

HOUSE BILL NO. 4

Introduced: 01/03/83

Referred to Committee on Fish & Game: 01/03/83

Hearing: 1/25/83

Died in Committee

HOUSE BILL NO. 4

INTRODUCED BY RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR STATE LIABILITY AND COMPENSATION FOR DAMAGES TO REAL AND PERSONAL PROPERTY CAUSED BY FUR-BEARING ANIMALS AND GAME ANIMALS."

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

Section 1. Liability of state -- exclusive procedure.

(1) The state of Montana is liable for damages to real and personal property caused after October 1, 1983, by fur-bearing animals and game animals.

(2) Any person who fails to comply with the provisions of [this act] is barred from making any claim against the state for damages described in subsection (1).

Section 2. Claims procedure. (1) A property owner seeking damages provided for in [section 1] shall notify the department of the damage within 10 days of the discovery of the damage. In the case of recurring damages, the department must be notified within 10 days of the discovery of each new occurrence of damage.

(2) Within 60 days after the last notice of damage is submitted, the owner of the damaged property shall present to the department a verified claim for the damage.

(3) The department shall provide the forms for notice

of and claim for damages.

Section 3. Disposition of claim by department. (1) Within 60 days of the filing of the claim, the department shall investigate the claim and determine causation and amount of damage.

(2) If it is determined that the state is liable as provided in [section 1], within 10 days of the determination the department shall pay the claim in an amount that reasonably compensates the claimant for the damage incurred.

(3) If the claim is rejected, within 10 days of the determination the department shall notify the claimant stating the reasons for rejection.

(4) The department may adopt rules necessary to implement this section.

Section 4. Administrative hearing. Within 30 days of receiving the department's determination under [section 3], the claimant may request a hearing under Title 2, chapter 4.

Section 5. Appropriation. There is appropriated from the general fund to the department of fish, wildlife, and parks the sum of \$ ____ for the biennium ending July 1, 1985, for the implementation of this act.

Section 6. Codification instruction. Sections 1 through 4 are intended to be codified as an integral part of Title 87, chapter 3, and the provisions of Title 87 apply to sections 1 through 4.

STATE OF MONTANA

REQUEST NO. 019-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6,, 19 83, there is hereby submitted a Fiscal Note for House Bill 4 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 4 provides state liability and compensation for damages to real and personal property caused by fur-bearing animals and game animals.

ASSUMPTIONS:

Colorado has a game-damage program similar, but more limited, to the program proposed. A three year average of the Colorado costs was used. Some of the difference between the Colorado program and the proposed legislation include:

- 1) A limit on the amount of the claim.
- 2) Colorado is responsible only for damage caused by hooved animals on cultivated fields.

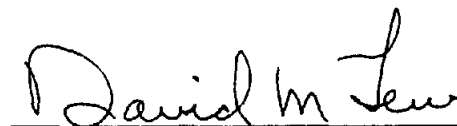
FISCAL IMPACT:

Based on a three year average from a similar program in Colorado, the proposed legislation will cost \$281,000 per year for claims and associated costs from the general fund.

FUND INFORMATION:

The department currently spends \$65,000 per year of license funds to control the effects of damage by installing fencing panels, trapping animals, distribution of blood meal, etc. However, the proposed legislation would make direct payments to landowners.

FISCAL NOTE3:F/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83