

1 SENATE BILL NO. 78
 2 INTRODUCED BY B. GILLESPIE
 3 BY REQUEST OF THE LIVESTOCK LOSS BOARD
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LIVESTOCK LOSS MITIGATION
 6 PROGRAM; REVISING THE DEFINITION OF "GUARD ANIMAL"; STANDARDIZING CLAIMANT
 7 INFORMATION; LIMITING PAYMENTS FOR REGISTERED LIVESTOCK; AND AMENDING SECTION 2-15-
 8 3112, MCA."

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 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12 **Section 1.** Section 2-15-3112, MCA, is amended to read:

13 **"2-15-3112. Livestock loss mitigation program -- definitions.** The livestock loss board shall
 14 establish and administer a program to reimburse livestock producers for livestock losses caused by wolves,
 15 mountain lions, and grizzly bears, subject to the following provisions:

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

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

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

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

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

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

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

7 ~~(5)(6)~~ (a) A process must be established to allow livestock producers to appeal reimbursement
8 decisions. A producer may appeal a staff adjuster's decision by notifying the staff adjuster and the board in
9 writing, stating the reasons for the appeal and providing documentation supporting the appeal. If the
10 documentation is incomplete, the board or a producer may consult with the U.S. department of agriculture
11 wildlife services to complete the documentation.

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

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

18 ~~(6)(7)~~ As used in this section, the following definitions apply:

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

26 (b) "Fair market value" means:

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

- 1 (ii) for commercial lambs, the average market weaning value;
- 2 (iii) for registered sheep, ~~the average price paid to the specific breeder for sheep of similar age and~~
3 ~~sex during the past year at public or private sales for that registered breed~~ twice the average value of
4 commercial sheep of the same age and sex;
- 5 (iv) for commercial cattle more than 1 year old, the average price of cattle of similar age and sex
6 paid at the most recent Billings livestock sale ring or other ring as determined by the board;
- 7 (v) for commercial calves, the average market weaning value;
- 8 (vi) for registered cattle, ~~the average price paid to the owner for cattle of similar age and sex during~~
9 ~~the past year at public or private sales for that registered breed~~ twice the average value of commercial cattle of
10 the same age and sex;
- 11 (vii) for other registered livestock, ~~the average price paid to the producer at public or private sales~~
12 ~~for animals of similar age and sex. A producer may provide documentation that a registered animal has a fair~~
13 ~~market value in excess of the average price, in which case the board shall seek additional verification of the~~
14 ~~value of the animal from independent sources. If the board determines that the value of that animal is greater~~
15 ~~than the average price, then the increased value must be accepted as the fair market value for that animal.~~
16 twice the average value of commercial-grade animals of the same breed, age, and sex; or
- 17 (viii) for other livestock, the average price paid at the most recent public auction for the type of
18 animal lost or the replacement price as determined by the board.
- 19 (c) "Probable" means the presence of some evidence to suggest possible predation but a lack of
20 sufficient evidence to clearly confirm predation by a particular species. A kill may be classified as probable
21 depending on factors including but not limited to recent confirmed predation by the suspected depredate
22 species in the same or a nearby area, recent observation of the livestock by the owner or the owner's
23 employees, and telemetry monitoring data, sightings, howling, or fresh tracks suggesting that the suspected
24 depredate species may have been in the area when the depredation occurred."

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