

HOUSE BILL 50

Introduced by Cobb

1/02	Introduced
1/02	Referred to Agriculture, Livestock & Irrig.
1/03	Fiscal Note Requested
1/09	Hearing
1/10	Fiscal Note Received
1/13	Hearing
1/16	Tabled in Committee

1                    HOUSE    BILL NO. 50  
2    INTRODUCED BY COBB  
3  
4    A BILL FOR AN ACT ENTITLED: "THE MONTANA LIVESTOCK  
5    REIMBURSEMENT ACT; ESTABLISHING A PROGRAM TO BE ADMINISTERED  
6    BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO REIMBURSE  
7    LIVESTOCK OWNERS FOR LIVESTOCK LOST TO PREDATORS; GRANTING  
8    THE DEPARTMENT RULEMAKING AUTHORITY TO CONDUCT THE PROGRAM;  
9    REQUIRING A REPORT TO THE 52ND LEGISLATURE CONCERNING  
10   OPERATION OF THE PROGRAM; PROVIDING AN APPROPRIATION; AND  
11   PROVIDING AN EFFECTIVE DATE."  
12  
13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14        **Section 1. Short title.** [Sections 1 through 9] shall  
15   be known and may be cited as the "Montana Livestock  
16   Reimbursement Act".  
17        **Section 2. Purpose.** It is the purpose of [sections 1  
18   through 9] to provide a program to reimburse Montana  
19   livestock owners for livestock lost to predators.  
20        **Section 3. Definitions.** As used in [sections 1 through  
21   9], the following definitions apply:  
22        (1) "Department" means the department of fish,  
23   wildlife, and parks provided for in 2-15-3401.  
24        (2) "Livestock" has the meaning contained in 81-8-213.  
25        (3) "Predator" means a mountain lion, black bear, or

1   grizzly bear.  
2        (4) "Program" means the livestock reimbursement  
3   program provided for in [section 4].  
4        **Section 4. Program administration -- rules.** The  
5   department shall formulate a program to reimburse livestock  
6   owners who lose livestock through predation. In  
7   administering the program, the department shall adopt rules  
8   necessary to establish proper levels of reimbursement,  
9   verify livestock loss, and provide prompt investigation and  
10   handling of claims of livestock loss.  
11        **Section 5. Form of claim of livestock loss.** A  
12   livestock owner who loses livestock through predation may  
13   submit a claim for reimbursement to the department on a form  
14   prescribed by the department. The claim must be in the form  
15   of an affidavit and specify:  
16        (1) that the claimant is the true owner of the lost  
17   livestock;  
18        (2) that to the best of the claimant's knowledge the  
19   livestock was lost to a predator;  
20        (3) the kind of livestock lost, the approximate time  
21   and location of loss, and the claimant's estimate of  
22   livestock value;  
23        (4) the place where the livestock may be inspected by  
24   the department;  
25        (5) that by filing the claim, the claimant subrogates

1 to the department the right to any other reimbursement for  
2 the livestock loss; and

3 (6) the signature of the claimant.

4 **Section 6. Investigation of claim by department --**  
5 **reimbursement.** (1) Upon receipt of a claim under [section  
6 5], the department shall verify, to the extent possible, the  
7 circumstances surrounding the claim. As part of the  
8 investigation, the department may require a claimant to  
9 furnish additional evidence or proof about the claim which  
10 the department considers necessary. The evidence may be  
11 either oral or documented, as the department requires.

12 (2) After investigation, the department shall endorse  
13 on the claim its approval or disapproval of reimbursement.  
14 If any part of the claim is disapproved, the endorsement  
15 must state the reason for disapproval.

16 (3) Whenever reimbursement is approved, it must be  
17 made in a timely manner, be within the limits established by  
18 department rule based on the type of livestock lost, and  
19 take into consideration the claimant's estimate of livestock  
20 value.

21 **Section 7. Fraudulent claims -- penalty.** A person who  
22 files a false or fraudulent claim under [section 5] for  
23 purposes of obtaining reimbursement for livestock lost under  
24 circumstances not contemplated by [sections 1 through 9] or  
25 who files a claim but is not the lawful owner of the lost

1 livestock is guilty of a misdemeanor and is punishable as  
2 provided in Title 45 for similar violations.

3 **Section 8. Reimbursement for loss to relocated**  
4 **predator.** (1) Notwithstanding any level of reimbursement  
5 established under [section 4], if livestock loss is caused  
6 by a relocated predator, the level of reimbursement must be  
7 three times the level of regular reimbursement.

8 (2) For purposes of this section, a relocated predator  
9 is a predator that has been captured by the department or  
10 any other state or federal agency and that the department  
11 allows to be relocated on land within Montana, excluding  
12 national parks.

13 **Section 9. Report required.** The department shall  
14 report to the fish and game committee of each house of the  
15 52nd legislature concerning activities undertaken pursuant  
16 to [sections 1 through 8] during the preceding biennium,  
17 together with any recommendations concerning the operation  
18 of the program.

19 **Section 10. Appropriation.** There is appropriated  
20 \$50,000 for the biennium ending June 30, 1991, from funds  
21 appropriated to the department of fish, wildlife, and parks  
22 for predatory animal control, to administer the program  
23 established under [section 4] and to provide reimbursement  
24 for livestock lost to predators.

25 **Section 11. Effective date.** This act is effective July

LC 0759/01

1 1, 1989.

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