

1 HOUSE BILL NO. 767

2 INTRODUCED BY J. DARLING, E. TILLEMAN, W. MCKAMEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY PREDATOR CONTROL LAWS TO INCLUDE
5 GOATS; AUTHORIZING COUNTY COMMISSIONERS TO ESTABLISH A PREDATORY ANIMAL CONTROL
6 PROGRAM FOR THE PROTECTION OF GOATS; AUTHORIZING A PER CAPITA LICENSE FEE ON GOATS;
7 PROVIDING FOR THE DEPOSIT OF PROCEEDS FROM THE SALE OF PREDATORY ANIMAL SKINS
8 TAKEN; PROVIDING FOR LOCAL GOAT OWNERS TO PETITION FOR AND MAKE RECOMMENDATIONS
9 TO THE PREDATORY ANIMAL CONTROL PROGRAM; PROVIDING DEFINITIONS; AND AMENDING
10 SECTIONS 81-7-303 AND 81-7-603, MCA."

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

13
14 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 5], the following definitions
15 apply:

- 16 (1) "Owners" or "persons" include natural persons, partnerships, corporations, trusts, and estates.
17 (2) "Predatory animal" has the meaning provided in 81-7-101.

18
19 NEW SECTION. **Section 2. County commissioners authorized to establish predatory animal**
20 **control program for protection of goats.** On the recommendation of an organized association of goat
21 producers in the county, the board of county commissioners may, either alone or in conjunction with the county
22 commissioners of other counties, establish a predatory animal control program for the protection of goats in the
23 county or counties.

24
25 NEW SECTION. **Section 3. County commissioners permitted to require per capita license fee**
26 **on goats.** (1) To defray the expense of protection, the board of county commissioners may require all owners
27 or persons in possession of a goat 1 year of age or older in the county on the regular assessment date of each
28 year, as provided in 15-24-903, to pay a per capita license fee in an amount to be determined by the board. All

1 owners or persons in possession of a goat 1 year of age or older coming into the county after the regular
2 assessment date and subject to the per capita levy under the provisions of Title 15, chapter 24, part 9, are
3 subject to payment of the license fee.

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

11 (3) The fees must be placed in a predatory animal control fund, separate from the funds provided
12 for in 81-7-303 and 81-7-603. The money in the predatory animal control fund may be expended by the board
13 of county commissioners for predatory animal control, including bounties paid pursuant to Title 81, chapter 7,
14 part 2. Interest earned on money in the fund must be deposited in the fund.

15 (4) Money from any source may be deposited in the predatory animal control fund provided for in
16 this section to carry out the provisions of [sections 1 through 5].
17

18 NEW SECTION. **Section 4. Proceeds of furs and skins taken.** All furs, skins, and other portions of
19 predatory animals taken through the expenditure of license fees must be sold and the proceeds of the sale
20 deposited in the predatory animal control fund for use in carrying out the purpose of [sections 1 through 5].
21

22 NEW SECTION. **Section 5. Duty of county commissioners -- petition of goat owners -- license**
23 **fees.** (1) In conducting a predatory animal control program, the board of county commissioners shall give
24 preference to recommendations for a program made by an organized association of goat producers in the
25 county. On petition of the resident owners of at least 51% of the goats in the county, as shown by the property
26 tax record of the last preceding assessment, the board shall establish the predatory animal control program and
27 issue licenses and collect fees for the following year in an amount that will defray the cost of administering the
28 program. The petition must be filed with the board on or before the first Monday in December in any year, and a

signature on a petition may not be withdrawn by the signer after the hour set for hearing the petition. The license fee set by the board must remain in effect from year to year without change, unless there is filed with the board a petition signed by the resident owners of at least 51% of the goats in the county, as shown by the property tax record of the last assessment preceding the filing of the petition, for termination of the program and elimination of the license fee. On the filing of the petition, the board shall terminate the program and cease levying the license fee.

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

Section 6. Section 81-7-303, MCA, is amended to read:

"81-7-303. County commissioners permitted to require per capita license fee on sheep. (1) To defray the expense of protection, the board of county commissioners of a county may require all owners or persons in possession of a sheep 1 year of age or older in the county on the regular assessment date of each year, as provided in 15-24-903, to pay a per capita license fee in an amount to be determined by the board. All owners or persons in possession of a sheep 1 year of age or older coming into the county after the regular assessment date and subject to the per capita levy under the provisions of Title 15, chapter 24, part 9, are subject to payment of the license fee.

(2) ~~Upon~~On the order of the board of county commissioners, the license ~~fees-fee~~ may be imposed by entering the name of the licensee ~~upon-on~~ the assessment record of the county by the department of revenue. The license ~~fees-are-fee~~ is payable to and must be collected by the county treasurer. When levied, the ~~fees-are-fee~~ is a lien ~~upon-on~~ 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-on~~ 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-on~~ real estate.

(3) ~~When collected, the~~ The fees must be placed in ~~the-a~~ a predatory animal control fund separate from the funds provided for in 81-7-603 and [section 3]. ~~and the~~ The money in the predatory animal control fund may be expended ~~on-order-of-by~~ by the board of county commissioners ~~of-the-county~~ for predatory animal control,

1 including bounties paid pursuant to Title 81, chapter 7, part 2. Interest earned on money in the fund must be
2 deposited in the fund.

3 (4) Money from any source may be deposited in the predatory animal control fund provided for in
4 this section to carry out the provisions of this part."

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6 **Section 7.** Section 81-7-603, MCA, is amended to read:

7 **"81-7-603. County commissioners permitted to require per capita license fee on cattle.** (1) To
8 defray the expense of protection, the board of county commissioners may require all owners or persons in
9 possession of cattle 9 months of age or older in the county on the regular assessment date of each year, as
10 provided in 15-24-903, to pay a per capita license fee in an amount to be determined by the board. All owners
11 or persons in possession of cattle 9 months of age or older coming into the county after the regular assessment
12 date and subject to the per capita levy under the provisions of Title 15, chapter 24, part 9, are subject to
13 payment of the license fee.

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

21 (3) The fees must be placed in a predatory animal control fund separate from the ~~fund~~funds
22 provided for in 81-7-303 and [section 3]. The money in the predatory animal control fund may be expended by
23 the board of county commissioners for predatory animal control, including bounties paid pursuant to Title 81,
24 chapter 7, part 2. Interest earned on money in the fund must be deposited in the fund.

25 (4) Money from any source may be deposited in the predatory animal control fund provided for in
26 this section to carry out the provisions of this part."

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28 NEW SECTION. **Section 8. Codification instruction.** [Sections 1 through 5] are intended to be

1 codified as a new part in Title 81, chapter 7, and the provisions of Title 81, chapter 7, apply to [sections 1
2 through 5].

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