

1 HOUSE BILL NO. 478

2 INTRODUCED BY T. RUNNINGWOLF

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO TRANSFERRING
5 WILD BUFFALO OR WILD BISON TO TRIBAL ENTITIES; ALLOWING WILD BUFFALO OR WILD BISON TO
6 BE QUARANTINED ON AN INDIAN RESERVATION WITHOUT BRUCELLOSIS-FREE CERTIFICATION;
7 REMOVING THE ABILITY OF THE STATE TO SELL LIVE WILD BUFFALO OR WILD BISON; REQUIRING
8 WILD BUFFALO OR WILD BISON CARCASSES BE DONATED TO CHARITY OR A TRIBAL ENTITY;
9 CREATING AN EXEMPTION FROM THE PERMIT OR HEALTH CERTIFICATE REQUIREMENT FOR THE
10 IMPORTATION OF WILD BUFFALO OR WILD BISON INTO THE STATE FROM NATIONAL PARKS OR
11 PRESERVES THAT HAVE NOT BEEN EXPOSED TO BRUCELLOSIS; AMENDING SECTIONS 81-2-120,
12 81-2-703, AND 81-4-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13

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

15

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

17 **"81-2-120. Management of wild buffalo or wild bison for disease control.** (1) Whenever a publicly
18 owned wild buffalo or wild bison from a herd that is infected with a dangerous disease enters the state of Montana
19 on public or private land and the disease may spread to persons or livestock or whenever the presence of wild
20 buffalo or wild bison may jeopardize Montana's compliance with other state-administered or federally
21 administered livestock disease control programs, the department may, under a plan approved by the governor,
22 use any feasible method in taking one or more of the following actions:

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

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

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

1 (d) The live wild buffalo or wild bison may be captured, tested, quarantined, and vaccinated. Wild buffalo
 2 or wild bison that are certified by the state veterinarian as brucellosis-free may be:
 3 ~~—— (i) sold to help defray the costs that the department incurs in building, maintaining, and operating~~
 4 ~~necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or wild bison; or~~
 5 ~~—— (ii) transferred to qualified tribal entities that participate in the disease control program provided for in this~~
 6 ~~subsection (1)(d). However, brucellosis-free certification by the state veterinarian is not required if the wild buffalo~~
 7 ~~or wild bison will be transferred to a tribal entity for the purpose of quarantining those wild buffalo or wild bison~~
 8 ~~on the tribal entity's reservation.~~ Acquisition of wild buffalo or wild bison by a qualified tribal entity must be done
 9 in a manner that does not jeopardize compliance with a state-administered or federally administered livestock
 10 disease control program. The department may ~~adopt rules consistent with this section governing tribal~~
 11 ~~participation in the program or enter into cooperative agreements with a tribal organizations entity~~ for the
 12 purposes of carrying out the disease control program.

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

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

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

21 ~~—— (3) In disposing of the carcass, the department:~~

22 ~~—— (a) as first priority, may donate a wild buffalo or wild bison carcass donated to a charity or to an Indian~~
 23 ~~a tribal organization entity; or~~

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

27 ~~(4)(3)~~ The department may adopt rules with regard to management of publicly owned wild buffalo or wild
 28 bison that enter Montana on private or public land and that are from a herd that is infected with a ~~contagious~~
 29 dangerous disease that may spread to persons or livestock and may jeopardize compliance with other
 30 state-administered or federally administered livestock disease control programs."

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2 **Section 2.** Section 81-2-703, MCA, is amended to read:

3 **"81-2-703. Documents required for importation -- exemptions.** (1) Except as provided in ~~subsection~~
4 subsections (6) and (8), an animal, animal semen, or animal biologic may not be brought into the state without
5 a permit and a health certificate.

6 (2) The department shall issue a permit if no significant danger to the public health will ensue upon
7 importation of the animal, animal semen, or animal biologic into the state. A permit may not be issued for livestock
8 infected with or exposed to brucellosis, tuberculosis, or any other infectious, contagious, or communicable animal
9 disease, except that cattle with a positive reaction to a recognized test for brucellosis may be permitted entry
10 when destined directly for slaughter at a slaughterhouse under the supervision of the United States department
11 of agriculture.

12 (3) The department may waive the requirement for a health certificate or a permit as provided in
13 subsection (7).

14 (4) The requirements of subsection (1) apply regardless of species, breed, sex, class, age, point of
15 origin, place of destination, or purpose of movement.

16 (5) All required documents must be attached to the waybill or be in possession of the driver of the
17 transporting vehicle or of the person in charge of the animals. When a single permit or health certificate is issued
18 for animals being moved in more than one vehicle, the driver of each vehicle must have in the driver's possession
19 a copy of the permit and, when applicable, a health certificate.

20 (6) Animals, animal semen, or animal biologics being moved through the state with no intent to unload
21 or deliver in the state are exempted from this part. In an emergency situation, transitory cargo may be unloaded
22 in compliance with the quarantine rules promulgated by the department.

23 (7) ~~A~~ Except as provided in subsection (8), a waiver of the requirement for a health certificate or a permit
24 must be based upon evidence that there will be no significant danger to the public health if the exemption is
25 granted.

26 (8) A permit or health certificate is not required for wild buffalo or wild bison coming into the state to an
27 Indian reservation if those wild buffalo or wild bison originate from a national park or preserve unless the
28 department can show by clear and convincing evidence the animal is a significant danger to the public health."

29

30 **Section 3.** Section 81-4-603, MCA, is amended to read:

1 **"81-4-603. Taking up and disposition of estrays -- advertisement.** (1) A stock inspector authorized
2 by the department shall take into possession an estray found in the stock inspector's district and, except as
3 provided in 81-2-120, shall either:

4 (a) ship or arrange for the shipment of the estray to a licensed livestock market for sale; or

5 (b) hold the estray and care for the estray in the cheapest and most practicable manner for at least 10
6 days and not more than 30 days after public notice is published as provided in subsection (2). During the holding
7 period, the stock inspector shall advertise that the estray is being held and that unless the estray is claimed by
8 the owner, the stock inspector will on a date specified in the notice sell the estray at a public auction to the highest
9 bidder for cash.

10 (2) The notice must be published in the newspaper doing the county printing of the county in which the
11 estray is found and on the department's website and in each livestock market brand office and county sheriff's
12 office in the state. This notice must be published in the newspaper at least one time and must contain a statement
13 of the date of the sale, the place where the sale is to be held, and a general description of the estray, including
14 the sex and the approximate age, together with an illustration of the brand and the position of the brand on the
15 estray and a description of the place or locality where the estray was found or taken.

16 (3) ~~Except as provided in 81-2-120, the~~ The proceeds from the sale must be disposed of under 81-4-605
17 and 81-4-606.

18 (4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided
19 in this part, upon payment to the department of the cost of caring for the estray as determined by the department."
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21 NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a
22 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
23 Chippewa tribe.
24

25 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.
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