

HOUSE BILL NO. 249

INTRODUCED BY A. DOANE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PRESENCE OF BISON ON PRIVATE PROPERTY; AMENDING SECTION 81-2-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 81-2-121, MCA, is amended to read:

"81-2-121. Taking or moving of publicly owned wild buffalo or wild bison that are present on private property -- notice -- supplemental feeding -- penalty. (1) When a bison, wild buffalo, or wild bison is present on private property where it is not authorized to be, the landowner or the agent of a landowner may take any action the landowner considers necessary to protect the private property, including but not limited to:

- (a) the taking of the animal;
- (b) the herding, driving, or hazing of the animal off of the private property; or
- (c) notifying the department or the department of fish, wildlife, and parks of the presence of the animal and requesting that it be removed. The agency with jurisdiction over the animal pursuant to 81-2-120 or 87-1-216 shall remove the animal within 72 hours of receiving the notification.

(2) A landowner or the agent of a landowner who has taken a bison, wild buffalo, or wild bison pursuant to this section may notify the department or the department of fish, wildlife, and parks and request that the carcass or all of the remains be removed from the private property. The agency with jurisdiction over the animal pursuant to 81-2-120 or 87-1-216 shall comply within 72 hours of receiving the notification.

(3) This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the agent of a landowner for the taking, herding, driving, or hazing of a publicly owned wild buffalo or wild bison, wild buffalo, or wild bison that is suspected of carrying disease and that is present on the landowner's private property and is potentially associating with or otherwise threatening the landowner's livestock if the landowner or agent:

~~(a) notifies or makes a good faith effort to notify the department in order to allow as much time as practicable for the department to first take or remove the publicly owned wild buffalo or wild bison that is present~~



1 on the landowner's property;

2 ~~—— (b) makes a good faith effort to notify the department that a taking has occurred and to retain all parts~~
3 ~~for disposal by the department; and~~

4 ~~—— (c) is not in violation of subsection (2)(a).~~

5 ~~—— (2) (a) A person may not intentionally provide supplemental feed to game animals in a manner that~~
6 ~~results in artificial concentration of game animals that may potentially contribute to the transmission of disease.~~

7 ~~A person who violates this subsection (2)(a) shall be fined not less than \$50 or more than \$1,000 or be~~
8 ~~imprisoned in the county detention center for not more than 6 months, or both. In addition, a person, upon~~
9 ~~conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping~~
10 ~~license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in~~
11 ~~77-1-101, for recreational purposes for a period of time set by the court.~~

12 ~~—— (b) This subsection (2) does not apply to supplemental feeding activities conducted by the department~~
13 ~~for disease control purposes."~~

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15 **NEW SECTION. Section 2. Lawful taking or moving of wild buffalo to protect private property.**

16 This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the
17 agent of a landowner for the taking, herding, driving, or hazing of a wild buffalo that is present on the landowner's
18 private property pursuant to 81-2-121.

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20 **NEW SECTION. Section 3. Codification instruction.** [Section 2] is intended to be codified as an
21 integral part of Title 87, chapter 6, part 1, and the provisions of Title 87, chapter 6, part 1, apply to [section 2].

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23 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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