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SENATE BILL NO. 111

INTRODUCED BY *Kevin Stovall* *Wm Ryan Rehbein Knox*
Herb Merrihan *M. Hanson* *Therese Dack* *L Nelson*

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COUNTY PREDATORY ANIMAL CONTROL PROGRAM TO PROTECT CATTLE; AND PROVIDING FOR FUNDING OF THE PROGRAM."

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

NEW SECTION. **Section 1. Definition.** As used in [sections 1 through 5], the word "owners" or "persons" includes natural persons, partnerships, corporations, trusts, and estates.

NEW SECTION. **Section 2. County commissioners authorized to establish predatory animal control program for protection of cattle.** Upon the recommendation of an organized association of cattle producers in the county, the board of county commissioners may, either alone or in conjunction with the county commissioners of other counties, establish a predatory animal control program for the protection of cattle in the county or counties.

NEW SECTION. **Section 3. County commissioners permitted to levy per capita license fee on cattle.** (1) To defray the expense of protection, the board of county commissioners may require all owners or persons in possession of any cattle 1 year old or older in the county on the regular assessment date of each year to pay a per capita license fee in an amount to be determined by the board. All owners or persons in possession of cattle 1 year old or older coming into the county after the regular assessment date and subject to taxation under the provisions of 15-24-301 are subject to payment of the license fee.

(2) Upon the order of the board of county commissioners, the license fee may be imposed by entering the name of the licensee upon the property tax record of the county by the department of revenue. The license fee is payable to the county treasurer. When levied, the fee is a lien upon the property, both real and personal, of the licensee. If the person against whom the license fee is levied does not own real estate against which the license fee is or may become a lien, then the license fee is payable immediately upon its levy and the treasurer shall collect the fee in the manner provided by law for the collection of personal property taxes that are not a lien upon real estate.

1 (3) The fees must be placed in a predatory animal control fund separate from the fund provided
2 for in 81-7-303. The money in the predatory animal control fund may be expended by the board of county
3 commissioners only for the predatory animal control program.

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5 **NEW SECTION. Section 4. Proceeds of skins taken.** All furs, skins, and other portions of
6 predatory animals taken through the expenditure of license fees must be sold and the proceeds of the sale
7 deposited in the predatory animal control fund for use in carrying out the purpose of [sections 1 through
8 5].

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10 **NEW SECTION. Section 5. Duty of county commissioners -- petition of cattle owners -- license**
11 **fees.** (1) In conducting a predatory animal control program, the board of county commissioners shall give
12 preference to recommendations for a program made by an organized association of cattle producers in the
13 county. Upon petition of the resident owners of at least 51% of the cattle in the county, as shown by the
14 assessment rolls of the last preceding assessment, which petition must be filed with the board of county
15 commissioners on or before the first Monday in December in any year, the board shall establish the
16 predatory animal control program and issue licenses and collect fees for the following year in an amount
17 that will defray the cost of administering the program. The license fee set by the board must remain in
18 effect from year to year without change unless there is filed with the board a petition signed by the resident
19 owners of at least 51% of the cattle in the county, as shown by the assessment rolls of the last
20 assessment preceding the filing of the petition, for termination of the program and elimination of the license
21 fee. Upon the filing of the petition, the board of county commissioners shall terminate the program and
22 cease levying the license fee.

23 (2) If the resident owners of at least 51% of the cattle in the county file a petition with the board
24 of county commissioners either for an increase in the license fee or for a decrease in the license fee then
25 in force, the board of county commissioners shall set a new license fee to continue from year to year.

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27 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be
28 codified as an integral part of Title 81, chapter 7, and the provisions of Title 81, chapter 7, apply to
29 [sections 1 through 5].

30 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0111, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a county predatory animal control program to protect cattle; and providing for funding of the program

ASSUMPTIONS:

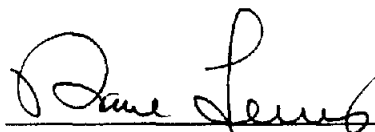
1. The Department of Livestock's Predator Control Program would not be affected by this proposed legislation.

FISCAL IMPACT:


No fiscal impact to the Department of Livestock.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

A Board of County Commissioners may, upon the recommendation of an organized association of cattle producers, either alone or cooperatively with other counties, establish a predatory control program. The Board of County Commissioners may require a per capita fee to support the program.

 1-17-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-17-95

GERRY DEVLIN, PRIMARY SPONSOR DATE

Fiscal Note for SB0111, as introduced

SB 111

SENATE BILL NO. 111

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(2) Upon the order of the board of county commissioners, the license fee may be imposed by entering the name of the licensee upon the property tax record of the county by the department of revenue. The license fee is payable to the county treasurer. When levied, the fee is a lien upon the property, both real and personal, of the licensee. If the person against whom the license fee is levied does not own real estate against which the license fee is or may become a lien, then the license fee is payable immediately

1 upon its levy and the treasurer shall collect the fee in the manner provided by law for the collection of
2 personal property taxes that are not a lien upon real estate.

3 (3) The fees must be placed in a predatory animal control fund separate from the fund provided
4 for in 81-7-303. The money in the predatory animal control fund may be expended by the board of county
5 commissioners only for the predatory animal control program.

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7 NEW SECTION. **Section 4. Proceeds of skins taken.** All furs, skins, and other portions of
8 predatory animals taken through the expenditure of license fees must be sold and the proceeds of the sale
9 deposited in the predatory animal control fund for use in carrying out the purpose of [sections 1 through
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23 program and elimination of the license fee. Upon the filing of the petition, the board of county
24 commissioners shall terminate the program and cease levying the license fee.

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26 (2) If the resident owners of at least 51% of the cattle in the county file a petition with the board
27 of county commissioners either for an increase in the license fee or for a decrease in the license fee then
28 in force, the board of county commissioners shall set a new license fee to continue from year to year.

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