

HB484
BISON BILL TALKING POINTS

What this Bill Does:

- This bill clarifies the duties and responsibilities of the Dept. of Livestock (“DOL”) and the Dept. of Fish, Wildlife and Parks (“FWP”) in how they are to manage wild buffalo or wild bison that migrate out of Yellowstone National Park and into Montana
- The bill clarifies that DOL has an affirmative duty to manage wild buffalo or wild bison in a manner that prevents the spread of dangerous diseases
- Finally, this bill clarifies that the term “wild” as used in the context of the statutes it seeks to amend, and applies to both wild buffalo and wild bison

Why this Bill is Needed:

- This bill is needed because there is confusion by the DOL and FWP, as well as the Montana courts, as to how SB212 (now Montana code section 87-1-216) from the 2011 legislative session was to operate. The statute, by its plain language and as currently written, applies to all wild buffalo and bison that are within the state of Montana; however, 87-1-216 has been mistakenly interpreted as excluding Yellowstone bison, even though that is not stated anywhere in the statute
- This bill clarifies Montana’s bison management duties and provides specific management direction to the DOL and FWP.
 - To choose and implement one of several different management options when YNP bison migrate into Mt. This bill would require the department to either haze transport, quarantine, capture sell or remove bison. The bill does not dictate any particular action it just requires the DOL to take action.
 - Existing statutory language setting forth management obligations for the FWP by its plain language applies to all wild buffalo and Wild bison that are within the state of MT. This bill amends that statute to clarify that these obligations also extend to YNP bison.
 - This legislation will serve to clarify existing statutes so as to not only provide greater protection to Montanans, but to prevent costly litigation from continuing.

Why Retroactivity is Needed:

- Further, the State’s current plans burden private property owners with having to “host” bison on their property without their consent and without any sort of compensation should the bison cause damage to their property, themselves or their family members
- The retroactivity portion of this bill *is not* intended to, and cannot be a mechanism for attorneys to try to recoup any of their fees from prior bison litigation cases that have involved the statutes being amended

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Why the Legislature Should Pass this Bill:

- This bill clarifies the roles of DOL and FWP when it comes to managing diseased Yellowstone National Park bison that migrate into Montana.
- In providing this much needed clarification, this bill will allow the State agencies, landowners and Livestock producers in the Gardiner Basin to have certainty in how migrating bison will be handled.