

1 SENATE BILL NO. 291

2 INTRODUCED BY L. NELSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND
 5 PARKS TO PROVIDE MONETARY COMPENSATION TO AFFECTED LANDOWNERS FOR WINTER GAME
 6 DAMAGES TO THE LANDOWNER'S PROPERTY; REQUIRING THE DEPARTMENT TO ADOPT RULES FOR
 7 A SYSTEM OF CRITERIA FOR EVALUATING GAME DAMAGES AND THE DISTRIBUTION OF MONETARY
 8 COMPENSATION FOR WINTER GAME DAMAGES; AMENDING SECTION 87-1-225, MCA; AND
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

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13 **Section 1.** Section 87-1-225, MCA, is amended to read:14 **"87-1-225. Regulation of wild animals damaging property -- public hunting requirements.** (1)

15 Subject to the provisions of subsection (2), a landowner is eligible for game damage assistance under
 16 subsection (3) if ~~he~~ the landowner:

17 (a) allows public hunting during established hunting seasons; or

18 (b) does not significantly reduce public hunting through imposed restrictions.

19 (2) The department may provide game damage assistance when public hunting on a landowner's
 20 property has been denied because of unique or special circumstances that have rendered public hunting
 21 inappropriate or inadequate.

22 (3) Within 48 hours after receiving a request or complaint from any landholder or person in
 23 possession and having charge of any land in the state that wild animals of the state, protected by the fish
 24 and game laws and regulations, are doing damage to the property or crops ~~thereon~~ on the property, the
 25 department shall investigate and arrange to study the situation with respect to damage and depredation.
 26 The department may then decide to open a special season on the game or, if the special season method
 27 ~~be~~ is not feasible, the department may destroy the animals causing the damage. The department may
 28 authorize and grant the holders of ~~said~~ the property permission to kill or destroy a specified number of the
 29 animals causing the damage. ~~No~~ A wild ferocious animal damaging property or endangering life ~~shall~~ is not
 30 ~~be~~ covered by this section.

1 (4) In addition to the forms of assistance that are outlined in subsection (3) or otherwise
2 authorized by rule, the department may also offer game damage assistance in the form of monetary
3 compensation to a landowner who suffers financial loss as a result of winter game damages. The
4 department shall adopt rules to develop a reasonable system of criteria to be used in evaluating winter
5 game damages and methods of distributing monetary compensation to affected landowners on a fair and
6 equitable basis. Monetary compensation may be paid from any department funds available for game
7 damage mitigation or wildlife conservation, including license fees."

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9 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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11 NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the
12 meaning of 1-2-109, to claims for compensation for winter game damage occurring on or after July 1,
13 2000.

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- END -