

## 1 HOUSE BILL NO. 318

2 INTRODUCED BY W. WARBURTON, STAHL, G. BENNETT, BROWN, INGRAHAM, EHLI, BLYTON,  
3 MILLER, SALOMON, KARY, MCNIVEN

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING APPROVAL OF THE BOARD OF COUNTY  
6 COMMISSIONERS BEFORE THE DEPARTMENTS OF LIVESTOCK OR FISH, WILDLIFE, AND PARKS MAY  
7 AUTHORIZE ANY ~~MOVEMENT~~ TRANSPLANTATION OR RELOCATION OF WILD BUFFALO OR BISON  
8 CERTIFIED AS BRUCELLOSIS-FREE INTO A MONTANA COUNTY; AMENDING SECTIONS 81-2-120 AND  
9 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

19  
20 **Section 2.** Section 81-2-120, MCA, is amended to read:

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

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

30 (b) The live wild buffalo or bison may be destroyed by the use of firearms. If a firearm cannot be used

1 for reasons of public safety or regard for public or private property, the animal may be relocated to a place that  
2 is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

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

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

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

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

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

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

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

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

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

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

29 (4) The department may adopt rules with regard to management of publicly owned wild buffalo or bison  
30 that enter Montana on private or public land and that are from a herd that is infected with a contagious disease

1 that may spread to persons or livestock and may jeopardize compliance with other state-administered or federally  
 2 administered livestock disease control programs.

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

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

9 **"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties.**

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

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

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

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

17 (2) The department:

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

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

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

30 (3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to

1 or infected with a contagious disease but are in need of management because of potential damage to person or  
2 property.

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

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

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11 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 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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14 NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable  
15 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part  
16 remains in effect in all valid applications that are severable from the invalid applications.

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

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