

HOUSE BILL NO. 527

INTRODUCED BY G. KIPP

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF LIVESTOCK TO PURSUE A STATE-TRIBAL COOPERATIVE AGREEMENT WITH THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION FOR THE HUMANE AND ORDERLY TREATMENT OF WILD BISON CARCASSES; AMENDING SECTION 81-2-120, MCA."

WHEREAS, on October 17, 1855, the Blackfoot Nation entered into a treaty with the United States; and WHEREAS, Article 3 of the treaty recognized the Blackfoot Territory as a common hunting ground and the Blackfoot Nation consented to that as a common hunting ground; and

WHEREAS, the common hunting ground includes the present-day area north of Yellowstone National Park where bison are regularly captured and sent to slaughter or hunted.

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

Section 1. Section 81-2-120, MCA, is amended to read:

"81-2-120. Management of wild buffalo or wild bison for disease control. (1) Whenever a publicly owned wild buffalo or wild 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 wild 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 wild 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 wild 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 wild bison may be taken through limited public hunts pursuant to 87-2-730



1 when authorized by the state veterinarian and the department.

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

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

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

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

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

16 (2) Whenever the department is responsible for the death of a wild buffalo or wild bison, either  
17 purposefully or unintentionally, the carcass of the animal must be disposed of by the most economical means,  
18 including but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a  
19 department-approved slaughterhouse or slaughter destination. If an agreement is entered into pursuant to  
20 subsection (3), the means of disposal must comply with the terms of the agreement.

21 (3) The department shall pursue an agreement authorized by Title 18, chapter 11, part 1 with the  
22 Blackfoot tribe of the Blackfoot Indian reservation to dispose of the carcass in a humane and orderly manner. In  
23 disposing of the carcass, the department:

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

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

29 (4) The department may adopt rules with regard to management of publicly owned wild buffalo or wild  
30 bison that enter Montana on private or public land and that are from a herd that is infected with a contagious

1 disease that may spread to persons or livestock and may jeopardize compliance with other state-administered  
2 or federally administered livestock disease control programs."

3  
4 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a  
5 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
6 Chippewa tribe.

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