

HOUSE BILL NO. 419

INTRODUCED BY W. CURDY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT WILD BUFFALO OR WILD
5 BISON BE CERTIFIED AS BRUCELLOSIS-FREE BEFORE SALE OR TRANSFER; AND AMENDING SECTION
6 81-2-120, MCA."

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

9
10 **Section 1.** Section 81-2-120, MCA, is amended to read:
11 **"81-2-120. Management of wild buffalo or wild bison for disease control.** (1) Whenever a publicly
12 owned wild buffalo or wild bison from a herd that is infected with a dangerous disease enters the state of Montana
13 on public or private land and the disease may spread to persons or livestock or whenever the presence of wild
14 buffalo or wild bison may jeopardize Montana's compliance with other state-administered or federally
15 administered livestock disease control programs, the department may, under a plan approved by the governor,
16 use any feasible method in taking one or more of the following actions:

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

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

23 (c) The live wild buffalo or wild bison may be taken through limited public hunts pursuant to 87-2-730
24 when authorized by the state veterinarian and the department.

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

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

30 (ii) transferred to qualified tribal entities that participate in the disease control program provided for in this

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

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

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

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

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

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

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

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

24 - END -