62nd Legislature

1	HOUSE BILL NO. 554
2	INTRODUCED BY L. RANDALL
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING AN INTERSTATE WOLF MANAGEMENT
5	COMPACT; DIRECTING THE GOVERNOR TO JOIN THE COMPACT; AND PROVIDING AN IMMEDIATE
6	EFFECTIVE DATE."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	NEW SECTION. Section 1. Interstate wolf management compact. This state enacts into law and
11	enters into the interstate wolf management compact with all states that enact the compact in the form substantially
12	contained in [section 3].
13	
14	NEW SECTION. Section 2. Authority to join interstate wolf management compact. The governor
15	of the state of Montana is authorized and directed to enter into the wolf management compact provided for in
16	[sections 1 through 3] on behalf of the state with any state that has lawfully joined in the compact in the form
17	substantially contained in [section 3].
18	
19	NEW SECTION. Section 3. Text of compact. The interstate wolf management compact referred to in
20	[sections 1 and 2] reads as follows:
21	ARTICLE I
22	FINDINGS AND DECLARATION OF POLICY
23	(1) 4 U.S.C. 112 gives congressional consent "to any two or more States to enter into agreements or
24	compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their
25	respective criminal laws and policies, and to establish such agencies, joint or otherwise, as they may deem
26	desirable for making effective such agreements and compacts."
27	(2) Pursuant to their police powers to protect public health, safety, welfare, and morals, the party states
28	have enacted or anticipate enacting laws or constitutional provisions to protect and guarantee the right to manage
29	wolves.
30	(3) The party states have enacted or anticipate enacting laws that make it a crime in their states for
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30	state's wolf management laws.
29	freedoms protected under the respective state's wolf management criminal laws and guaranteed by the respective
28	(3) A governmental agent may not penalize a person of a party state for exercising the rights and
27	management laws.
26	under the respective state's wolf management criminal laws and guaranteed by the respective state's wolf
25	(2) A governmental agent may not deprive a person of a party state of the rights and freedoms protected
24	management laws of every party state.
23	(1) Each party state shall give full faith and credit to the wolf management criminal laws and wolf
22	TERMS
21	ARTICLE III
20	2-15-3110 through 2-15-3114, 81-1-110 and 81-1-111, Title 81, chapter 7, part 2, and Title 87.
19	the freedom or right of the state to manage wolves as the state deems necessary, including but not limited to
18	(3) "Wolf management laws" means any state law or constitutional provision that protects and guarantees
17	laws.
16	with a person's enjoyment of the freedoms protected and guaranteed by the state's respective wolf management
15	(2) "Wolf management criminal laws" means any state law that makes it a crime for anyone to interfere
14	(1) "State" means a state of the United States.
13	DEFINITIONS
12	ARTICLE II
11	person who violates the wolf management criminal laws of any party state.
10	(d) cooperate with each other and give each other mutual assistance in the criminal prosecution of any
9	the wolf management criminal laws of any party state; and
8	(c) cooperate with each other and give each other mutual assistance in the prevention of crimes under
7	and freedoms guaranteed under the state's respective current or anticipated wolf management laws;
6	(b) prohibit any governmental agent from penalizing a person in any party state for exercising the rights
5	guaranteed under the state's respective current or anticipated wolf management criminal laws;
4	(a) prohibit any governmental agent from depriving a person in any party state of the rights and freedoms
3	or anticipated wolf management criminal laws, as well as this agreement and compact, to do the following:
2	(4) The party states find it necessary and consider it desirable for making effective their respective current
1	anyone to interfere with their enjoyment of the rights and freedoms guaranteed by current wolf management laws.

1	(4) The party states shall cooperate with each other and give each other mutual assistance in the
2	prevention of crimes under the wolf management criminal laws of any party state.
3	(5) The party states shall cooperate with each other and give each other mutual assistance in the criminal
4	prosecution of any person who violates the wolf management criminal laws of any party state.
5	ARTICLE IV
6	ENFORCEMENT
7	(1) The chief law enforcement officer of each party state shall enforce this agreement and compact.
8	(2) A taxpaying resident of any party state has standing in the courts of any party state to require the chief
9	law enforcement officer of any party state to enforce this agreement and compact.
10	ARTICLE V
11	COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION
12	(1) The governor of each party state or the governor's designee is the compact administrator. The
13	compact administrator shall:
14	(a) maintain an accurate list of all party states;
15	(b) consistent with subsections (3) and (4), transmit in a timely fashion to other party states citations of
16	all current wolf management laws and current wolf management criminal laws of the compact administrator's
17	state;
18	(c) receive and maintain a complete listing of the wolf management laws and wolf management criminal
19	laws of each party state;
20	(d) formulate all necessary and proper procedures to effectuate this compact; and
21	(e) delegate needed tasks to other state agencies.
22	(2) The compact administrator of each party state shall furnish to the compact administrator of each party
23	state any information or documents that are reasonably necessary to facilitate the administration of this compact.
24	(3) Within 10 days of executing this agreement and compact and upon the close of each of their
25	respective succeeding legislative sessions, the party states shall notify each other in writing and by appropriate
26	citation of each of their current wolf management laws considered to be within the subject matter of this
27	agreement and compact unless the compact administrator of one or more party states gives specific notice in
28	writing to all other party states within 60 days of the notice that the party state objects to the inclusion of a law
29	or laws in this agreement and compact.
30	(4) Within 10 days of executing this agreement and compact and upon the close of each of their

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1	respective succeeding legislative sessions, the party states shall notify each other in writing and by appropriate
2	citation of each of their current wolf management criminal laws considered to be within the subject matter of this
3	agreement and compact unless the compact administrator of one or more party states gives specific notice in
4	writing to all other party states within 60 days of the notice that the party state objects to the inclusion of a law
5	or laws in this agreement and compact.
6	ARTICLE VI
7	ENTRY INTO EFFECT AND WITHDRAWAL
8	(1) This compact is considered accepted when at least two states deliver a notice of confirmation that
9	is duly executed by their respective authorized representatives and that acknowledges complete agreement to
10	the terms of this compact to each other's governors, the office of the clerk of the United States house of
11	representatives, the office of the secretary of the United States senate, the president of the United States senate,
12	and the speaker of the United States house of representatives. After the initial acceptance by at least two states,
13	the compact is considered accepted by any state when a respective notice of confirmation that is duly executed
14	by the state's respective authorized representative and that acknowledges complete agreement to the terms of
15	this compact is delivered to each party state's compact administrator, the office of the clerk of the United States
16	house of representatives, the office of the secretary of the United States senate, the president of the United
17	States senate, and the speaker of the United States house of representatives.
18	(2) Four years after this compact first becomes effective, any party state may withdraw from the compact
19	by enacting a joint resolution declaring the withdrawal and delivering notice of the withdrawal to each party state.
20	No withdrawal may affect the validity or applicability of the compact to states remaining party to the compact.
21	ARTICLE VII
22	CONSTRUCTION AND SEVERABILITY
23	(1) This compact must be liberally construed in order to effectuate its purposes.
24	(2) This compact is not intended to:
25	(a) prevent any party state from adopting wolf management laws that increase the authority of the state's
26	wolf management activities;
27	(b) prevent any person or association of people from enjoying or enforcing private property rights;
28	(c) authorize any party state to obtain, accumulate, or share personal or other identifying information
29	concerning any person or association involved with wolf hunting or extermination; or
30	(d) authorize any party state to regulate or prohibit the killing of wolves.
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1	(3) This compact is intended to operate as the law of the nation with respect to the party states under 4
2	U.S.C. 112, to supersede any inconsistent state or federal law, and to establish vested rights in favor of residents
3	of the party states in the enjoyment of the rights and freedoms protected by their respective wolf management
4	criminal laws and guaranteed by their respective wolf management laws.
5	(4) If any phrase, clause, sentence, or provision of this compact is declared in a final judgment by a court

of competent jurisdiction to be contrary to the constitution of the United States or is otherwise held invalid, the
validity of the remainder of this compact is not affected.

- 8 (5) If the applicability of any phrase, clause, sentence, or provision of this compact to any government, 9 agency, person, or circumstance is declared in a final judgment by a court of competent jurisdiction to be contrary 10 to the constitution of the United States or is otherwise held invalid, the validity of the remainder of this compact 11 and the applicability of the remainder of this compact to any government, agency, person, or circumstance are 12 not affected.
- (6) If this compact is held contrary to the constitution of any party state, the compact remains in full force
 and effect as to the remaining party states, and all severable matters remain in full force and effect in the affected
 party state.
- 16

17 <u>NEW SECTION.</u> Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified
 18 as an integral part of Title 87, and the provisions of Title 87 apply to [sections 1 through 3].

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20 <u>NEW SECTION.</u> Section 5. Effective date. [This act] is effective on passage and approval.

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