

HOUSE BILL NO. 356

INTRODUCED BY E. TILLEMANN, J. SECKINGER, E. BYRNE, R. GREGG, J. WEBER, S. GIST, K. WALSH, R. MINER, L. DEMING, B. CARTER

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE LIVESTOCK LOSS REDUCTION AND MITIGATION PROGRAMS TO INCLUDE BLACK BEARS; AMENDING SECTIONS 2-15-3110, 2-15-3111, 2-15-3112, 2-15-3113, 81-1-110, AND 87-1-217, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-3110, MCA, is amended to read:

"2-15-3110. Livestock loss board -- purpose, membership, and qualifications. (1) There is a livestock loss board. The purpose of the board is to administer the programs called for in the Montana gray wolf conservation and management plan, the Montana mountain lion management plan, the Montana black bear management plan, and the Montana grizzly bear management plan and established in 2-15-3111 through 2-15-3113, with funds provided through the accounts established in 81-1-110, in order to minimize losses caused by wolves, mountain lions, black bears, and grizzly bears to livestock producers and to reimburse livestock producers for livestock losses from wolf, mountain lion, black bear, and grizzly bear predation.

(2) The board consists of five members, appointed by the governor, as follows:

(a) three members who are actively involved in the livestock industry and who have knowledge and experience with regard to wildlife impacts or management; and

(b) two members of the general public who are or have been actively involved in wildlife conservation or wildlife management and who have knowledge and experience with regard to livestock production or management.

(3) The board is designated as a quasi-judicial board for the purposes of 2-15-124.

Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the board.

(4) The board is allocated to the department of livestock for administrative purposes only as

1 provided in 2-15-121.

2 (5) The board shall adopt rules to implement the provisions of 2-15-3110 through 2-15-3114 and  
3 81-1-110 through 81-1-113.

4 (6) The board shall prioritize grants for prevention of wolf and grizzly bear predation over those for  
5 mountain lion or black bear predation."

6

7 **Section 2.** Section 2-15-3111, MCA, is amended to read:

8 **"2-15-3111. Livestock loss reduction program.** The livestock loss board shall establish and  
9 administer a program to cost-share with individuals or incorporated entities in implementing measures to  
10 prevent wolf, mountain lion, black bear, and grizzly bear predation on livestock, including:

11 (1) eligibility requirements for program participation;

12 (2) application procedures for program participation and procedures for awarding grants for wolf,  
13 mountain lion, black bear, and grizzly bear predation prevention measures, subject to grant priorities and the  
14 availability of funds;

15 (3) criteria for the selection of projects and program participants, which may include establishment  
16 of grant priorities based on factors such as chronic depredation, multiple depredation incidents, single  
17 depredation incidents, and potential high-risk geographical or habitat location;

18 (4) grant guidelines for prevention measures on public and private lands, including:

19 (a) grant terms that clearly set out the obligations of the livestock producer and that provide for a  
20 term of up to 12 months subject to renewal based on availability of funds, satisfaction of program requirements,  
21 and prioritization of the project;

22 (b) cost-share for prevention measures, which may be a combination of grant and livestock  
23 producer responsibility, payable in cash or in appropriate services, such as labor to install or implement  
24 preventive measures, unless the board adjusts the cost-share because of extenuating circumstances related to  
25 chronic or multiple depredation; and

26 (c) proactive preventive measures and other preventive measures as information on new or  
27 different successful prevention measures becomes available; and

28 (5) reporting requirements for program participants to assist in determining the effectiveness of

1 loss reduction relative to each grant."

2

3 **Section 3.** Section 2-15-3112, MCA, is amended to read:

4 **"2-15-3112. Livestock loss mitigation program -- definitions.** The livestock loss board shall  
5 establish and administer a program to reimburse livestock producers for livestock losses caused by wolves,  
6 mountain lions, black bears, and grizzly bears, subject to the following provisions:

7 (1) The board shall establish eligibility requirements for reimbursement, which must provide that all  
8 Montana livestock producers are eligible for coverage for losses by wolves, mountain lions, black bears, and  
9 grizzly bears to cattle, swine, horses, mules, sheep, goats, llamas, and livestock guard dogs on state, federal,  
10 tribal, and private land.

11 (2) (a) Except as provided in subsection (2)(b), the board may reimburse confirmed and probable  
12 livestock losses at an amount not to exceed the fair market value of the livestock.

13 (b) The board may reimburse confirmed and probable livestock losses by paying a multiplier of the  
14 fair market value of the livestock based on a board-determined region.

15 (c) Before the board may issue a reimbursement for losses to a livestock producer eligible for  
16 coverage for losses, the department of revenue shall certify that the livestock producer has paid per capita fees  
17 as required by 15-24-921. Except for a tribal member or tribal entity participating in an authorized agreement  
18 pursuant to 2-15-3113, a livestock producer may not receive a reimbursement for losses until the producer has  
19 paid any delinquent per capita fees.

20 (3) Other losses may be reimbursed at rates determined by the board.

21 (4) A claim process must be established to be used when a livestock producer suffers a livestock  
22 loss for which wolves, mountain lions, black bears, or grizzly bears may be responsible. The claim process  
23 must set out a clear and concise method for documenting and processing claims for reimbursement for  
24 livestock losses.

25 (5) Names, addresses, and other personally identifiable information of claimants must remain  
26 confidential and may not be released.

27 (6) (a) A process must be established to allow livestock producers to appeal reimbursement  
28 decisions. A producer may appeal a staff adjuster's decision by notifying the staff adjuster and the board in

1 writing, stating the reasons for the appeal and providing documentation supporting the appeal. If the  
2 documentation is incomplete, the board or a producer may consult with the U.S. department of agriculture  
3 wildlife services to complete the documentation.

4 (b) The board may not accept any appeal on the question of whether the loss was or was not a  
5 confirmed or probable loss because that final determination lies solely with the U.S. department of agriculture  
6 wildlife services and may not be changed by the board.

7 (c) The board shall hold a hearing on an appeal within 90 days of receipt of the written appeal,  
8 allowing the staff adjuster and the producer to present their positions. A decision must be rendered by the  
9 board within 30 days after the hearing. The producer must be notified in writing of the board's decision.

10 (7) As used in this section, the following definitions apply:

11 (a) "Confirmed" means reasonable physical evidence that livestock was actually attacked or killed  
12 by a wolf, mountain lion, black bear, or grizzly bear, including but not limited to the presence of bite marks  
13 indicative of the spacing of tooth punctures of wolves, mountain lions, black bear, or grizzly bears and  
14 associated subcutaneous hemorrhaging and tissue damage indicating that the attack occurred while the animal  
15 was alive, feeding patterns on the carcass, fresh tracks, scat, hair rubbed off on fences or brush, eyewitness  
16 accounts, or other physical evidence that allows a reasonable inference of wolf, mountain lion, black bear, or  
17 grizzly bear predation on an animal that has been largely consumed.

18 (b) "Fair market value" means:

19 (i) for commercial sheep more than 1 year old, the average price of sheep of similar age and sex  
20 paid at the most recent Billings livestock sale ring or other ring as determined by the board;

21 (ii) for commercial lambs, the average market weaning value;

22 (iii) for registered sheep, twice the average value of commercial sheep of the same age and sex;

23 (iv) for commercial cattle more than 1 year old, the average price of cattle of similar age and sex  
24 paid at the most recent Billings livestock sale ring or other ring as determined by the board;

25 (v) for commercial calves, the average market weaning value;

26 (vi) for registered cattle, twice the average value of commercial cattle of the same age and sex;

27 (vii) for other registered livestock, twice the average value of commercial-grade animals of the  
28 same breed, age, and sex; or

1 (viii) for other livestock, the average price paid at the most recent public auction for the type of  
2 animal lost or the replacement price as determined by the board.

3 (c) "Probable" means the presence of some evidence to suggest possible predation but a lack of  
4 sufficient evidence to clearly confirm predation by a particular species. A kill may be classified as probable  
5 depending on factors including but not limited to recent confirmed predation by the suspected depredating  
6 species in the same or a nearby area, recent observation of the livestock by the owner or the owner's  
7 employees, and telemetry monitoring data, sightings, howling, or fresh tracks suggesting that the suspected  
8 depredating species may have been in the area when the depredation occurred."  
9

10 **Section 4.** Section 2-15-3113, MCA, is amended to read:

11 **"2-15-3113. Additional powers and duties of livestock loss board.** (1) The livestock loss board  
12 shall:

13 (a) process claims;

14 (b) seek information necessary to ensure that claim documentation is complete;

15 (c) provide payments authorized by the board for confirmed and probable livestock losses, along  
16 with a written explanation of payment;

17 (d) submit monthly and annual reports to the board of livestock summarizing claims and  
18 expenditures and the results of action taken on claims and maintain files of all claims received, including  
19 supporting documentation;

20 (e) provide information to the board of livestock regarding appealed claims and implement any  
21 decision by the board;

22 (f) prepare the annual budget for the board; and

23 (g) provide proper documentation of staff time and expenditures.

24 (2) The livestock loss board may enter into an agreement with any Montana tribe, if the tribe has  
25 adopted a wolf, mountain lion, black bear, or grizzly bear management plan for reservation lands that is  
26 consistent with the state wolf, mountain lion, black bear, or grizzly bear management plan, to provide that tribal  
27 lands within reservation boundaries are eligible for livestock loss reduction program grants pursuant to 2-15-  
28 3111.

1 (3) The livestock loss board shall:

2 (a) coordinate and share information with state, federal, and tribal officials, livestock producers,  
3 nongovernmental organizations, and the general public in an effort to reduce livestock losses caused by  
4 wolves, mountain lions, black bears, and grizzly bears;

5 (b) establish an annual budget for the prevention, mitigation, and reimbursement of livestock  
6 losses caused by wolves, mountain lions, black bears, and grizzly bears;

7 (c) perform or contract for the performance of periodic program audits and reviews of program  
8 expenditures, including payments to individuals, incorporated entities, and producers who receive loss  
9 reduction grants and reimbursement payments;

10 (d) adjudicate appeals of claims;

11 (e) investigate alternative or enhanced funding sources, including possible agreements with public  
12 entities and private wildlife or livestock organizations that have active livestock loss reimbursement programs in  
13 place;

14 (f) meet as necessary to conduct business; and

15 (g) report annually to the governor, the legislature in accordance with 5-11-210, members of the  
16 Montana congressional delegation, the board of livestock, the fish and wildlife commission, and the public  
17 regarding results of the programs established in 2-15-3111 through 2-15-3113.

18 (4) The livestock loss board may sell or auction any carcasses or parts of carcasses from wolves,  
19 ~~or~~ mountain lions, or black bears received pursuant to 87-1-217. The proceeds, minus the costs of the sale  
20 including the preparation of the carcass or part of the carcass for sale, must be deposited into the livestock loss  
21 reduction and mitigation special revenue account established in 81-1-110 and used for the purposes of 2-15-  
22 3111 through 2-15-3114."

23

24 **Section 5.** Section 81-1-110, MCA, is amended to read:

25 **"81-1-110. Livestock loss reduction and mitigation accounts.** (1) There are livestock loss  
26 reduction and mitigation special revenue accounts administered by the department within the state special  
27 revenue fund and the federal special revenue fund established in 17-2-102.

28 (2) (a) All state proceeds allocated or budgeted for the purposes of 2-15-3110 through 2-15-3114,

1 81-1-110, and 81-1-111, except those transferred to the account provided for in 81-1-112 or 81-1-113 or  
2 appropriated to the department of livestock, must be deposited in the state special revenue account provided  
3 for in subsection (1) of this section.

4 (b) Money received by the state in the form of gifts, grants, reimbursements, or allocations from  
5 any source intended to be used for the purposes of 2-15-3111 through 2-15-3113 must be deposited in the  
6 appropriate account provided for in subsection (1) of this section.

7 (c) All federal funds awarded to the state for compensation for wolf, mountain lion, black bear, or  
8 grizzly bear depredations on livestock must be deposited in the federal special revenue account provided for in  
9 subsection (1) for the purposes of 2-15-3112.

10 (3) The livestock loss board may spend funds in the accounts only to carry out the provisions of 2-  
11 15-3111 through 2-15-3113."

12

13 **Section 6.** Section 87-1-217, MCA, is amended to read:

14 **"87-1-217. Policy for management of large predators -- legislative intent.** (1) In managing large  
15 predators, the primary goals of the department, in the order of listed priority, are to:

16 (a) protect humans, livestock, and pets;

17 (b) preserve and enhance the safety of the public during outdoor recreational and livelihood  
18 activities; and

19 (c) preserve citizens' opportunities to hunt large game species.

20 (2) With regard to large predators, it is the intent of the legislature that the specific provisions of  
21 this section concerning the management of large predators will control the general supervisory authority of the  
22 department regarding the management of all wildlife.

23 (3) For the management of wolves in accordance with the priorities established in subsection (1),  
24 the department may use lethal action to take problem wolves that attack livestock if the state objective for  
25 breeding pairs has been met. For the purposes of this subsection, "problem wolves" means any individual wolf  
26 or pack of wolves with a history of livestock predation.

27 (4) The department shall work with the livestock loss board and the United States department of  
28 agriculture wildlife services to establish the conditions under which carcasses or parts of carcasses from

1   wolves, ~~or~~ mountain lions, or black bears are retrieved during management activities and when those carcasses  
2   or parts of carcasses are made available to the livestock loss board for sale or auction pursuant to 2-15-3113.

3           (5)    The department shall ensure that county commissioners and tribal governments in areas that  
4   have identifiable populations of large predators have the opportunity for consultation and coordination with state  
5   and federal agencies prior to state and federal policy decisions involving large predators and large game  
6   species.

7           (6)    As used in this section:

8           (a)    "consultation" means to actively provide information to a county or tribal government regarding  
9   proposed policy decisions on matters that may have a harmful effect on agricultural production or livestock  
10   operations or that may pose a risk to human health or safety in that county or on those tribal lands and to seek  
11   information and advice from counties or tribal governments on these matters;

12          (b)    "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats;  
13   and

14          (c)    "large predators" means bears, mountain lions, and wolves."  
15

16           NEW SECTION. Section 7. Notification to tribal governments. The secretary of state shall send a  
17   copy of [this act] to each federally recognized tribal government in Montana.

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19           NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2025.

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