

HOUSE BILL NO. 484
INTRODUCED BY D. BARRETT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE AGRICULTURAL PROTECTION, ENHANCEMENT, AND DEVELOPMENT COMMITTEE TO ADDRESS THE EFFECTS OF WILDLIFE ON AGRICULTURE, TO DIRECT EFFORTS TOWARD MITIGATING THOSE EFFECTS, AND TO PROTECT, ENHANCE, AND DEVELOP ALL AGRICULTURE; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, since 1901, the Department of Fish, Wildlife, and Parks has practiced restorative management with regard to big game animals and wildlife, and the success of restorative management has resulted in large numbers of big game animals on public and private lands and related damage to forage, crops, and private property; and

WHEREAS, it is appropriate, given the success of restorative management, that a program of responsible management be implemented to address the effects of the Department's historical management practices on agriculture; and

WHEREAS, Article XII, section 1, of the Montana Constitution requires the Legislature to "enact laws and provide appropriations to protect, enhance, and develop all agriculture"; and

WHEREAS, the establishment of an Agricultural Protection, Enhancement, and Development Committee to address the effects of wildlife on agriculture, to direct efforts toward mitigating those effects, and to protect, enhance, and develop all agriculture is not only timely and appropriate, but necessary for the Legislature to fulfill the constitutional mandate and to meaningfully alleviate wildlife damage to private land in Montana.

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

NEW SECTION. Section 1. Agricultural protection, enhancement, and development committee.

(1) There is an agricultural protection, enhancement, and development committee. The purposes of the committee are to:

(a) assess the management of wildlife as it relates to and interfaces with Montana agriculture and to address the management issues that arise when private land is used as wildlife habitat without permission of the landowner;

- (b) study and recommend mitigation methods to lessen the adverse impact of wildlife on agriculture;
- (c) define what constitutes reasonable use of private land by public wildlife;
- (d) develop a method for fairly compensating Montana agricultural producers who are not participating in hunting or habitat enhancement programs conducted by the department of fish, wildlife, and parks, for damage to property and crops caused by wildlife, including but not limited to elk, deer, wolves, bears, and mountain lions;
- (e) assist in developing a program to be administered by the department of agriculture and expend any appropriated funds to achieve the purposes of this section; and
- (f) recommend any future legislation necessary to implement the provisions of this section, including recommendations for program funding from appropriate agricultural, wildlife, and tourism sources.

(2) (a) The agricultural protection, enhancement, and development committee is composed of seven members, including two members of the general public and five members appointed by the governor from a list of three names submitted by each of the following groups representing agriculture in this state:

- (i) Montana stockgrowers association;
- (ii) Montana farm bureau federation;
- (iii) Montana woolgrowers association;
- (iv) Montana grain growers association; and
- (v) Montana cattlemen's association.

(b) A member of the fish, wildlife, and parks commission appointed pursuant to 2-15-3402 who is experienced in the breeding and management of domestic livestock shall serve as an ex officio, nonvoting consulting member of the committee.

(c) Members shall serve staggered 3-year terms commencing on July 1 of each year of appointment.

(d) The committee is allocated to the department of agriculture for administrative purposes only as prescribed in 2-15-121.

NEW SECTION. Section 2. Appropriation. There is appropriated \$500,000 from the general fund for the 2009 biennium to the agricultural protection, enhancement, and development committee established in [section 1] to be used for the purposes of [section 1] .

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 30, and the provisions of Title 2, chapter 15, part 30, apply to [section 1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2007.

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