

SENATE BILL NO. 395

INTRODUCED BY PERRY, ANDERSEN, ANDERSON, BALLYEAT, BARKUS, BRUEGGEMAN, COHENOUR, CURTISS, EVERETT, FUCHS, GALLUS, GEBHARDT, HAINES, HAWK, HURWITZ, JACKSON, KASTEN, LAIBLE, LAKE, LAMBERT, LASZLOFFY, LAWSON, LEWIS, MAEDJE, MCGEE, MENDENHALL, MOOD, A. OLSON, B. OLSON, PATTISON, RICE, RIPLEY, ROSS, SALES, SCHRUMPF, SINRUD, STEINBEISSER, STOKER, STONINGTON, B. THOMAS, WAGMAN, BOOKOUT-REINICKE, WITT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE SPORT HUNTING OF WILD BUFFALO OR BISON BY RESIDENTS AS A MANAGEMENT TOOL THROUGH ESTABLISHMENT OF A SPECIAL WILD BUFFALO OR BISON LICENSE; ESTABLISHING REGULATIONS RELATED TO THE SPECIAL WILD BUFFALO OR BISON LICENSE AND SETTING A PRICE FOR THE LICENSE; CLARIFYING DUTIES OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN ADMINISTERING THE SPECIAL WILD BUFFALO OR BISON LICENSE, INCLUDING CONSULTATION AND COOPERATION WITH THE DEPARTMENT OF LIVESTOCK IN DEVELOPING AND IMPLEMENTING RULES REGARDING THE SAFE HANDLING OF WILD BUFFALO OR BISON PARTS; AMENDING SECTIONS 81-2-120, 87-1-216, AND 87-2-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, THE LEGISLATURE INTENDS THAT THE PROVISIONS OF THE SPECIAL WILD BUFFALO OR BISON LICENSE BE ADMINISTERED AND IMPLEMENTED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, AFTER CONSULTATION WITH THE DEPARTMENT OF LIVESTOCK, REGARDING THE MANAGEMENT OF WILD BUFFALO OR BISON THAT HAVE BEEN DESIGNATED AS A SPECIES IN NEED OF DISEASE CONTROL.

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

NEW SECTION. **Section 1. Special wild buffalo license -- regulation.** (1) The public hunting of wild buffalo or bison that have been designated as a species in need of disease control under 81-2-120 is permitted only when authorized by the department of livestock under the provisions set forth in 81-2-120.

(2) The department may issue special licenses TO RESIDENTS to hunt wild buffalo or bison designated as a species in need of disease control when authorized by the department of livestock.

(3) The department shall adopt rules in cooperation with the department of livestock. The rules must provide for:

(a) license drawing procedures;

(b) drawing and application fees consistent with 87-2-113;

(c) notification of license recipients as to when and where they may hunt, BUT NOTIFICATION MAY NOT INCLUDE INFORMATION REGARDING THE ACTUAL PHYSICAL LOCATION OF A WILD BUFFALO OR BISON OTHER THAN THE PRESCRIBED HUNTING DISTRICT WHERE THE ANIMAL MAY BE TAKEN;

(D) FAIR CHASE HUNTING OF WILD BUFFALO OR BISON, INCLUDING REQUIREMENTS THAT HUNTING BE CONDUCTED ON FOOT AND AWAY FROM PUBLIC ROADS AND THAT THERE BE NO DESIGNATION OF SPECIFIC WILD BUFFALO OR BISON TO BE HUNTED;

~~(d)~~(E) means of taking and handling of carcasses in the field, which must include provisions for public safety because of the potential for the spread of infectious disease;

~~(e)~~(F) tagging requirements for carcasses, skulls, and hides;

~~(f)~~(G) possession limits;

~~(g)~~(H) requirements for transportation and exportation; and

~~(h)~~(I) requirements and criteria for authorization by the state veterinarian and the department of livestock of any public hunting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3) The department and the department of livestock are strongly urged to enter into an agreement with the national park service for the long-term management of the Yellowstone national park wild buffalo or bison herd. If the national park service does not proceed in good faith in a timely manner to enter a long-term management agreement that, in the determination of the department and the department of livestock, responds adequately to the needs of Montana, the departments are strongly urged to take appropriate court action. The department and the department of livestock shall prepare a joint report to the 55th legislature regarding the present state of wild buffalo or bison management in Montana and any progress on an agreement for the long-term management of the Yellowstone national park herd.~~

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

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

Section 4. Section 87-2-701, MCA, is amended to read:

"87-2-701. (Temporary) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

- (a) moose--resident, \$75; nonresident, \$750;
- (b) mountain goat--resident, \$75; nonresident, \$750;
- (c) mountain sheep--resident, \$75; nonresident, \$750;
- (d) antelope--resident, \$11; nonresident, \$200;
- (e) grizzly bear--resident, \$50; nonresident, \$300;
- (f) black bear--nonresident, \$350;
- (g) wild buffalo or bison--resident, \$100; nonresident, \$1,000 \$200.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-701. (Effective March 1, 2006) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

- (a) moose--resident, \$75; nonresident, \$980;
- (b) mountain goat--resident, \$75; nonresident, \$980;
- (c) mountain sheep--resident, \$75; nonresident, \$980;
- (d) antelope--resident, \$11; nonresident, \$180;
- (e) grizzly bear--resident, \$50; nonresident, \$300;

(f) black bear--nonresident, \$330;

(g) wild buffalo or bison--resident, \$100; nonresident, \$1,000 \$200.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department."

NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 7, and the provisions of Title 87, chapter 2, part 7, apply to [section 1].

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

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