

1 HOUSE BILL NO. 318

2 INTRODUCED BY W. WARBURTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING APPROVAL OF THE BOARD OF COUNTY
5 COMMISSIONERS BEFORE THE DEPARTMENTS OF LIVESTOCK OR FISH, WILDLIFE, AND PARKS MAY
6 AUTHORIZE ANY MOVEMENT OF WILD BUFFALO OR BISON CERTIFIED AS BRUCELLOSIS-FREE INTO
7 A MONTANA COUNTY; AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

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

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12 **NEW SECTION. Section 1. Movement of wild buffalo or bison into county -- authorization.** A board
13 of county commissioners shall review any proposal made by the departments of livestock or fish, wildlife, and
14 parks under 81-2-120 or 87-1-216 to authorize the movement of any wild buffalo or bison certified by the state
15 veterinarian as brucellosis-free into that county. The buffalo or bison may not be moved into that county unless
16 the board authorizes the activity.

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18 **Section 2.** Section 81-2-120, MCA, is amended to read:

19 **"81-2-120. Management of wild buffalo or bison for disease control.** (1) Whenever a publicly owned
20 wild buffalo or bison from a herd that is infected with a dangerous disease enters the state of Montana on public
21 or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or
22 bison may jeopardize Montana's compliance with other state-administered or federally administered livestock
23 disease control programs, the department may, under a plan approved by the governor, use any feasible method
24 in taking one or more of the following actions:

25 (a) The live wild buffalo or bison may be physically removed by the safest and most expeditious means
26 from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation,
27 quarantine, or delivery to a department-approved slaughterhouse.

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

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

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

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

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

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

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

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

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

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

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

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

1 (5) Except as provided in subsection (1)(d)(ii), the department may not authorize any movement of live
2 wild buffalo or bison certified by the state veterinarian as brucellosis-free into any Montana county pursuant to
3 this section without first receiving the approval of the board of county commissioners of the affected county or
4 counties pursuant to [section 1]."

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6 **Section 3.** Section 87-1-216, MCA, is amended to read:

7 **"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties.**

8 (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or
9 livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of this
10 section:

11 (a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a
12 species requiring disease control;

13 (b) to designate other wild buffalo or bison as a species in need of management; and

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

15 (2) The department:

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

19 (b) shall consult and coordinate with the department of livestock on implementation of the provisions of
20 subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease-free; and

21 (c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that
22 enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in
23 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions
24 of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock
25 in Montana through the transmission of contagious disease. The department may, after agreement and
26 authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been
27 exposed to or infected with a contagious disease, pursuant to 87-2-730.

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

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

5 (5) The department may not authorize any movement of wild buffalo or bison under the department's
6 authority pursuant to this section into any Montana county without first receiving the approval of the board of
7 county commissioners of the affected county or counties pursuant to [section 1]."

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9 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
10 integral part of Title 7, chapter 5, part 21, and the provisions of Title 7, chapter 5, part 21, apply to [section 1].

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12 NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable
13 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
14 remains in effect in all valid applications that are severable from the invalid applications.

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16 NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

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