

HOUSE BILL NO. 145

INTRODUCED BY M. CUFFE

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A LIVESTOCK LOSS REDUCTION RESTRICTED ACCOUNT; TRANSFERRING GENERAL FUND MONEY; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FOR A REVERSION OF FUNDS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-3110, 15-1-122, 17-7-502, 81-1-110, AND 81-1-112, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Livestock loss reduction restricted account. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the livestock loss reduction restricted special revenue account. The account is administered by the department.

(2) Except as provided in subsection (4), the money transferred in 15-1-122(4) to the account from the state general fund is restricted to the purposes of reducing predation on livestock by wolves and grizzly bears and reducing expenses incurred by livestock owners, including but not limited to veterinary bills, caused by wolves and grizzly bears.

(3) Except as provided in subsection (4), to reduce predation of livestock, the livestock loss board:

(a) shall use at least half of the money transferred into the account pursuant to subsection (2) on nonlethal, preventative measures; and

(b) may use half of the money transferred into the account pursuant to subsection (2) to contract with the United States department of agriculture wildlife services.

(4) (a) Up to 10% of the money in the account may be used for administrative expenses.

(b) If reimbursements to livestock producers for confirmed and probable livestock losses exceed the amount of money available in accounts established in 81-1-110 or 81-1-112, money in this account may be used to make payments to livestock producers pursuant to 2-15-3112(2).

(5) The livestock loss reduction restricted special revenue account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes of this section.

(6) On June 30 of each odd-numbered year, any funds in the account that are unencumbered must

1 revert to the general fund.

2

3 **Section 2.** Section 2-15-3110, MCA, is amended to read:

4 **"2-15-3110. Livestock loss board -- purpose, membership, and qualifications.** (1) There is a
5 livestock loss board. The purpose of the board is to administer the programs called for in the Montana gray wolf
6 and grizzly bear management plans and established in 2-15-3111 through 2-15-3113, with funds provided through
7 the accounts established in 81-1-110, in order to minimize losses caused by wolves and grizzly bears to livestock
8 producers and to reimburse livestock producers for livestock losses from wolf and grizzly bear predation.

9 (2) The board consists of five members, appointed by the governor, as follows:

10 (a) three members who are actively involved in the livestock industry and who have knowledge and
11 experience with regard to wildlife impacts or management; and

12 (b) two members of the general public who are or have been actively involved in wildlife conservation
13 or wildlife management and who have knowledge and experience with regard to livestock production or
14 management.

15 (3) The board is designated as a quasi-judicial board for the purposes of 2-15-124. Notwithstanding the
16 provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the board.

17 (4) The board is allocated to the department of livestock for administrative purposes only as provided
18 in 2-15-121.

19 (5) The board shall adopt rules to implement the provisions of 2-15-3110 through 2-15-3114, ~~and~~
20 81-1-110 through 81-1-112, and [section 1]."

21

22 **Section 3.** Section 15-1-122, MCA, is amended to read:

23 **"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services
24 account, provided for in 42-2-105, a base amount of \$59,209, and the amount of the transfer must be increased
25 by 10% in each succeeding fiscal year.

26 (2) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or
27 recipients indicated the following amounts:

28 (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, 1.48%
29 of the motor vehicle revenue deposited in the state general fund in each fiscal year. The amount of 9.48% of the
30 allocation in each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned

1 vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as
2 provided in 75-10-532.

3 (b) to the noxious weed state special revenue account provided for in 80-7-816, 1.50% of the motor
4 vehicle revenue deposited in the state general fund in each fiscal year;

5 (c) to the department of fish, wildlife, and parks:

6 (i) 0.46% of the motor vehicle revenue deposited in the state general fund, with the applicable
7 percentage to be:

8 (A) used to:

9 (I) acquire and maintain pumpout equipment and other boat facilities, 4.8% in each fiscal year;

10 (II) administer and enforce the provisions of Title 23, chapter 2, part 5, 19.1% in each fiscal year;

11 (III) enforce the provisions of 23-2-804, 11.1% in each fiscal year; and

12 (IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle
13 recreational use, 16.7% in each fiscal year; and

14 (B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 48.3% in
15 each fiscal year;

16 (ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50%
17 of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-617,
18 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount
19 designated for use in the development, maintenance, and operation of snowmobile facilities; and

20 (iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be
21 deposited in the motorboat account to be used as provided in 23-2-533;

22 (d) 0.81% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with
23 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be
24 deposited in the veterans' services account provided for in 10-2-112(1);

25 (e) 0.30% of the motor vehicle revenue deposited in the state general fund in each fiscal year for deposit
26 in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation
27 services account provided for in 7-14-112; and

28 (f) to the search and rescue account provided for in 10-3-801, 0.04% of the motor vehicle revenue
29 deposited in the state general fund in each fiscal year.

30 (3) The amount of \$200,000 is transferred from the state general fund to the livestock loss ~~reduction and~~

1 mitigation restricted state special revenue account provided for in 81-1-112 in each fiscal year.

2 (4) The amount of \$400,000 is transferred from the state general fund to the livestock loss reduction
 3 restricted state special revenue account provided for in [section 1] in each fiscal year.

4 ~~(4)~~(5) For the purposes of this section, "motor vehicle revenue deposited in the state general fund"
 5 means revenue received from:

6 (a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

7 (b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered
 8 pursuant to 61-3-321 and 61-3-562;

9 (c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

10 (d) all money collected pursuant to 15-1-504(3).

11 ~~(5)~~(6) The amounts transferred from the general fund to the designated recipient must be appropriated
 12 as state special revenue in the general appropriations act for the designated purposes."

13

14 **Section 4.** Section 17-7-502, MCA, is amended to read:

15 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
 16 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
 17 need for a biennial legislative appropriation or budget amendment.

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

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

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

23 (3) The following laws are the only laws containing statutory appropriations: 2-15-247; 2-17-105;
 24 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310;
 25 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
 26 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;
 27 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
 28 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-1-327; 22-3-1004; 23-4-105;
 29 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-1-105; 39-71-503;
 30 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 53-1-109; 53-1-215; 53-2-208; 53-9-113; 53-24-108;

1 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416;
 2 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; [section 1]; 81-7-106; 81-10-103; 82-11-161;
 3 85-20-1504; 85-20-1505; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

4 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 5 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 6 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 7 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 8 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 9 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 10 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
 11 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and
 12 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
 13 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
 14 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the
 15 inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331
 16 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30,
 17 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec.
 18 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2),
 19 Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to secs. 3 and 5,
 20 Ch. 244, L. 2013, the inclusion of 22-1-327 is effective July 1, 2015, and terminates July 1, 2017; and pursuant
 21 to sec. 10, Ch. 413, L. 2013, the inclusion of 2-15-247, 39-1-105, 53-1-215, and 53-2-208 terminates June 30,
 22 2015.)"

23

24 **Section 5.** Section 81-1-110, MCA, is amended to read:

25 **"81-1-110. Livestock loss reduction and mitigation accounts.** (1) There are livestock loss reduction
 26 and mitigation special revenue accounts administered by the department within the state special revenue fund
 27 and the federal special revenue fund established in 17-2-102.

28 (2) (a) All state proceeds allocated or budgeted for the purposes of 2-15-3110 through 2-15-3114,
 29 81-1-110, and 81-1-111, except those transferred to the account provided for in 81-1-112 or [section 1] or
 30 appropriated to the department of livestock, must be deposited in the state special revenue account provided for

1 in subsection (1) of this section.

2 (b) Money received by the state in the form of gifts, grants, reimbursements, or allocations from any
3 source intended to be used for the purposes of 2-15-3111 through 2-15-3113 must be deposited in the
4 appropriate account provided for in subsection (1) of this section.

5 (c) All federal funds awarded to the state for compensation for wolf or grizzly bear depredations on
6 livestock must be deposited in the federal special revenue account provided for in subsection (1) for the purposes
7 of 2-15-3112.

8 (3) The livestock loss board may spend funds in the accounts only to carry out the provisions of
9 2-15-3111 through 2-15-3113."

10

11 **Section 6.** Section 81-1-112, MCA, is amended to read:

12 **"81-1-112. Livestock loss ~~reduction and mitigation restricted~~ account.** (1) There is an account in
13 the state special revenue fund established by 17-2-102 to be known as the livestock loss ~~reduction and mitigation~~
14 ~~restricted~~ special revenue account. The account is administered by the department.

15 (2) ~~Money is~~ Each fiscal year, the amount provided in 15-1-122(3) is transferred to the account from the
16 state general fund ~~pursuant to 15-1-122~~ and is restricted to the purpose of making payments to livestock
17 producers for confirmed and probable livestock losses pursuant to 2-15-3112(2). Money in the account may not
18 be expended for administrative expenses.

19 (3) The livestock loss ~~reduction and mitigation restricted~~ special revenue account is statutorily
20 appropriated, as provided in 17-7-502, to the department for the purpose of making payments to livestock
21 producers as provided in subsection (2) of this section.

22 (4) On June 30 of each odd-numbered year, any unencumbered funds in the account in excess of
23 \$400,000 must revert to the general fund. (Subsection (3) terminates June 30, 2017--sec. 13, Ch. 339, L. 2011.)"

24

25 NEW SECTION. **Section 7. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 81, chapter 1, part 1, and the provisions of Title 81, chapter 1, part 1, apply to [section 1].

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28 NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2015.

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30 NEW SECTION. **Section 9. Termination.** [This act] terminates June 30, 2021.

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