6 licensure under [section 4] or who holds himself out to be a
7 licensed taxidermist without meeting the provisions of
8 [section 4] is guilty of a misdemeanor and is punishable as
9 provided in 46-18-212.

10 (2) A person licensed under [section 4] who violates
11 any provision of [sections 2 through 8] may be subject to
12 license suspension or revocation by the board.

13 NEW SECTION. **Section 9. Transfer of functions.** Any
14 functions of the department of fish, wildlife, and parks
15 relating to the licensing of taxidermists under 87-4-201 are
16 transferred to the department of commerce in accordance with
17 2-15-131 through 2-15-137.

18 NEW SECTION. **Section 10. Sunrise exemption.** Because
19 licensure of taxidermists is already accomplished under
20 present state law, establishment of the board of taxidermy
21 is exempt from the provisions of Title 2, chapter 8, part 2.

22 NEW SECTION. **Section 11. Repealer.** Section 87-4-201,
23 MCA, is repealed.

24 NEW SECTION. **Section 12. Codification instruction.**
25 (1) [Section 1] is intended to be codified as an integral

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1 part of Title 2, chapter 15, part 18, and the provisions of
2 Title 2, chapter 15, part 18, apply to [section 1].

3 (2) [Sections 2 through 8] are intended to be codified
4 as an integral part of Title 37, and the provisions of Title
5 37 apply to [sections 2 through 8].

6 NEW SECTION. **Section 13.** Severability. If a part of
7 [this act] is invalid, all valid parts that are severable
8 from the invalid part remain in effect. If a part of [this
9 act] is invalid in one or more of its applications, the part
10 remains in effect in all valid applications that are
11 severable from the invalid applications.

12 NEW SECTION. **Section 14.** Effective date. [This act]
13 is effective on passage and approval.

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