

HOUSE BILL NO. 105

INTRODUCED BY E. ALBUS

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO GAME BIRD FARMS;
REMOVING LICENSEE AND DEPARTMENT NOTIFICATION REQUIREMENTS; CHANGING APPLICATION
TIMELINES AND REQUIREMENTS; SETTING A GAME BIRD FARM LICENSE FEE; EXTENDING A GAME
BIRD FARM LICENSE TO 5 YEARS; AMENDING SECTIONS 87-4-902, 87-4-904, 87-4-905, 87-4-906, AND
87-4-912, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-4-902, MCA, is amended to read:

"87-4-902. Exemption. This part does not apply to:

- (1) a person who owns, controls, or propagates game birds for purposes other than sale or conveyance of game birds or parts of game birds ~~and who notifies the department and receives its written authorization and exemption;~~
- (2) the holder of a migratory game bird avicultural permit under 87-2-807; or
- (3) the holder of a shooting preserve license under Title 87, chapter 4, part 5, who uses temporary holding pens pursuant to 87-4-530."

Section 2. Section 87-4-904, MCA, is amended to read:

"87-4-904. Application for game bird farm license -- limitation on issuance. (1) A person desiring to obtain a game bird farm license shall make a written application to the department. The application must be submitted on a form provided by the department and specify:

- (a) the name of the applicant;
- (b) the applicant's address;
- (c) the species of game bird and any plans to propagate them;

- 1 (d) the legal description of the lands to be included;
- 2 (e) the type of fence or enclosure that the applicant contemplates erecting;
- 3 (f) the source of game birds; and
- 4 (g) for a nonresident owner, the name and address of a local resident agent.
- 5 (2) (a) A game bird farm license may be issued only to a responsible applicant who owns or leases
- 6 the premises on which the operations are to be conducted and who has properly fenced or otherwise enclosed
- 7 the place where the game bird farm is to be located.
- 8 (b) A game bird farm owned by a nonresident must have a resident agent who is responsible for
- 9 the daily operation of the farm and who is authorized by the nonresident owner to receive service of process.
- 10 (3) Within ~~30~~ 60 days of receiving the application, the department shall notify the applicant of its
- 11 decision to approve or deny the application. If the required fencing or enclosure has not been completed, the
- 12 department shall approve the application subject to the fencing or enclosure being completed. If the application
- 13 is denied, the department shall specify the reasons for denial."

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15 **Section 3.** Section 87-4-905, MCA, is amended to read:

16 **"87-4-905. License and renewal fee -- deposit of fees.** (1) ~~Game bird farm license and annual~~

17 ~~renewal fees must be set by department rule.~~ A game bird farm license is \$300.

18 (2) The fees must be deposited in the state special revenue fund for the use of the department for

19 purposes of this part."

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21 **Section 4.** Section 87-4-906, MCA, is amended to read:

22 **"87-4-906. Term of license -- renewal conditions -- changes in operation.** (1) A game bird farm

23 ~~license is valid only for the license year for which it is issued~~ expires on February 28 of the fifth year following

24 issuance. ~~The licensee shall apply for renewal annually, and the~~ The department shall renew the license on

25 payment of the license fee if the licensee has not violated any provision under which the license was granted

26 and has submitted the reports required by 87-4-912 on forms provided by the department.

27 (2) The licensee shall notify the department of any proposed changes in the species managed or

28 in the size or location of the enclosure prior to the institution of such change."

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2 **Section 5.** Section 87-4-912, MCA, is amended to read:

3 **"87-4-912. Records and reporting.** (1) Each licensee shall keep accurate records of the number and
4 species of birds purchased, transferred, or sold and the name of each person to whom or from whom ~~such the~~
5 birds were purchased, transferred, or sold. These records must be open to inspection by a warden or the
6 director at any reasonable time.

7 (2) On or before January 31 of each year, each licensee shall file a report with the director,
8 showing the number and species of birds on hand on January 1 and the number and kinds of birds purchased,
9 transferred, or sold during the past year. All records described in this section must be kept for not less than ~~3~~ 5
10 years."

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12 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2025.

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