Legislative

Division

House BILL NO. 278 Toral (The marate 1 INTRODUCED BY 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTIES TO RETAIN 100 PERCENT OF THE MONEY RECEIVED BY THE COUNTY FOR ISSUING COUNTY LICENSES; REVISING THE ALLOCATION OF 5 6 FEE MONEY FOR PREDATOR CONTROL; AMENDING SECTIONS 7-21-2105, 81-7-111, 81-7-114, 7 81-7-118, 81-7-120, 81-7-121, AND 81-7-122, MCA; AND REPEALING SECTION 81-7-119, MCA." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 11 Section 1. Section 7-21-2105, MCA, is amended to read: "7-21-2105. Disbursement of license fees. (1) Unless the disposition is otherwise provided for, 12 13 all All money collected by the county treasurer for licenses issued by the county under this chapter must 14 be paid into the treasury of the county for the use of the county. (2) Unloss otherwise provided, the county treasurer shall retain 50% thereof for the use of the 15 16 county, pay over 45% thereof to the state treasurer for the use of the general fund of the state, and pay 17 over 5% thereof to the state treasurer for deposit in the state special revenue fund to be used by the board 18 of livestock for predatory animal control." 19 20 Section 2. Section 81-7-111, MCA, is amended to read: 21 "81-7-111. Evidence of killing by bounty claimant. (1) Any person killing any of the aforesaid 22 animals a predatory animal, except a mountain lions lion, to obtain a bounty thereon shall within 30 days 23 of the date of the killing: (a) exhibit the entire skin or skins of the said animal or animals, including the entire head with ears. 24 25 the tail, and all four paws, to the bounty inspector nearest to the locality in which the animal or animals 26 were was killed; and 27 (b) at the same time file with the bounty inspector, as hereinafter provided, an affidavit setting 28 forth: 29 (i) that he the person killed the animal or animals from which the skin or skins were was taken; 30 (ii) that the same animal was killed nearer to or, if more than one hide is presented, that the greater

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number of animals were killed nearer to the residence of the said bounty inspector to which the same was 1 2 animals are being presented than to any other bounty inspector; and (iii) the county or counties in which said the animals were killed. 3 4 (2) Any person killing any a mountain lion to obtain a bounty thereon shall present the same mountain lion to a bounty inspector as provided in this section for wolves and coyotes, except that, in 5 addition to the requirements of this section, the skins skin of a mountain lions lion shall must also contain 6 the entire skin of the lower jaw, which shall must be severed by the bounty inspector and thereafter treated 7 in the same manner as scalps of wolves and coyotes herein provided the skins of other animals subject to 8 9 this section. (3) Every bounty inspector appointed under the provisions of 81-7-111 through 81-7-122 81-7-118 10 and 81-7-120 through 81-7-122 shall be is empowered to administer oaths to any and all persons making 11 12 any the affidavit as aforesaid required by this section." 13 14 Section 3. Section 81-7-114, MCA, is amended to read: 15 "81-7-114. Certificate and record of sheriff. (1) Upon receiving the affidavit required pursuant to 16 81-7-113, the The officer shall at the same time-make-out and deliver to the person claiming a bounty a 17 certificate addressed to the county clerk of his the officer's county and immediately deliver to the county 18 clerk a duplicate of the certificate, showing the date, number, and kind of skins marked for severing and 19 the name of the person presenting the skins. The certificate shall must also recite that the filing of the 20 affidavits of taxpayers previously required by 81-7-113 has been done and the examination of the skins 21 has been made as required. The certificate shall must be signed by the officer in his the officer's official 22 capacity. When a doubt exists as to the kind of skin presented, whether wolf or coyote, the certificate shall 23 must be issued for the lesser bounty. Each sheriff shall keep a record of all skins marked and severed, 24 showing the date, number, and kinds and the names of the persons presenting the skins. This record is an 25 official record. The sheriff, undersheriff, or deputy sheriff may not perform any duties under 81-7-111 through 81-7-122 81-7-118 and 81-7-120 through 81-7-122 except at the county seat. 26 27 (2) The sheriff shall, not later than the 15th of each month, give to the county clerk and recorder 28 a report setting forth the names of the persons presenting skins, with the number of the certificate and the

29 kind and number of the skins presented. The sheriff shall report for each certificate which he has issued
30 during the month."



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Section 4. Section 81-7-118, MCA, is amended to read:

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Section 5. Section 81-7-120, MCA, is amended to read:

24 "81-7-120. Use of funds remaining after payment of bounties -- sale of furs, skins, and specimens
25 -- presentation to museums. (1) If, at the end of a bounty paying season, there is surplus money available
26 for the administration of 81-7-111 through 81-7-122 81-7-118 and 81-7-120 through 81-7-122, the surplus
27 may be used to hire salaried hunters and trappers to hunt and trap predatory animals and to purchase and
28 supply poison to be used for a poison campaign on predatory animals.

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3	to a state museum or institution."
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9	same act to be done by another, with the intent of obtaining any one of the certificates or orders, is
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15	brings in any skin or skins from other states or territory <u>territories</u> with the intent to <u>fraudulently</u> obtain the
16	a bounty on the same fraudulently or any <u>an</u> officer who shall sign any <u>signs a</u> certificate herein provided
17	for without first counting the skins and examining the same skins to determine the kind of skins and to see
18	that the skin from the scalp or head is properly severed and preserved as hereinbefore provided or a person
19	who shall evade or violate evades or violates any provision of any law of the state of Montana relative to
20	bounties or bounty claims shall be deemed guilty of a misdemeanor and , on upon conviction thereof, shall
21	be punished by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding 1 year or
22	by both such fine and imprisonment and, two thirds <u>Two-thirds</u> of the fine, if the same be collected or can
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27	NEW SECTION. Section 8. Repealer. Section 81-7-119, MCA, is repealed.
28	-END-



STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0278, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing counties to retain 100 percent of the money received by the country for issuing county licenses; revising the allocation of fee money for predator control.

ASSUMPTIONS:

1. The Department of Livestock fiscal year 1996 actual collections were \$97.82.

2. The department would be able to absorb this loss within the present law base budget.

FISCAL IMPACT: None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

At present the counties are not assessing business licenses pursuant to authority they now have under the code. With this bill, some of the larger counties may in fact look to using some of that authority.

DAVE LEWI'S, BUDGET DIRECTOR DATE Office of Budget and Program Planning

H97 JAJ TC JJAN PRIMARY Note for <u>HB0278, as introduced</u> Fiscal

APPROVED BY COM ON LOCAL GOVERNMENT

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Legislative Services

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APPROVED BY COM ON LOCAL GOVERNMENT

House BILL NO. 278 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTIES TO RETAIN 100 PERCENT OF THE 4 5 MONEY RECEIVED BY THE COUNTY FOR ISSUING COUNTY LICENSES; REVISING THE ALLOCATION OF FEE MONEY FOR PREDATOR CONTROL; AMENDING SECTIONS 7-21-2105, 81-7-111, 81-7-114. 6 7 81-7-118, 81-7-120, 81-7-121, AND 81-7-122, MCA; AND REPEALING SECTION 81-7-119, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 7-21-2105, MCA, is amended to read: 11 12 "7-21-2105. Disbursement of license fees. (1) Unless the disposition is otherwise provided for, 13 all All money collected by the county treasurer for licenses issued by the county under this chapter must 14 be paid into the treasury of the county for the use of the county. 15 (2)- Unless otherwise provided, the county treasurer shall retain 50%-thereof for the use of the 16 sounty, pay over 45% thereof to the state treasurer for the use of the general fund of the state, and pay 17 over 5% thereof to the state treasurer for deposit in the state special revenue fund to be used by the beard 18 of-livestock for predatory-animal control." 19 20 Section 2. Section 81-7-111, MCA, is amended to read: "81-7-111. Evidence of killing by bounty claimant. (1) Any person killing any of the aforesaid 21 22 animale a predatory animal, except a mountain liene lion, to obtain a bounty thereen shall within 30 days 23 of the date of the killing: 24 (a) exhibit the entire skin or skine of the said animal or animale, including the entire head with ears, 25 the tail, and all four paws, to the bounty inspector nearest to the locality in which the animal or animals 26 were was killed; and (b) at the same time file with the bounty inspector, as hereinafter provided, an affidavit setting 27 28 forth: 29 (i) that he the person killed the animal er-animale from which the skin er-skine were was taken; 30 (ii) that the same animal was killed nearer to or, if more than one hide is presented, that the greater Legislative

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number of animals were killed nearer to the residence of the said bounty inspector to which the same was 1 animals are being presented than to any other bounty inspector; and 2 (iii) the county or counties in which said the animals were killed. 3 4 (2) Any person killing any a mountain lion to obtain a bounty thereen shall present the same mountain lion to a bounty inspector as provided in this section for walvas and coyotes, except that, in 5 addition to the requirements of this section, the skins skin of a mountain lions lion shall must also contain 6 the entire skin of the lower jaw, which shall must be severed by the bounty inspector and thereafter treated 7 in the same manner as sealps of welves and covotes herein provided the skins of other animals subject to 8 9 this section. (3) Every bounty inspector appointed under the provisions of 81-7-111 through 81-7-122 81-7-118 10 and 81-7-120 through 81-7-122 shall be is empowered to administer oaths to any and all persons making 11 any the affidavit as aforesaid required by this section." 12 13 Section 3. Section 81-7-114, MCA, is amended to read: 14 15 "81-7-114. Certificate and record of sheriff. (1) Upon receiving the affidavit required pursuant to 81-7-113, the The officer shall at the same time make out and deliver to the person claiming a bounty a 16 17 certificate addressed to the county clerk of his the officer's county and immediately deliver to the county clerk a duplicate of the certificate, showing the date, number, and kind of skins marked for severing and 18 19 the name of the person presenting the skins. The certificate shall must also recite that the filing of the affidavits of taxpayers previously required by 81-7-113 has been done and the examination of the skins 20 21 has been made as required. The certificate shall must be signed by the officer in his the officer's official 22 capacity. When a doubt exists as to the kind of skin presented, whether wolf or coyote, the certificate shall 23 must be issued for the lesser bounty. Each sheriff shall keep a record of all skins marked and severed, 24 showing the date, number, and kinds and the names of the persons presenting the skins. This record is an 25 official record. The sheriff, undersheriff, or deputy sheriff may not perform any duties under 81-7-111 26 through 81-7 122 81-7-118 and 81-7-120 through 81-7-122 except at the county seat. 27 (2) The sheriff shall, not later than the 15th of each month, give to the county clerk and recorder

(2) The sheriff shall, not later than the 15th of each month, give to the county clerk and recorder
a report setting forth the names of the persons presenting skins, with the number of the certificate and the
kind and number of the skins presented. The sheriff shall report for each certificate which he has issued
during the month."



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Section 4. Section 81-7-118, MCA, is amended to read:

"81-7-118. (Temporary) Levy of tax for purpose of paying bounty claims -- limitation on levy. The 2 department of revenue shall annually prescribe the levy recommended by the department to be made 3 4 against livestock of all classes for paying for the destruction of wild animals killed in this state. The tax in any 1 year may not exceed 7.5 mills on the taxable value of the livestock. The money received shall must 5 be used only for the payment of claims approved by the department for the destruction of wild animals and 6 for the administration of 81-7-111 through 81-7-122 81-7-118 and 81-7-120 through 81-7-122. The 7 8 money received for the taxes levied shall must be sent annually with other taxes to the state treasurer by 9 the county treasurer of each county. When the money is received by the state treasurer, it shall must be placed in the state special revenue fund and may then be paid out on claims approved under the law 10 governing the payment of claims. 11

12 81-7-118. (Effective on occurrance of contingency) Levy of tax for purpose of paying bounty 13 claims -- limitation on levy. The department of revenue shall annually prescribe the levy recommended by 14 the department to be made against livestock of all classes for paying for the destruction of predatory animals killed in this state. The tax in any 1 year may not exceed 7.5 mills on the taxable value of the 15 livestock. The money received must be used only for the payment of claims approved by the department 16 17 for the destruction of predatory animals and for the administration of 81-7-111 through 81-7-122 81-7-118 18 and 81-7-120 through 81-7-122. The money received for the taxes levied must be sent annually with other 19 taxes to the state treasurer by the county treasurer of each county. When the money is received by the 20 state treasurer, it must be placed in the state special revenue fund and may then be paid out on claims 21 approved under the law governing the payment of claims."

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23

Section 5. Section 81-7-120, MCA, is amended to read:

24 "81-7-120. Use of funds remaining after payment of bounties -- sale of furs, skins, and specimens
25 -- presentation to museums. (1) If, at the end of a bounty paying season, there is surplus money available
26 for the administration of 81-7-111 through 81-7-122 81-7-118 and 81-7-120 through 81-7-122, the surplus
27 may be used to hire salaried hunters and trappers to hunt and trap predatory animals and to purchase and
28 supply poison to be used for a poison campaign on predatory animals.

(2) All furs, skins, and specimens taken by hunters or trappers whose salaries are paid in whole
 or in part out of this money shall <u>must</u> be sold by the department, and the proceeds from these sales shall



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1	must be credited to the state special revenue fund. These funds shall must be used to carry out 81-7-111
2	through 81-7-122 <u>81-7-118 and 81-7-120 through 81-7-122</u> . Specimens may be presented free of charge
3	to a state museum or institution."
4	
5	Section 6. Section 81-7-121, MCA, is amended to read:
6	"81-7-121. Falsifying certificates or affidavits penalty. Any <u>A</u> person who falsely makes, alters,
7	forges, or counterfeits any of the certificates or orders and any person who falsely swears to any affidavit
8	provided for by 81-7-111 through 81-7-122 81-7-118 and 81-7-120 through 81-7-122 or procures the
9	same act to be done by another, with the intent of obtaining any one of the certificates or orders, is
10	punishable as provided in Title 45."
11	
12	Section 7. Section 81-7-122, MCA, is amended to read:
13	"81-7-122. Penalty for fraudulent claims. Any <u>A</u> person or persons who shall patch <u>patches</u> up
14	any <u>a</u> skin or scalp or who shall present <u>presents</u> any <u>a</u> punched or patched skin or scalp or who shall bring
15	brings in any skin or skins from other states or territory territories with the intent to fraudulently obtain the
16	a bounty on the same fraudulently or any an officer who shall sign any signs a certificate herein previded
17	fer without first counting the skine and examining the same <u>skins</u> to determine the kind of skins and to see
18	that the skin from the scalp or head is properly severed and preserved as hereinbefore provided or <u>a person</u>
19	who shall evade or violate evades or violates any provision of any law of the state of Montana relative to
20	bounties or bounty claims shall be deemed guilty of a misdemeanor and, on upon conviction thereof, shall
21	be punished by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding 1 year or
2 2	by both such fine and imprisonment and, two-thirds <u>Two-thirds</u> of the fin e, if the same be collected or can
23	be collected, shall must be given to the informer <u>person, if any, reporting the evasion or violation</u> and the
24	balance must be deposited in the state special revenue fund and used for the administration of 81-7-111
25	through 81-7-122 81-7-118 and 81-7-120 through 81-7-122."
26	
27	NEW SECTION. Section 8. Repealer. Section 81-7-119, MCA, is repealed.
2 8	-END-



1	HOUSE BILL NO. 278
2	INTRODUCED BY STOVALL, OHS, MASOLO
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTIES TO RETAIN 100 PERCENT OF THE
5	MONEY RECEIVED BY THE COUNTY FOR ISSUING COUNTY LICENSES; REVISING THE ALLOCATION OF
6	FEE MONEY FOR PREDATOR CONTROL; AMENDING SECTIONS 7-21-2105, 81-7-111, 81-7-114,
7	81-7-118, 81-7-120, 81-7-121, AND 81-7-122, MCA; AND REPEALING SECTION 81-7-119, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	Section 1. Section 7-21-2105, MCA, is amended to read:
12	"7-21-2105. Disbursement of license fees. (1) Unless the disposition-is otherwise provided for,
13	all All money collected by the county treasurer for licenses issued by the county under this chapter must
14	be paid into the treasury of the county for the use of the county.
15.	(2) Unless otherwise provided, the county treasurer shall retain 50% thereof for the use of the
16	county, pay over 45% thereof to the state treasurer for the use of the general fund of the state, and pay
17	over 5% thereof to the state treasurer for deposit in the state special revenue fund to be used by the board
18	of livestock-for-predatory animal-control."
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20	Section 2. Section 81-7-111, MCA, is amended to read:
21	"81-7-111. Evidence of killing by bounty claimant. (1) Any person killing any of the aforesaid
22	animals <u>a predatory animal,</u> except <u>a</u> mountain lions <u>lion</u>, to obtain <u>a</u> bounty thereon shall within 30 days
23	of the date of the killing:
24	(a) exhibit the entire skin or skins of the said animal or animals , including the entire head with ears,
25	the tail, and all four paws, to the bounty inspector nearest to the locality in which the animal or animals
26	were <u>was</u> killed; and
27	(b) at the same time file with the bounty inspector , as hereinafter provided, an affidavit setting
28	forth:
29	(i) that he <u>the person</u> killed the animal or animals from which the skin or skins were <u>was</u> taken;
30	(ii) that the same <u>animal</u> was killed nearer to or, if more than one hide is presented, that the greater

number of animals were killed nearer to the residence of the said bounty inspector to which the same was 1 2 animals are being presented than to any other bounty inspector; and 3 (iii) the county or counties in which said the animals were killed. 4 (2) Any person killing any a mountain lion to obtain a bounty thereon shall present the same 5 mountain lion to a bounty inspector as provided in this section for wolves and coyotes, except that, in addition to the requirements of this section, the skins skin of a mountain lions lion shall must also contain 6 7 the entire skin of the lower jaw, which shall must be severed by the bounty inspector and thereafter treated in the same manner as scalps of wolves and coyotes herein provided the skins of other animals subject to 8 9 this section. 10 (3) Every bounty inspector appointed under the provisions of 81-7-111 through 81-7-122 81-7-118 11 and 81-7-120 through 81-7-122 shall be is empowered to administer oaths to any and all persons making any the affidavit as aforesaid required by this section." 12 13 Section 3. Section 81-7-114, MCA, is amended to read: 14 15 "81-7-114. Certificate and record of sheriff. (1) Upon receiving the affidavit required pursuant to 81-7-113, the The officer shall at the same time make out and deliver to the person claiming a bounty a 16 17 certificate addressed to the county clerk of his the officer's county and immediately deliver to the county clerk a duplicate of the certificate, showing the date, number, and kind of skins marked for severing and 18 the name of the person presenting the skins. The certificate shall must also recite that the filing of the 19 affidavits of taxpayers previously required by 81-7-113 has been done and the examination of the skins 20 21 has been made as required. The certificate shall must be signed by the officer in his the officer's official 22 capacity. When a doubt exists as to the kind of skin presented, whether wolf or coyote, the certificate shall 23 must be issued for the lesser bounty. Each sheriff shall keep a record of all skins marked and severed, 24 showing the date, number, and kinds and the names of the persons presenting the skins. This record is an 25 official record. The sheriff, undersheriff, or deputy sheriff may not perform any duties under 81-7-111 through 81-7-122 81-7-118 and 81-7-120 through 81-7-122 except at the county seat. 26

(2) The sheriff shall, not later than the 15th of each month, give to the county clerk and recorder
a report setting forth the names of the persons presenting skins, with the number of the certificate and the
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12 81-7-118. (Effective on occurrence of contingency) Levy of tax for purpose of paying bounty 13 claims -- limitation on levy. The department of revenue shall annually prescribe the levy recommended by 14 the department to be made against livestock of all classes for paying for the destruction of predatory 15 animals killed in this state. The tax in any 1 year may not exceed 7.5 mills on the taxable value of the 16 livestock. The money received must be used only for the payment of claims approved by the department 17 for the destruction of predatory animals and for the administration of 81-7-111 through 81-7-122 81-7-118 18 and 81-7-120 through 81-7-122. The money received for the taxes levied must be sent annually with other 19 taxes to the state treasurer by the county treasurer of each county. When the money is received by the 20 state treasurer, it must be placed in the state special revenue fund and may then be paid out on claims 21 approved under the law governing the payment of claims."

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supply poison to be used for a poison campaign on predatory animals.

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18	that the skin from the scalp or head is properly severed and preserved as hereinbefore provided or a person
19	who shall evade or violate evades or violates any provision of any law of the state of Montana relative to
20	bounties or bounty claims shall be deemed guilty of a misdemeanor and , on <u>upon</u> conviction thereof, shall
21	be punished by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding 1 year or
22	by both such fine and imprisonment and, two thirds <u>Two-thirds</u> of the fine , if the same be collected or can
23	be collected, shall <u>must</u> be given to the informer <u>person, if any, reporting the evasion or violation</u> and the
24	balance must be deposited in the state special revenue fund and used for the administration of 81-7-111
25	through 81-7-122 81-7-118 and 81-7-120 through 81-7-122."
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27	NEW SECTION. Section 8. Repealer. Section 81-7-119, MCA, is repealed.
28	-END-

