

Amendments to House Bill No. 253  
1st Reading Copy

Requested by Representative Kendall Van Dyk

For the House Fish, Wildlife and Parks Committee

Prepared by Doug Sternberg  
February 5, 2009 (1:02pm)

1. Title, line 5 through line 10.

**Following:** "MONTANA;" on line 5

**Strike:** remainder of line 5 through "PROPERTY;" on line 10

**Insert:** "REQUIRING THAT THE DEPARTMENT OF LIVESTOCK OBTAIN  
LANDOWNER PERMISSION BEFORE REMOVING WILD BUFFALO OR BISON  
FROM PRIVATE LAND WHEN THERE IS NO POSSIBILITY OF  
COMMINGLING WITH LIVESTOCK THAT ARE LAWFULLY ON THE PRIVATE  
LAND;"

2. Title, line 10 through line 11.

**Following:** "AMENDING" on line 10

**Strike:** remainder of line 10 through "REPEALING" on line 11

3. Page 1, line 16 through page 3, line 22.

**Strike:** section 1 through section 3 in their entirety

**Insert:** "Section 1. Section 81-2-120, MCA, is amended to read:

"81-2-120. Management of wild buffalo or bison for disease control. (1) Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse. However, a live wild buffalo or bison on private land that does not pose a possibility of comingling with livestock that are lawfully on that private land may be physically removed from that private land only if the department obtains permission for the removal from the landowner or the landowner's agent.

(b) The live wild buffalo or bison may be destroyed by the use of firearms. If a firearm cannot be used for reasons of public safety or regard for public or private property, the animal may be relocated to a place that is free from public or

private hazards and destroyed by firearms or by a humane means of euthanasia.

(c) The live wild buffalo or bison may be taken through limited public hunts pursuant to 87-2-730 when authorized by the state veterinarian and the department.

(d) The live wild buffalo or bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or bison that are certified by the state veterinarian as brucellosis-free may be:

(i) sold to help defray the costs that the department incurs in building, maintaining, and operating necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or bison; or

(ii) transferred to qualified tribal entities that participate in the disease control program provided for in this subsection (1)(d). Acquisition of wild buffalo or bison by a qualified tribal entity must be done in a manner that does not jeopardize compliance with a state-administered or federally administered livestock disease control program. The department may adopt rules consistent with this section governing tribal participation in the program or enter into cooperative agreements with tribal organizations for the purposes of carrying out the disease control program.

(e) Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or bison must be deposited in the state special revenue fund to the credit of the department.

(f) Any revenue generated in excess of the costs referred to in subsection (1)(d)(i) must be deposited in the state special revenue fund provided for in 87-1-513(2).

(2) Whenever the department is responsible for the death of a wild buffalo or bison, either purposefully or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved slaughterhouse or slaughter destination.

(3) In disposing of the carcass, the department:

(a) as first priority, may donate a wild buffalo or bison carcass to a charity or to an Indian tribal organization; or

(b) may sell a wild buffalo or bison carcass to help defray expenses of the department. If the carcass is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or bison carcass to the state special revenue fund to the credit of the department.

(4) The department may adopt rules with regard to management of publicly owned wild buffalo or bison that enter Montana on private or public land and that are from a herd that is infected with a contagious disease that may spread to persons or livestock and may jeopardize compliance with other state-administered or federally administered livestock disease control programs."

{Internal References to 81-2-120:

x 87-1-216      x 87-1-216      x 87-2-730      x 87-2-730 }"

**Renumber:** subsequent section

- END -