

SENATE BILL 201

Introduced by Bianchi, et al.

1/19	Introduced
1/19	Referred to Fish & Game
1/19	First Reading
1/19	Fiscal Note Requested
1/25	Fiscal Note Received
1/26	Fiscal Note Printed
2/02	Hearing
2/04	Tabled in Committee

1 Senada BILL NO. 201  
2 INTRODUCED BY Bianchi Merahan Kennedy  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PERMIT TO  
5 OPERATE AN ARTIFICIAL FEEDING GROUND FOR UNGULATE WILDLIFE;  
6 PROVIDING THAT CERTAIN CRITERIA BE MET BEFORE THE DEPARTMENT  
7 OF FISH, WILDLIFE, AND PARKS MAY ISSUE A PERMIT; AND  
8 PROVIDING FOR REVOCATION AND A PENALTY FOR VIOLATION OF A  
9 PERMIT."

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11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because  
13 the bill gives the department of fish, wildlife, and parks  
14 the authority to adopt administrative rules on licensing and  
15 operating an artificial feeding ground for ungulate  
16 wildlife. As provided in [section 2], the rules must address  
17 but are not limited to an assessment of the need for an  
18 ungulate wildlife feeding ground in a particular location,  
19 the long-term effects on the ungulate wildlife population  
20 and range conditions of an area, any interference with  
21 normal migrational patterns, the potential for the  
22 introduction of or spread of disease, certification of  
23 weed-free feed, the size and placement of any feed  
24 distribution, any human or wildlife safety considerations,  
25 and the potential for damage to adjacent property.

1  
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3 NEW SECTION. **Section 1. Definitions.** As used in  
4 [sections 1 through 4], the following definitions apply:

5 (1) "Artificial feeding ground" means any place where  
6 one or more ungulate wildlife are purposefully provided with  
7 feed that is not available naturally or that has not been  
8 grown at the feeding ground location. It does not include  
9 feed that may be available to ungulate wildlife through the  
10 normal feeding of domestic livestock or feed that is  
11 reported as damaged under the provisions of 87-1-225.

12 (2) "Ungulate wildlife" means a white-tailed deer, mule  
13 deer, elk, moose, antelope, wild buffalo, mountain sheep, or  
14 mountain goat that is not reared in captivity.

15 NEW SECTION. **Section 2. Department regulations.** The  
16 department shall adopt and enforce reasonable rules on the  
17 creation of an artificial feeding ground for ungulate  
18 wildlife. The rules must address but are not limited to an  
19 assessment of the need for an ungulate wildlife feeding  
20 ground in a particular location, the long-term effects on  
21 the ungulate wildlife population and range conditions of an  
22 area, any interference with normal migrational patterns, the  
23 potential for the introduction of or spread of disease,  
24 certification of weed-free feed, the size and placement of  
25 any feed distribution, any human or wildlife safety

1 considerations, and the potential for damage to adjacent  
2 property.

3 **NEW SECTION. Section 3. Permit for artificial feeding**  
4 **ground for ungulate wildlife.** (1) The department may grant a  
5 permit for an artificial feeding ground for ungulate  
6 wildlife.

7 (2) It is unlawful for a person to operate an  
8 artificial feeding ground for ungulate wildlife without a  
9 permit. Application for a permit must be made to the  
10 department on a form prescribed by the department. The  
11 one-time, nonrefundable fee is \$250 and must be submitted at  
12 the time of application.

13 (3) The department may not issue a permit until it has  
14 satisfactorily verified that the provisions for feeding the  
15 ungulate wildlife are in accordance with the department  
16 rules provided for in [section 2].

17 (4) A permit is not transferable to another person  
18 unless the artificial feeding ground to which it pertains is  
19 also transferred to the same person.

20 **NEW SECTION. Section 4. Inspection -- permit**  
21 **revocation -- penalty.** (1) An artificial feeding ground for  
22 ungulate wildlife and any feed to be provided at the  
23 location are open to inspection at all reasonable hours.

24 (2) If upon inspection it is found that the artificial  
25 feeding ground is not being operated in accordance with

1 [sections 1 through 4] or rules adopted under [sections 1  
2 through 4], the department may revoke the permit required in  
3 [section 3].

4 (3) In addition to the revocation of a permit allowed  
5 by this section, a person who violates [sections 1 through  
6 4] or a rule adopted under [sections 1 through 4] is subject  
7 to a fine of not more than \$500 or imprisonment in the  
8 county jail for not more than 1 year, or both.

9 **NEW SECTION. Section 5. Codification instruction.**  
10 [Sections 1 through 4] are intended to be codified as an  
11 integral part of Title 87, chapter 3, and the provisions of  
12 Title 87, chapter 3, apply to [sections 1 through 4].

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0201, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring a permit to operate an artificial feeding ground for ungulate wildlife; providing that certain criteria be met before the Department of Fish, Wildlife and Parks may issue a permit; and providing for revocation and a penalty for violation of a permit.

ASSUMPTIONS:

1. Rule making by the Department of Fish, Wildlife and Parks (FWP) will require an effort similar to the game farm rules. It will require 0.60 FTE for one year.
2. The Montana Environmental Policy Act will require site evaluations.
3. FWP will have to inspect feeding sites for compliance with permit provisions.
4. FWP will receive ten applications per year.
5. The Enforcement Division would investigate approximately two sites per region per year. This will require an additional 0.06 FTE.

FISCAL IMPACT:Expenditures:

	<u>FY94</u>	<u>FY95</u>
Personal Service Expenditures:		
Rule making Position (Grade 16, 0.60 FTE, benefits 25%)	\$21,664	
Warden (Grade 14, 0.06 FTE, benefits 25%)	1,822	\$ 1,822
Operating Expenditures:		
MEPA compliance - \$5,000/application	50,000	50,000
Warden travel costs	<u>700</u>	<u>700</u>
Total	\$74,186	\$52,522

Revenues:

Permit Application Fee (\$250 per application)	\$ 2,500	\$ 2,500
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Net Impact:

The department will incur a net cost of \$71,686 in FY94 and \$50,022 in FY95.

David Lewis 1-25-93  
DAVID LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

Don Bianchi 1/26/93  
DON BIANCHI, PRIMARY SPONSOR DATE

Fiscal Note for SB0201, as introduced

SB 201