

1 SENATE BILL NO. 144

2 INTRODUCED BY J. BRENDEN, ARTHUN, J. PETERSON, C. SMITH, TUTVEDT, HINKLE, BROWN,
3 JONES, ZINKE, MOORE, DE. BARRETT, OLSON, WELBORN, RIPLEY, VINCENT, STEINBEISSER,
4 LEWIS, MCNUTT, KNUDSEN

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6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY PROHIBITING THE DEPARTMENT OF FISH,
7 WILDLIFE, AND PARKS FROM RELOCATING WILD BUFFALO OR BISON OR ALLOWING FREE-ROAMING
8 BISON IN THE STATE; PROVIDING AN EXCEPTION TO THE PROHIBITION FROM RELOCATION;
9 REQUIRING REPORTS; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
10 DATE AND A TERMINATION DATE."

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

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

15 **"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties.**

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

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

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

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

23 (2) The department:

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

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

29 (c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that
30 enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in

1 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions
 2 of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock
 3 in Montana through the transmission of contagious disease. The department may, after agreement and
 4 authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been
 5 exposed to or infected with a contagious disease, pursuant to 87-2-730.

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

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

13 (5) The department may not:

14 (a) relocate wild buffalo or bison within the state unless the wild buffalo or bison are relocated to the
 15 national bison range at Moiese; or

16 (b) allow or authorize any person to allow bison to roam free anywhere in this state.

17 (6) THE DEPARTMENT SHALL REPORT ON THE RELOCATION OF WILD BUFFALO OR BISON TO THE ENVIRONMENTAL
 18 QUALITY COUNCIL, ESTABLISHED IN 5-16-101, ANNUALLY, AS PROVIDED IN 5-11-210, OR MORE OFTEN UPON REQUEST
 19 OF THE PRESIDING OFFICER."

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 21 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a
 22 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
 23 Chippewa tribe.

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 25 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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 27 NEW SECTION. SECTION 4. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2013.

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