

House Bill 63
House Fish, Wildlife & Parks
Presented by Jim Kropp
House Fish, Wildlife & Parks Committee

EXHIBIT 1
DATE 1-8-09
HB 63

Mr. Chairman and committee members, for the record I am Jim Kropp, Chief of Law Enforcement, of Montana Department of Fish, Wildlife & Parks (FWP).

Fish, Wildlife, and Parks stands in support of HB 63. This bill serves as a clean up to address three major changes.

The bill provides authority to revoke a commercial fur dealer's license or a fur dealer's agent's license for illegal activity. FWP is currently experiencing problems with a fur dealer and several trappers involved in the unlawful trade of furbearing animals. Currently, there is no recourse for the department to revoke a license from a dealer or an agent even when furs or pelts have been acquired or handled illegally. This bill would remedy that.

Other FWP statutes provide for the revocation of commercial licenses for failure to operate within the scope of the license and statutory provisions. Other Commercialized licenses with revocation language include: Taxidermists, Shooting Preserves, Game Bird Farms, Fur farms and Alternative Livestock facilities. FWP has rarely administered revocation proceedings against these commercial operators but has done so under warranted circumstances.

Secondly, the bill proposes to clarify that records of each pelt and the associated tag numbers must remain recorded for three years. This allows FWP Enforcement to track the sale of furbearing animals for three years rather than one, this change coincides with the three-year statute of limitations on other fish and wildlife laws.

Finally, we support the definition of "pelt". We believe this helps serve to clarify for Fur Dealer License holders definitions of the animals in their possession that are regulated by this law.

We would like to propose one amendment to the bill. After consultation with members of the trapping industry we propose changing the word "location" to "trapping district" which will help to clarify where the animal was taken. This will assist us with management decisions and provide enhanced ability to track harvests within trapping districts that cover large geographic areas.

Revocation Sections for various commercial licenses

Shooting Preserves

87-4-506. Revocation of license or permit and reissuance. The department may revoke any shooting preserve license or permit issued under the authority of this part when the licensee has violated any of the provisions of this part or any rule or regulation of the department. After such revocation, a new license or permit may be issued if in the discretion of the department the circumstances so warrant.

Game Bird Farms

87-4-916. Revocation of license. (1) A game bird farm license may be revoked for failure to operate the game bird farm according to provisions of this part or rules adopted under this part.

(2) Upon discovery of a violation, the department shall give notice of such violation to the licensee, with a statement of a specific time by which the violation must be corrected.

(3) Upon failure of the licensee to correct the violation, the department may institute revocation proceedings. If the department institutes revocation proceedings, it shall provide reasonable notice and opportunity for a hearing to the licensee. After hearing, upon proof of violation, the department may revoke the game bird farm license.

Fur Farms

87-4-1013. Revocation of license. (1) A fur farm license may be revoked for failure to operate the fur farm according to the provisions of this part or rules adopted under this part.

(2) Upon discovery of a violation, the department shall give notice of such violation to the licensee, with a statement of a specific time by which the violation must be corrected.

(3) Upon failure of the licensee to correct the violation, the department may institute revocation proceedings. If the department institutes revocation proceedings, it shall provide reasonable notice and opportunity for a hearing to the licensee. After hearing, upon proof of violation, the department may revoke the fur farm license.

Zoos and Menageries

87-4-806. Inspection, permit revocation, and redemption of wildlife. All roadside menageries, wild animal menageries, and zoos and all equipment used in connection with any roadside menagerie, wild animal menagerie, or zoo must be open to inspection at all reasonable hours. If upon inspection it is found that the roadside menagerie, wild animal menagerie, or zoo is not being operated in accordance with this part or with the department regulations, the director shall revoke the permit without right of renewal and shall redeem possession of all wildlife obtained by capture or unlawful propagation.

Fish Ponds

87-4-607. Revocation of fish pond license. (1) A fish pond license may be revoked for failure to operate or use the pond according to the terms or conditions of the license or state statutes, rules, or orders covering importation, transportation, or introduction of fish or eggs.

(2) If the department discovers a violation under this section, it may institute revocation proceedings after providing reasonable notice and opportunity for a hearing to the licensee. After hearing and upon proof of the violation, the department may revoke the fish pond license.

Alternative Livestock Ranches

87-4-423. Revocation of license -- procedure -- disposition of animals. (1) Proceedings for the revocation of a license or the discipline of a licensee must be based on a determination by the department, after an investigation, that there is good cause and a sufficient factual basis to believe that the licensee or the principal manager is responsible for one or more of the acts or omissions set out in 87-4-427(1).

(2) The department may initiate revocation or disciplinary proceedings against a licensee by specifying the grounds in writing to the licensee and providing an opportunity for a hearing as provided in 87-4-428.

(3) Upon discovery of a violation of recordkeeping or reporting requirements that is not a material violation or an attempt to deceive, the department shall give notice of the violation to the licensee, with a statement that the violation must be corrected within 30 days of the notice, unless a longer period is approved by the department. Upon failure of the licensee to correct the violation, the department may institute revocation proceedings.

(4) (a) A licensee whose license is revoked shall lawfully dispose of any alternative livestock held pursuant to the license. Lawfully acquired and held alternative livestock may be disposed of by the licensee within 180 days of the license revocation or within a longer period if specified by the department in the revocation order. After the expiration of this period, the department shall seize and dispose of any alternative livestock that have not been lawfully disposed of by the licensee. Any proceeds that remain after deducting the department's expenses revert to the licensee. Any unrecovered costs may be charged to the licensee.

(b) The department, when it is determined to be necessary by the state veterinarian appointed pursuant to 81-1-301, may require that diseased or potentially diseased alternative livestock be quarantined or destroyed.

Taxidermists

87-4-201. Regulation of taxidermists.

(5) Upon conviction for a violation of this section, the taxidermist's license of the person convicted may be revoked by the court.

AVERAGE PELT PRICE VALUES

Average pelt prices are from the March 2008 wild fur sale by North American Fur Auctions.

Species	2005-06	2006-07	2007-08
Beaver	20.50	23.49	24.80
Otter	100.00	80.00	40.91
Muskrat	3.50	3.20	3.23
Mink	15.00	12.88	15.22
Martin	45.50	61.57	77.29
Fisher	35.00	74.31	87.51
Wolverine	300.00	217.85	280.35
Bobcat	345.00	257.33	449.45
Coyote	38.50	43.36	37.90
Red Fox	25.00	20.84	22.49
Raccoon	11.50	22.05	33.22
Weasel	3.00	4.96	5.69
Skunk	6.50	4.04	5.27
Badger	27.50	27.57	42.60

87-2-101. Definitions. As used in 87-1-102, chapter 3, and this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(5) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, and beaver.

(13) "Predatory animals" means coyote, weasel, skunk, and civet cat.