

1 HOUSE BILL NO. 556
2 INTRODUCED BY J. ESP

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A LIVESTOCK DAMAGE INDEMNIFICATION AND
5 COMPENSATION PROGRAM TO PROVIDE MONEY TO COVER THE COST OF CLAIMS MADE BY
6 LIVESTOCK OWNERS FOR LOSSES INCURRED BECAUSE OF GRIZZLY BEAR OR WOLF PREDATION;
7 PROVIDING THAT CONSERVATION DISTRICTS ESTABLISH PROCEDURES FOR INVESTIGATING DAMAGE
8 CLAIMS AND DECIDING WHETHER COMPENSATION IS WARRANTED; CREATING AN ACCOUNT TO BE
9 USED BY THE DEPARTMENT OF LIVESTOCK TO PROVIDE COMPENSATION TO INDEMNIFY AFFECTED
10 LIVESTOCK OWNERS, BASED ON THE RECOMMENDATION OF THE CONSERVATION DISTRICT BOARD
11 OF SUPERVISORS; STATUTORILY APPROPRIATING AN AMOUNT FROM THE LIVESTOCK PER CAPITA
12 TAX LEVY TO FUND THE LIVESTOCK LOSS INDEMNIFICATION AND COMPENSATION PROGRAM FOR
13 GRIZZLY BEAR AND WOLF PREDATION; PROVIDING THAT STATE FUNDS PROVIDED TO A LIVESTOCK
14 OWNER FOR LIVESTOCK LOSSES BE OFFSET BY ANY COMPENSATION RECEIVED BY THE LIVESTOCK
15 OWNER FROM PUBLIC OR PRIVATE ORGANIZATIONS; AMENDING SECTIONS 15-24-921 AND 17-7-502,
16 MCA; AND PROVIDING AN EFFECTIVE DATE."

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
20 NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Way
21 of Life and Family Preservation Act".

22
23 NEW SECTION. **Section 2. Livestock loss indemnification and compensation program for grizzly
24 bear and wolf predation.** (1) A livestock owner who suffers livestock loss because of suspected predation
25 by a grizzly bear or wolf may submit a claim for indemnification and compensation to the conservation
26 district that represents the county where the livestock kill occurred.

27 (2) A conservation district board of supervisors shall, at its discretion or when presented with a
28 livestock predation claim pursuant to subsection (1), establish procedures for reviewing and ruling on
29 claims for livestock predation.

30 (3) Using adopted procedures, the conservation district board of supervisors shall accept and

1 evaluate the claim, which may include reports or information related to the livestock kill from:

- 2 (a) the U.S. fish and wildlife service;
- 3 (b) the state department of fish, wildlife, and parks;
- 4 (c) any other federal, state, or local agency; or
- 5 (d) any other interested party.

6 (4) The conservation district board of supervisors shall use any physical evidence presented and
 7 supporting documentation provided under subsection (3) to render a decision on whether, in the board's
 8 opinion, there is a high probability that the livestock kill was the result of grizzly bear or wolf predation.
 9 If a majority of the board determines that it is highly probable that the livestock kill was the result of grizzly
 10 bear or wolf predation, the board shall forward a copy of the claim, plus supporting documentation, to the
 11 department for payment from the account created in [section 3]. Any recommendation for monetary
 12 compensation must be based on the market value of the livestock at the time of the kill.

13 (5) Upon receipt of a claim for indemnification from a conservation district board of supervisors,
 14 the department shall draw a warrant from the account created in [section 3] in favor of the claimant.
 15 Claims must be paid in the order in which they are received. The amount of any claim paid pursuant to this
 16 subsection must be reduced by the amount that a claimant receives for that livestock loss from any other
 17 public or private organization.

18 (6) If money in the account created in [section 3] is completely expended during any fiscal year,
 19 claims submitted during that year that remain unpaid may be held over for payment during the next fiscal
 20 year.

21

22 **NEW SECTION. Section 3. Livestock predation indemnification account created -- authorized use**
 23 **of funds.** (1) There is a livestock predation indemnification account in the state special revenue fund to
 24 the credit of the department for the purposes of [section 2].

25 (2) The account is composed of:

- 26 (a) contributions and grants from private organizations and individuals who donate money as
 27 compensation to indemnify livestock owners who suffer livestock predation by a grizzly bear or wolf;
- 28 (b) federal money, including grants, provided to the state for compensation to indemnify livestock
 29 owners who suffer livestock predation by a grizzly bear or wolf; and
- 30 (c) \$5,000 annually, statutorily appropriated, as provided in 17-7-502, from funds collected under

1 the per capita tax levy authorized in 15-24-921.

2 (3) Upon receipt of a claim and supporting documentation from a conservation district board of
3 supervisors verifying livestock predation by a grizzly bear or wolf, the department shall pay the claim from
4 the proceeds of the account created in this section, consistent with the provisions of [section 2]. At the
5 time that each claim is paid, the department shall, upon request pursuant to [section 4(3)], also remit an
6 additional \$25 payable to the conservation district that submitted the claim, to pay the conservation
7 district's administrative costs associated with processing the request for compensation for livestock
8 predation.

9 (4) Interest earned on the account created in this section must be placed back into the account
10 for the purposes of [section 2].

11

12 **NEW SECTION. Section 4. Conservation district authorized to accept and evaluate livestock**
13 **indemnification claims and recommend compensation for livestock predation.** (1) A conservation district,
14 through its board of supervisors, shall accept and evaluate claims for livestock indemnification because
15 of suspected predation by a grizzly bear or wolf pursuant to [sections 2 and 3] and present verified claims
16 to the department of livestock for compensation pursuant to [sections 2 and 3].

17 (2) At its discretion or when presented with a livestock predation claim pursuant to [section 2],
18 a conservation district shall, pursuant to the rulemaking authority in 76-15-321, establish procedures for
19 reviewing and ruling on claims of livestock predation by a grizzly bear or wolf that are consistent with
20 [section 2].

21 (3) A conservation district may include with each claim a request for an additional \$25 to pay the
22 conservation district's administrative costs associated with processing the request for compensation for
23 livestock predation.

24

25 **Section 5.** Section 15-24-921, MCA, is amended to read:

26 **"15-24-921. Per capita tax levy to pay expenses of enforcing livestock laws and indemnifying**
27 **certain livestock losses.** (1) In addition to appropriations made for those purposes, a per capita tax is
28 authorized and directed to be levied by the department on all poultry and bees, all swine 3 months of age
29 or older, and all other livestock 9 months of age or older in each county of this state for the purpose of:

30 (a) aiding in the payment of the salaries and all expenses connected with the enforcement of the

1 livestock laws of the state ~~and for~~;

2 (b) the payment of bounties on wild animals, as provided in 81-7-104; and

3 (c) the indemnification of livestock owners who suffer livestock predation by a grizzly bear or wolf,

4 pursuant to [sections 2 and 3].

5 (2) As used in this section, "livestock" means cattle, sheep, swine, poultry, bees, goats, horses,
6 mules, asses, llamas, alpacas, domestic bison, ostriches, rheas, and emus; and domestic ungulates."

7

8 **Section 6.** Section 17-7-502, MCA, is amended to read:

9 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
10 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
11 without the need for a biennial legislative appropriation or budget amendment.

12 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
13 with both of the following provisions:

14 (a) The law containing the statutory authority must be listed in subsection (3).

15 (b) The law or portion of the law making a statutory appropriation must specifically state that a
16 statutory appropriation is made as provided in this section.

17 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901;
18 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702;
19 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
20 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319;
21 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107;
22 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
23 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703;
24 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416;
25 80-11-518; [section 3]; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

26 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
27 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
28 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
29 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
30 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the

1 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
2 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
3 supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1,
4 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of
5 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability
6 is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1,
7 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710
8 terminates June 30, 2005.)"

9

10 **NEW SECTION. Section 7. Codification instruction.** (1) [Sections 1 through 3] are intended to be
11 codified as an integral part of Title 81, and the provisions of Title 81 apply to [sections 1 through 3].

12 (2) [Section 4] is intended to be codified as an integral part of Title 76, chapter 15, and the
13 provisions of Title 76, chapter 15, apply to [section 4].

14

15 **NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2001.

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