

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rules I through III pertaining to license) PROPOSED ADOPTION
auctions and lotteries)

TO: All Concerned Persons

1. On June 21, 2012 at 6:00 p.m., the Fish, Wildlife and Parks Commission (commission) will hold a public hearing at the Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, Helena, Montana to consider the proposed adoption of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than June 8, 2012, to advise us of the nature of the accommodation that you need. Please contact Coleen Furthmyre, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana 59620-0701; telephone (406) 444-4594; fax (406) 444-7456; or e-mail cfurthmyre@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I PROPOSALS FOR LICENSES SOLD BY AUCTION OR LOTTERY (1) The commission may authorize:

- (a) the department to conduct the auction or lottery; or
 - (b) a wildlife conservation organization to conduct the auction or lottery.
- (2) Organizations that demonstrate a commitment to the conservation of the species may submit a proposal for a license to be sold by auction or lottery.
- (3) A proposal must include:
- (a) a statement of the organization's purpose;
 - (b) copies of bylaws or articles of incorporation;
 - (c) details of the organization's previous involvement in the conservation of the species hunted under the license;
 - (d) details of the organization's previous experience in auctions or lotteries;
 - (e) information on how the auction or lottery would be conducted and an estimate of the potential revenue that will be generated; and
 - (f) a statement indicating whether the organization plans to retain up to 10% of the proceeds to cover reasonable auction expenses and that the organization will submit expenses associated with the auction of the license.
- (4) The commission reserves the right to reject all bids and proposals.

AUTH: 87-2-722, 87-2-724, 87-2-725, 87-2-811, 87-2-812, MCA
IMP: 87-2-722, 87-2-724, 87-2-725, 87-2-811, 87-2-812, MCA

NEW RULE II PROCEDURE FOR SUBMITTING PROPOSALS AND

AWARDING AN AUCTION OR LOTTERY LICENSE (1) The department will advertise the opportunity for organizations to submit auction or lottery license proposals through media announcements and letters to organizations showing interest in previous years.

(2) Proposals for auctions or lottery licenses must be mailed or hand delivered to Montana Department of Fish, Wildlife and Parks, License Bureau, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701 and must be postmarked or hand delivered on or before July 15. If July 15 is a Saturday or Sunday the next business day is when proposals will be due.

(3) The commission may select a conservation organization proposal to receive the auction or lottery license and conduct the auction or lottery. The license will be valid for the following license year.

AUTH: 87-2-722, 87-2-724, 87-2-725, 87-2-811, 87-2-812, MCA

IMP: 87-2-722, 87-2-724, 87-2-725, 87-2-811, 87-2-812, MCA

NEW RULE III ISSUANCE AND USE OF A LICENSE SOLD BY AUCTION OR LOTTERY (1) A license obtained through an auction or lottery may not be sold. A license transferred by sale will be voided with no refund.

(2) The highest bidder or lottery winner may designate one person to receive the license before issuance of the license by:

(a) submitting a completed and signed affidavit provided by the department; and

(b) sending the affidavit certified mail to the department.

(3) The department shall issue the appropriate hunting license to the highest bidder, lottery winner, or a designee:

(a) after receipt of completed application; and

(b) after verification that the applicant is legally able to be licensed under current statutes and administrative rules.

(4) A hunting license sold by auction or lottery is valid for take of one animal of the species for which it is issued.

(5) A hunting license sold by auction or lottery may be used in legally described hunting districts during legal hunting seasons for the species for which the license is issued.

AUTH: 87-2-722, 87-2-724, 87-2-725, 87-2-811, 87-2-812, MCA

IMP: 87-2-722, 87-2-724, 87-2-725, 87-2-811, 87-2-812, MCA

Reasonable Necessity: State law allows the commission to issue one mountain sheep, Shiras moose, mountain goat, mule deer, and elk license to species-specific conservation groups to use to conduct an auction or lottery. Historically the commission has adopted annual rules regarding the procedure to issue these licenses year after year without any changes or controversy. The commission is proposing adopting the language contained in the annual rule as administrative rules rather than addressing the rules annually.

4. Concerned persons may present their data, views, or arguments,

either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Hank Worsch, P.O. Box 200701, Helena, Montana 59620-0701; or e-mail hworsch@mt.gov and must be received no later than June 29, 2012.

5. Hank Worsch or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about whom the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified on May 9, 2012 by phone message. Copies of the rule notice were electronically sent by e-mail and hard copies mailed on May 9, 2012.

/s/ Bob Ream

Bob Ream, Chairman
Fish, Wildlife and Parks Commission

/s/ Rebecca Jakes Dockter

Rebecca Jakes Dockter
Rule Reviewer

Certified to the Secretary of State May 14, 2012