

1 *Cole* *FISHER* *Bob Trinch*
 2 INTRODUCED BY *Devlin* *GRINDE* *Rehbein* *Sandy* *Duke* *Hays*
 3 BY REQUEST OF THE SENATE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE *Wagner* *Mercer* *HARP* *Morgan*
 4 *Wagner* *Mercer* *HARP* *Morgan* *AKRESTAD* *Bergman*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE GRAY WOLF IN THE DEFINITION OF
 6 PREDATORY ANIMAL FOR PURPOSES OF PREDATORY ANIMAL CONTROL IF THE GRAY WOLF IS
 7 REMOVED FROM THE LIST OF THREATENED OR ENDANGERED ANIMALS BY THE FEDERAL
 8 GOVERNMENT; REVISING THE APPLICABLE DEFINITION; AMENDING SECTIONS 81-7-101, 81-7-102,
 9 81-7-104, 81-7-118, 81-7-501, AND 81-7-505, MCA; AND PROVIDING A CONTINGENT EFFECTIVE
 10 DATE." *MERCER* *Feland* *Hobbs* *York* *Holden* *Knott*
 11 *Smith* *Katzenberg* *Carlwick* *Jan* *Mc* *Joel*
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 *Wagner* *perkins* *Walt* *Bob* *Trinch* *Morgan*

14 Section 1. Section 81-7-101, MCA, is amended to read:

15 "81-7-101. Definition. For the purpose of this part, the term "wild predatory animal" shall include
16 includes gray wolf, coyote, lynx, and any other animal causing depredations upon livestock."
17

18 Section 2. Section 81-7-102, MCA, is amended to read:

19 "81-7-102. Department to supervise destruction of predatory animals -- cooperation with other
20 agencies -- administration of ~~moneys~~ money. (1) The department of livestock shall conduct the destruction,
21 extermination, and control of wild predatory animals ~~predatory in nature~~ and capable of killing, destroying,
22 maiming, or injuring domestic livestock or domestic poultry, and the protection and safeguarding of
23 livestock and poultry in this state against depredations from these animals. The department shall formulate
24 the practical programs for accomplishing these objectives in this state and for carrying out the programs
25 in an efficient and practical manner responsive to the need for control in each area of this state.

26 (2) The department shall adopt rules applicable to predatory animal control which are necessary
27 and proper for the systematic destruction of the wild predatory animals by hunting, trapping, and poisoning
28 operations and payments of bounties. The department shall make field, area, range, or other orders and
29 instructions, including orders and instructions to hunter and trapper personnel and others, which are
30 appropriate in the various areas at different seasons of the year, taking into consideration the habits,

1 presence, migrations, or movements of the animals and their attacks on livestock and poultry, either singly
2 or in packs or bands.

3 (3) The department shall cooperate with authorized representatives of the federal government,
4 including the biological survey and the fish and wildlife service, the department of fish, wildlife, and parks,
5 boards of county commissioners, voluntary associations of stockgrowers, sheepgrowers, ranchers, farmers,
6 and sportsmen, and corporations and individuals, in the systematic destruction of ~~wild~~ predatory animals
7 by hunting, trapping, and poisoning operations.

8 (4) This section and 81-7-103 do not interfere with or impair the power and duties of the
9 department of fish, wildlife, and parks in the control of predatory animals by the department of fish,
10 wildlife, and parks as authorized by law, or the obligation of the department of fish, wildlife, and parks to
11 expend its funds in cooperation with the department for predatory animal control as required by law. Funds
12 of the department of fish, wildlife, and parks for the cooperative predatory animal control ~~shall~~ must be
13 administered and expended by the department of fish, wildlife, and parks."
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15 **Section 3.** Section 81-7-104, MCA, is amended to read:

16 **"81-7-104. Predator control ~~moneys~~ money -- use of proceeds.** (1) The department of livestock
17 shall allocate a portion of the money from the levy under 15-24-921 for the purpose of protecting livestock
18 in the state against destruction, depredation, and injury by ~~wild~~ predatory animals, whether the livestock
19 is on lands in private ownership, in the ownership of the state, or in the ownership of the United States,
20 including open ranges and all lands in or of the public domain. This protection may be by any means of
21 effective predatory animal destruction, extermination, and control, including systematic hunting and
22 trapping and payment of bounties.

23 (2) Money ~~shall~~ must be paid out only on claims duly and regularly presented to the department
24 of livestock and approved by the department in accordance with the law applicable either to claims for
25 bounties or for other expenditures necessary and proper for predatory animal control by means and methods
26 other than payment of bounties, as determined by the department. Money designated for predator control
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29 systematic destruction, extermination, and control of predatory ~~wild~~ animals, as determined by the
30 department and its advisory committee. ~~No claims~~ Claims may not be approved in excess of ~~moneys~~ money

1 available for ~~such~~ those purposes, and ~~no~~ warrants may not be registered against the ~~moneys~~ money."

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3 **Section 4.** Section 81-7-118, MCA, is amended to read:

4 **"81-7-118. Levy of tax for purpose of paying bounty claims -- limitation on levy.** The department
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6 of all classes for paying for the destruction of ~~wild~~ predatory animals killed in this state. The tax in any 1
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9 and for the administration of 81-7-111 through 81-7-122. The money received for the taxes levied ~~shall~~
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11 the money is received by the state treasurer, it ~~shall~~ must be placed in the state special revenue fund and
12 may then be paid out on claims approved under the law governing the payment of claims."

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14 **Section 5.** Section 81-7-501, MCA, is amended to read:

15 **"81-7-501. Aerial hunting prohibited -- exceptions.** (1) Except as provided in 81-7-505, no person
16 except an employee of the state, its subdivisions, or the federal government, acting within the scope of
17 his employment, may engage in the aerial hunting of ~~wild~~ predatory animals, as defined in 81-7-101,
18 without first obtaining a permit from the department of livestock. The permit must specify the species of
19 ~~wild~~ predatory animals to be hunted and the geographic areas over which aerial hunting may take place.

20 (2) ~~No~~ A person issued a permit as required by this section may not engage in aerial hunting of ~~wild~~
21 predatory animals in violation of the terms of his permit, the rules promulgated by the board of livestock,
22 or the terms of this part."

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24 **Section 6.** Section 81-7-505, MCA, is amended to read:

25 **"81-7-505. Resident landowners authorized to aerially hunt over their own lands without permit**
26 **-- conditions.** Any landowner having residence and domicile in Montana may engage in the aerial hunting
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1 of livestock."

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3 NEW SECTION. **Section 7. Contingent effective date.** [This act] is effective whenever the gray
4 wolf is removed from the list of threatened or endangered species by the appropriate agency of the United
5 States government.

6

-END-

1 *Colby* *FISHER*
 2 INTRODUCED BY *Devlin* *SENATE BILL NO. 394* *Bob Trinch*
 3 *Korey* BY REQUEST OF THE SENATE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE *Rehbein* *Sandy* *John* *Haynes*
 4 *TH* *Hansen* *Wagner* *Mercier* *HARP* *Morgan*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE GRAY WOLF IN THE DEFINITION OF *AKLESTAD* *Bergman*
 6 PREDATORY ANIMAL FOR PURPOSES OF PREDATORY ANIMAL CONTROL IF THE GRAY WOLF IS *Jorgeson*
 7 REMOVED FROM THE LIST OF THREATENED OR ENDANGERED ANIMALS BY THE FEDERAL
 8 GOVERNMENT; REVISING THE APPLICABLE DEFINITION; AMENDING SECTIONS 81-7-101, 81-7-102,
 9 81-7-104, 81-7-118, 81-7-501, AND 81-7-505, MCA; AND PROVIDING A CONTINGENT EFFECTIVE
 10 DATE." *MERCER* *Feland* *Hilbert* *Holden* *Knox*
 11 *Grice* *Katzenberg* *Carlwich* *McLain* *Tiger*
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *DB* *Burch* *Conner*
 13 *Curran* *Patrick* *Walt*

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"81-7-102. Department to supervise destruction of predatory animals -- cooperation with other agencies -- administration of ~~moneys~~ money. (1) The department of livestock shall conduct the destruction, extermination, and control of ~~wild predatory animals predatory in nature and~~ capable of killing, destroying, maiming, or injuring domestic livestock or domestic poultry, and the protection and safeguarding of livestock and poultry in this state against depredations from these animals. The department shall formulate the practical programs for accomplishing these objectives in this state and for carrying out the programs in an efficient and practical manner responsive to the need for control in each area of this state.

(2) The department shall adopt rules applicable to predatory animal control which are necessary and proper for the systematic destruction of the wild predatory animals by hunting, trapping, and poisoning operations and payments of bounties. The department shall make field, area, range, or other orders and instructions, including orders and instructions to hunter and trapper personnel and others, which are appropriate in the various areas at different seasons of the year, taking into consideration the habits.

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4 including the biological survey and the fish and wildlife service, the department of fish, wildlife, and parks,
5 boards of county commissioners, voluntary associations of stockgrowers, sheepgrowers, ranchers, farmers,
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8 (4) This section and 81-7-103 do not interfere with or impair the power and duties of the
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19 ~~wild~~ wild predatory animals to be hunted and the geographic areas over which aerial hunting may take place.

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4 wolf is removed from the list of threatened or endangered species by the appropriate agency of the United
5 States government.

6

-END-

FISHER

SENATE BILL NO. 394

Bob Trinch
Hays
Hick
Bundy
Hays

Bond
Hays
Hick

1 INTRODUCED BY Devin GENOE
2

3 BY REQUEST OF THE SENATE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE GRAY WOLF IN THE DEFINITION OF
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8 81-7-104, 81-7-118, 81-7-501, AND 81-7-505, MCA; AND PROVIDING A CONTINGENT EFFECTIVE
9 DATE." MERCEZ Feland Hillard
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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SENATE BILL NO. 394

INTRODUCED BY DEVLIN, GRINDE, REHBEIN, GRADY, JABS, HARGROVE, BECK, GAGE, SWYSGOOD,
 COLE, FISHER, KASTEN, PIPINICH, M. HANSON, WAGNER, MENAHAN, HARP, MESAROS, BENEDICT,
 L. NELSON, SPRAGUE, LYNCH, TVEIT, AKLESTAD, BERGMAN, ANDERSON, CRISMORE, JERGESON,
 MERCER, FELAND, HIBBARD, SOMERVILLE, KITZENBERG, PAVLOVICH, ZOOK, HOLDEN, T. NELSON,
 KNOX, TOEWS, BAER, EMERSON, DEVANEY, JENKINS, MOHL, STANG

BY REQUEST OF THE SENATE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING THE GRAY WOLF IN THE DEFINITION OF
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 14 must be sent annually with other taxes to the state treasurer by the county treasurer of each county. When
 15 the money is received by the state treasurer, it ~~shall~~ must be placed in the state special revenue fund and
 16 may then be paid out on claims approved under the law governing the payment of claims."

17
 18 **Section 5.** Section 81-7-501, MCA, is amended to read:

19 **"81-7-501. Aerial hunting prohibited -- exceptions.** (1) Except as provided in 81-7-505, no person
 20 except an employee of the state, its subdivisions, or the federal government, acting within the scope of
 21 his employment, may engage in the aerial hunting of ~~wild~~ predatory animals, as defined in 81-7-101,
 22 without first obtaining a permit from the department of livestock. The permit must specify the species of
 23 ~~wild~~ predatory animals to be hunted and the geographic areas over which aerial hunting may take place.

24 (2) ~~No~~ A person issued a permit as required by this section may not engage in aerial hunting of ~~wild~~
 25 predatory animals in violation of the terms of his permit, the rules promulgated by the board of livestock,
 26 or the terms of this part."

27
 28 **Section 6.** Section 81-7-505, MCA, is amended to read:

29 **"81-7-505. Resident landowners authorized to aerially hunt over their own lands without permit**
 30 **-- conditions.** Any landowner having residence and domicile in Montana may engage in the aerial hunting

1 of ~~wild~~ predatory animals, as defined in 81-7-101, over ~~his~~ that person's own land without a permit,
2 provided ~~he~~ the landowner annually notifies the department in writing that ~~he~~ the landowner will be
3 engaged in aerial hunting and gives an adequate description of the location of the land over which ~~he~~ the
4 landowner will aurally hunt. ~~Such~~ Aerial hunting must be in accordance with all rules of the department
5 of livestock."

6

7 NEW SECTION. Section 7. Contingent effective date. [This act] is effective whenever the gray
8 wolf is removed from the list of threatened or endangered species by the appropriate agency of the United
9 States government.

10

-END-