

HOUSE BILL NO. 107

INTRODUCED BY E. ALBUS

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

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSING AND PERMITTING REQUIREMENTS FOR TAXIDERMISTS, FUR DEALERS, FUR FARM OPERATORS, OWNERS OF EXOTIC WILDLIFE, AND OWNERS OF WILDLIFE MENAGERIES, SANCTUARIES, AND ZOOS; CREATING LICENSE EXPIRATION DATES; REVISING RECORDKEEPING REQUIREMENTS; ESTABLISHING FEES FOR FUR FARM LICENSES AND EXOTIC WILDLIFE PERMITS; AMENDING SECTIONS 87-4-201, 87-4-302, 87-4-802, 87-4-803, 87-4-1004, 87-5-704, AND 87-5-705, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-4-201, MCA, is amended to read:

"87-4-201. Regulation of taxidermists. (1) As used in this section, "taxidermist" means a person who conducts a business for the purpose of mounting, preserving, or preparing all or part of the dead bodies of any wildlife.

(2) Before conducting the business of a taxidermist, a taxidermist shall obtain from the department a taxidermist's license and pay an annual license fee of \$50. The license expires on February 28 of the year following issuance.

(3) A taxidermist shall keep a written record of all the articles of wildlife in the taxidermist's possession or control, including the following information:

(a) the kind and number of each article of wildlife;

(b) the name and residence of the owner of the article of wildlife; and

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

(4) The taxidermist shall keep the written record required under subsection (3) for as long as the articles of wildlife remain in the possession of the taxidermist or at least 5 years, whichever is longer. These records must be open to inspection by a warden or the director at any reasonable time.

(5) A person who violates this section is subject to the penalties provided in 87-6-703."

Section 2. Section 87-4-302, MCA, is amended to read:

"87-4-302. Records and inspection. (1) A fur dealer shall keep a written record that contains for each transaction a separate, dated entry providing the following details ~~book in which shall be recorded separately on the date of each transaction the following facts:~~

(a) the number and kind of all skins or pelts purchased or sold by the fur dealer;

(b) the place where the skins or furs were killed or trapped and a separate record of all the skins or pelts ~~as that~~ were killed or trapped outside this the state;

(c) the trapping license number under which the furs or pelts were taken in cases where a ~~trapper's trapping~~ license is required; and

(d) the names and addresses of the persons to whom the skins or pelts were sold or from whom they were purchased.

(2) ~~This book shall be open at all reasonable times to the inspection of the director or any warden or any United States game warden and shall be preserved and accessible for 1 year after the expiration of any license granted to the fur dealer. A fur dealer shall retain the written record required under subsection (1) for as long as the skins, pelts, or furs remain in the possession of the fur dealer or for at least 5 years 1 YEAR, whichever period is longer. This record must be open to inspection by a warden or the director at any reasonable time."~~

Section 3. Section 87-4-802, MCA, is amended to read:

"87-4-802. Department regulations. The department shall adopt and enforce reasonable regulations for the housing, care, treatment, feeding, and sanitation of animals kept in roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos, for the protection of the public from injury by those animals, and for the licensing of roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos. A written record required by the department must be maintained for 5 years and must be open to inspection by a warden or the director at any reasonable time."

Section 4. Section 87-4-803, MCA, is amended to read:

"87-4-803. Permits. (1) (a) The department may grant permits for roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos. Application for a permit must be made to the director on a form prescribed by the director.

(b) The annual permit fee for five or ~~less~~ fewer animals is \$10. The annual permit fee for more than five animals is \$25. ~~Permits expire on December 31 but may be renewed upon payment of the annual fee and submission of a renewal application. Permits are valid for the year in which they are issued through February 28 of the year following issuance but may be renewed upon payment of the annual fee and submission of a~~ renewal application.

(c) This section does not apply to roadside menageries, wild animal menageries, wildlife sanctuaries, and zoos operated by the United States, the state of Montana, or any county or city.

(d) A person who subscribes to any false statement in an application for a permit is subject to the provisions of 87-6-715 and may be denied a permit.

(2) (a) A permit application for a roadside menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications;

(v) a copy of all required federal permits for exhibition of wild animals; and

(vi) a copy of a liability insurance policy to cover bodily injury or property damage.

(b) A permit application for a wild animal menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility, together with the nature of the applicant's title to the land, whether in fee, under lease, by contract for deed, or otherwise;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications; and

(v) information demonstrating that the applicant is responsible.

(c) A permit application for a wildlife sanctuary or a zoo must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a copy of the nonprofit corporation documents approved by the secretary of state's office;

(iv) a copy of the required federal permits for exhibition of wild animals; and

(v) if applicable, a copy of the association of zoos and aquariums, the zoological association of America, the American sanctuary association, or the global federation of animal sanctuaries accreditation program specific to the facility.

(3) Renewal applications for roadside menageries and wild animal menageries must include an accounting of all wild animals on the facility.

(4) A permit may not be granted by the department until it has satisfactorily verified that the provisions for housing and caring for the animals and for protecting the public are proper and adequate and in accordance with the standards established by the department.

(5) A permit is not transferable to another person."

Section 5. Section 87-4-1004, MCA, is amended to read:

"87-4-1004. License and renewal fee -- deposit. (1) ~~Fur farm license and annual renewal fees must be set by department rule. A fur farm license fee is \$85. A fur farm operator whose license has been expired for more than 1 year is considered a new applicant and shall submit a new application form with the license fee.~~

(2) Application for a fur farm license must be made in writing on a form provided by the department.

(3) A fur farm license expires on February 28 of the fifth year following issuance. The department shall renew the license on payment of the license fee if the licensee has not violated any provision under which the license was granted and has submitted the report required by 87-4-1011 on forms provided by the department.

(2)(4) The fees must be deposited in the state special revenue fund for the use of the department for purposes of this part."

Section 6. Section 87-5-704, MCA, is amended to read:

1 **"87-5-704. Rulemaking.** (1) The commission may adopt rules to implement 87-5-701, 87-5-702, and
2 87-5-711 through 87-5-715. In implementing 87-5-713, the commission may adopt rules approving species of
3 wildlife that may be introduced by the department. In implementing 87-5-715, the commission may adopt rules
4 to authorize the control or extermination by the department of introduced wildlife species.

5 (2) The department may adopt rules to implement 87-5-713 and 87-5-715. In implementing 87-5-
6 713 and 87-5-715, the department may not adopt rules in the subject areas reserved to the commission in
7 subsection (1).

8 (3) (a) The commission may adopt rules to implement 87-5-705 through 87-5-709 and 87-5-712
9 regarding the importation, possession, and sale of exotic wildlife, including adoption of a list of controlled exotic
10 wildlife and a list of prohibited exotic wildlife. The commission may by rule add to the list of noncontrolled exotic
11 wildlife provided in 87-5-706. The department of livestock may not issue import permits for exotic wildlife on a
12 list of controlled exotic wildlife or prohibited exotic wildlife without authorization from the department.

13 (b) The commission may adopt rules regarding the operation of the classification review committee
14 established in 87-5-708.

15 (4) The department may adopt rules regarding issuance of the authorization permit provided for in
16 87-5-705(2), ~~including the establishment of a reasonable fee for the permit."~~

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18 **Section 7.** Section 87-5-705, MCA, is amended to read:

19 **"87-5-705. Regulation of exotic wildlife -- permit and renewal fees.** (1) A person may not import
20 into the state, possess, or sell any exotic wildlife unless:

21 (a) the importation, possession, or sale of the exotic wildlife is allowed by law or commission rule;
22 and

23 (b) the person has obtained authorization for importation from the department of livestock pursuant
24 to Title 81, chapter 2, part 7.

25 (2) The department may issue a permit for authorizing the possession or sale of controlled exotic
26 wildlife and make the permit available to persons who wish to import, possess, or sell controlled exotic wildlife,
27 subject to rules of the commission and the department. ~~The department may charge a reasonable fee, as~~
28 ~~determined by department rule, for the issuance of the authorization permit."~~

(4) The department shall assess a fee of \$500 to obtain a permit to sell, breed, or exchange a controlled exotic wildlife species. The permit expires on February 28 of the fifth year following issuance. Renewal is contingent on submission of the permit fee and any required reporting of current inventory and changes to inventory during the preceding years."

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