

SENATE BILL NO. 212

INTRODUCED BY R. RIPLEY, WARBURTON, ARTHUN, DE. BARRETT, BROWN, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MANAGE WILD BUFFALO OR BISON; ~~ELIMINATING RULEMAKING AUTHORITY;~~ REQUIRING A MANAGEMENT PLAN BEFORE WILD BUFFALO OR BISON MAY BE RELEASED OR TRANSPLANTED ONTO PRIVATE OR PUBLIC LAND; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"87-1-216. Wild buffalo or bison 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. It is the purpose of this section:

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

(b) to designate other wild buffalo or bison 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 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 remain disease-free; and

(c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison 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 pose a threat to persons or livestock

1 in Montana through the transmission of contagious disease. The department may, after agreement and
 2 authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been
 3 exposed to or infected with a contagious disease, pursuant to 87-2-730.

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

7 (3) THE DEPARTMENT MAY ADOPT RULES WITH REGARD TO WILD BUFFALO OR BISON THAT HAVE NOT BEEN
 8 EXPOSED TO OR INFECTED WITH A CONTAGIOUS DISEASE BUT ARE IN NEED OF MANAGEMENT BECAUSE OF POTENTIAL
 9 DAMAGE TO PERSON OR PROPERTY.

10 ~~(3)(4) Subject to subsection (6), the~~ THE department shall develop and adopt a management plan before
 11 any wild buffalo or bison under the department's jurisdiction may be released or transplanted onto private or
 12 public land in Montana. A plan must include but is not limited to:

13 (a) measures to comply with any applicable animal health protocol required under Title 81, under
 14 subsection (2)(b), or by the state veterinarian;

15 (b) any animal identification and tracking protocol required by the department of livestock to identify the
 16 origin and track the movement of wild buffalo or bison for the purposes of subsections (2)(b) and ~~(3)(c); and~~
 17 (4)(D);

18 (C) MEASURES TO MAINTAIN EXISTING MULTIPLE USES OF STATE AND FEDERAL LAND, INCLUDING LIVESTOCK
 19 GRAZING, THAT COMPLY WITH EXISTING LAND MANAGEMENT PLANS;

20 ~~(c)(D)~~ animal containment measures that ensure that any animal transplanted or released on private or
 21 public land will be contained in designated areas. Containment measures must include but are not limited to:

22 (i) any fencing required to prevent entry to private or public property where the presence of wild buffalo
 23 or bison is not authorized; and

24 (ii) contingency plans to expeditiously remove or relocate wild buffalo or bison that enter private or public
 25 property where the presence of the animals is not authorized;

26 (III) CONTINGENCY PLANS TO EXPEDITIOUSLY FUND AND CONSTRUCT EFFECTIVE CONTAINMENT MEASURES IN THE
 27 EVENT OF AN ESCAPE; AND

28 (IV) CONTINGENCY PLANS TO ELIMINATE OR DECREASE THE SIZE OF A RELOCATION SITE, INCLUDING THE
 29 EXPEDITIOUS REMOVAL OR RELOCATION OF BISON IF THE DEPARTMENT IS UNABLE TO EFFECTIVELY MANAGE OR CONTAIN
 30 THE BISON.

