

HOUSE BILL 412

Introduced by Menahan, et al.

1/30	Introduced
1/30	Referred to Agriculture, Livestock & Irrigation
1/30	Fiscal Note Requested
1/30	First Reading
2/05	Fiscal Note Received
2/05	Rereferred to Fish & Game
2/09	Fiscal Note Printed
2/11	Hearing
2/16	Tabled in Committee

1 House BILL NO. 412
 2 INTRODUCED BY Merrill Samson
 3 Harvey Carlson
 4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF
 5 GAME FARM LICENSES THAT MAY BE ISSUED BY THE DEPARTMENT OF
 6 FISH, WILDLIFE, AND PARKS; AMENDING SECTIONS 87-4-409 AND
 7 87-4-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 **Section 1.** Section 87-4-409, MCA, is amended to read:
 11 "87-4-409. Application for license -- limitations on
 12 issuance. (1) Any person desiring to obtain a game farm
 13 license shall make written application to the department.
 14 The application shall specify:
 15 (a) the applicant's name;
 16 (b) the applicant's address;
 17 (c) the exact legal description of the land upon which
 18 the game farm is to be located, together with the nature of
 19 the applicant's title thereto to the land, whether in fee,
 20 under lease, by contract for deed, or otherwise;
 21 (d) the species of game animals proposed to be kept or
 22 reared on the game farm;
 23 (e) the type of fencing contemplated;
 24 (f) the source from which the applicant intends to
 25 acquire the game animals;

1 (g) if the applicant is not a Montana resident, the
 2 name and address of a Montana resident designated by the
 3 applicant as his the applicant's local agent;
 4 (h) if the applicant is a corporation, the full names
 5 and addresses of all stockholders owning more than 10% of
 6 the stock in the corporation; and
 7 (i) information demonstrating that the applicant is
 8 responsible.
 9 (2) A Subject to the provisions of subsection (4), a
 10 game farm license ~~shall~~ may be issued only to a responsible
 11 applicant who owns or leases the premises on which the
 12 operations are to be conducted and who has properly fenced
 13 the land upon which the game farm is to be located. The
 14 fencing must be designed and constructed to prevent the
 15 escape of the species of game farm animals kept on the land
 16 and to prevent the entry of the same species of game
 17 animals.
 18 (3) Within Subject to the provisions of subsection (4),
 19 within 60 days of receiving the application, the department
 20 shall notify the applicant of its decision to approve or
 21 deny the application. If required fencing has not been
 22 completed, the department shall approve the application
 23 subject to completion of the fencing. If the application is
 24 denied, the department shall specify the reasons for denial.
 25 (4) [Except as provided in subsection (5),] the total

number of game farm licenses that may be issued by the department may not exceed the number of current licenses on [the effective date of this act]. The limitation imposed in this subsection applies to licenses necessitated by expansion of existing game farm facilities.

(5) The restriction on the number of licenses imposed under subsection (4) does not apply to a license transferred under 87-4-412(2)."

Section 2. Section 87-4-412, MCA, is amended to read:

"87-4-412. Term of license -- nontransferability. (1) A game farm license expires on January 31 of the year succeeding the year of issuance. Application for renewal must be made before a license expires. The Subject to the provisions of 87-4-409(4), the department shall renew the license upon payment of the renewal fee if the licensee has not violated any provisions under which the license was granted.

(2) A game farm license is nontransferable."

NEW SECTION. Section 3. Coordination instruction. (1)

If __ Bill No. __ [LC 850] is passed and approved and if it includes a section amending 87-4-412 to make game farm licenses transferable, then [section 2 of this act], amending 87-4-412, is void.

(2) If __ Bill No. __ [LC 850] is not passed and approved, then the bracketed language in 87-4-409(4) and all

of 87-4-409(5) of [this act] are void.

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0412, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act limiting the number of game farm licenses that may be issued by the Department of Fish, Wildlife and Parks and providing an immediate effective date.

ASSUMPTIONS:

1. Tasks associated with game farm licensing will be limited to re-issuing 2 game farm licenses and transferring 2 game farm licenses.
2. The 20 EAs anticipated per year in the absence of this legislation would not have to be done.
3. The cost of the recently completed R-8 EA was approximately \$5,500. This will be projected as the average expense of an EA.

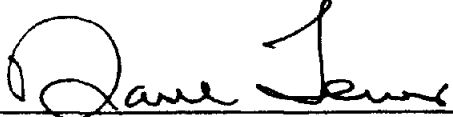
FISCAL IMPACT:**Expenditures:**


	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
MEPA Compliance EAs	110,000	0	(110,000)	110,000	0	(110,000)
Application Review	<u>1,518</u>	<u>276</u>	<u>(1,242)</u>	<u>1,518</u>	<u>276</u>	<u>(1,242)</u>
Total	111,518	276	(111,242)	110,000	276	(111,242)

Revenues:

License fee	2,400	400	(2,000)	2,400	400	(2,000)
Renewal fee	<u>2,550</u>	<u>2,550</u>	<u>0</u>	<u>2,550</u>	<u>2,550</u>	<u>0</u>
Total	4,950	2,950	(2,000)	4,950	2,950	(2,000)

Net Impact: The department would experience a decrease in expenditures of \$111,242 per year and a decrease in revenues of \$2,000 per year.

 2-4-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2-9-93
 WILLIAM T. MENAHAN, PRIMARY SPONSOR DATE

Fiscal Note for HB0412, as introduced

HB 412

APPROVED BY COMMITTEE
ON TAXATION

SENATE BILL NO. 412

INTRODUCED BY AKLESTAD, FELAND, D. BROWN, LYNCH, QUILICI,
PAVLOVICH, DAILY, JACOBSON, HAYNE, ROSE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
BENEFICIAL USE OF PROPERTY HELD BY A PORT AUTHORITY IS
EXEMPT FROM PROPERTY TAXATION; AMENDING SECTION 15-24-1203,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 15-24-1203, MCA, is amended to read:

"15-24-1203. Privilege tax on gainful use of tax-exempt
property -- exceptions. After March 17, 1969, there is
imposed and ~~shall~~ must be collected a tax upon the
possession or other beneficial use enjoyed by any private
individual, association, or corporation of any property,
real or personal, which for any reason is exempt from
taxation. No A tax may not be imposed upon the possession or
other beneficial use of buildings owned by public entities
and located upon public airports. However, privately owned
buildings located on such airport property are subject to
tax. No A tax ~~shall~~ may not be imposed upon the possession
or other beneficial use of public lands occupied under the
terms of mineral, timber, or grazing leases or permits

issued by the United States or the state of Montana or upon
any easement unless the lease, permit, or easement entitles
the lessee or permittee to exclusive possession of the
premises to which the lease, permit, or easement relates.
The tax ~~shall-be~~ is imposed upon the possession or other
beneficial use of an electric transmission line and
associated facilities, except that lines and facilities of a
design capacity of less than 500 kilovolts ~~shall~~ may not be
subject to the tax. The tax may not be imposed upon the
possession or other beneficial use of railroad right-of-way
or track owned by the United States or acquired by the state
pursuant to Title 60, chapter 11, part 1, as long as the
state or the United States retains ownership and the
right-of-way or track is used exclusively for rail
transportation. The tax may not be imposed on the beneficial
use by a person of property held by a port authority,
created under Title 7, chapter 14, part 11, OR BY A PORT
AUTHORITY OWNED BY THE UNITED STATES OR AN AGENCY OF THE
UNITED STATES, unless the port authority provides for the
exclusive use of the property by the person."

NEW SECTION. Section 2. Effective date -- retroactive
applicability. [This act] is effective on passage and
approval and applies retroactively, within the meaning of
1-2-109, to tax years beginning after December 31, 1991.

-End-

SENATE BILL NO. 412

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PAVLOVICH, DAILY, JACOBSON, HAYNE, ROSE

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