EXHIBIT 8
DATE 2/8/11
HB 214

Amendments to House Bill No. 214
1st Reading Copy

Requested by Representative Bill Harris

For the House Fish, Wildlife and Parks Committee

Prepared by Hope Stockwell
February 3, 2011 (1:28pm)

1. Title, page 1, line 6 through line 8.
Strike: "PROVIDING" on line 6 through "AUTHORITY;" on line 8
Insert: "AND"

2. Title, page 1, line 8.
Following: "15-24-921,"
Insert: "81-2-120, 81-2-121,"
Following: "87-1-102,"
Insert: "87-1-216,"

3. Title, page 1, line 9.
Strike: ";AND" on line 9 through "MCA" on line 10

4. Page 4.
Following: line 24
Insert: "Section 3. 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 <u>not owned by a person, as defined in 81-3-201, and</u> 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~~ <u>that</u> 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.

(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~~ 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 pursuant to this section 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 under this section 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 under this section, 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 not owned by a person 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:*

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

Insert: "Section 4. Section 81-2-121, MCA, is amended to read:

"81-2-121. Taking of ~~publicly owned wild~~ buffalo or bison not owned by person that are present on private property -- notice -- supplemental feeding -- penalty. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the agent of a landowner for the taking of a ~~publicly owned wild~~ buffalo or bison not owned by a person, as defined in 81-3-201, that is suspected of carrying disease and that is present on the landowner's private property and is potentially associating with or otherwise threatening the landowner's livestock if:

(a) the landowner or agent notifies or makes a good faith effort to notify the department in order to allow as much time as practicable for the department to first take or remove the ~~publicly owned wild~~ buffalo or bison that is present on the landowner's property;

(b) the landowner or agent makes a good faith effort to notify the department that a taking has occurred and to retain all parts for disposal by the department; and

(c) the landowner or agent is not in violation of subsection (2).

(2) A person may not intentionally provide supplemental feed to game animals in a manner that results in artificial concentration of game animals that may potentially contribute to the transmission of disease. A person who violates this subsection is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1). This subsection does not apply to supplemental feeding activities conducted by the department for disease control purposes."

{*Internal References to 81-2-121: None.*}"

Renumber: subsequent sections

5. Page 5, line 20.
Following: "bison"
Insert: "not from a herd that is infected with a dangerous disease"

6. Page 6, line 8.
Strike: "[section 8]"
Insert: "81-2-120"

7. Page 6, line 21.
Strike: "[section 8]"
Insert: "81-2-120"

8. Page 6, line 26 through page 7, line 14.
Strike: section 8 in its entirety
Renumber: subsequent sections

9. Page 11.

Following: line 3
Insert: "Section 11. Section 87-1-216, MCA, is amended to read:

"87-1-216. ~~Wild buffalo~~ Buffalo or bison not owned by person as species in need of management -- policy -- department duties. (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or livestock in Montana and for damage to persons and property by ~~wild~~ buffalo or bison not owned by a person, as defined in 81-3-201. It is the purpose of this section:

(a) to designate ~~publicly owned wild~~ buffalo or bison not owned by a person and originating from Yellowstone national park as a species requiring disease control;

(b) to designate other ~~wild~~ buffalo or bison not owned by a person as a species in need of management; and

(c) to set out specific duties for the department for management of the species.

(2) The department:

(a) is responsible for the management, including but not limited to public hunting, of ~~wild~~ buffalo or bison in this state that are not owned by a person and have not been exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

(b) shall consult and coordinate with the department of livestock on implementation of the provisions of subsection (2)(a) to the extent necessary to ensure that ~~wild~~ buffalo or bison not owned by a person remain disease-free; and

(c) shall cooperate with the department of livestock in managing ~~publicly owned wild~~ buffalo or bison not owned by a person that enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions of 81-2-120 to regulate ~~publicly owned wild~~ buffalo or bison in this state that are not owned by a person and pose a threat to persons or livestock in Montana through the transmission of contagious disease. The department may, after agreement and authorization by the department of livestock, authorize the public hunting of ~~wild~~ buffalo or bison that are not owned by a person and have been exposed to or infected with a contagious disease, pursuant to 87-2-730.

(3) The department may adopt rules with regard to ~~wild~~ buffalo or bison that are not owned by a person and have not been exposed to or infected with a contagious disease but are in need of management because of potential damage to person or property.

(4) When adopting and implementing rules regarding the special ~~wild~~ buffalo or bison license issued pursuant to 87-2-730, the department shall consult and cooperate with the department of livestock regarding when and where public hunting may be allowed and the safe handling of ~~wild~~ buffalo or bison parts in order to minimize the potential for spreading any

contagious disease to persons or to livestock."
{*Internal References to 87-1-216: None.*}"

10. Page 15, line 4.
Following: "~~81-2-120~~"
Insert: "that have been designated as a species in need of disease control under 81-2-120"

11. Page 15, line 5.
Strike: "[section 8]"
Insert: "81-2-120"

12. Page 15, line 7.
Following: "~~control~~"
Insert: "that have been designated as a species in need of disease control"

13. Page 17, line 24.
Strike: "(1) [Section 4]"
Insert: "[Section 6]"

14. Page 17, line 25.
Strike: "[section 4]"
Insert: "[section 6]."

15. Page 17, line 26 through line 27.
Strike: subsection (2) in its entirety

16. Page 17, line 29 through page 18, line 4.
Strike: section 18 in its entirety

- END -