

1 HOUSE BILL NO. 311

2 INTRODUCED BY M. WEATHERWAX

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING LAWS RELATED TO TRANSFER
5 AND IMPORTATION OF WILD BUFFALO AND WILD BISON; CLARIFYING STATE JURISDICTION
6 RELATED TO WILD BUFFALO OR WILD BISON TRANSFERS TO INDIAN TRIBES; AMENDING SECTIONS
7 81-2-120 AND 81-2-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

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

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

28 (i) sold to help defray the costs that the department incurs in building, maintaining, and operating

1 necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or wild bison; or
 2 (ii) transferred to ~~qualified~~ tribal entities that participate in the disease control program provided for in
 3 this subsection (1)(d). Acquisition of wild buffalo or wild bison by a ~~qualified~~ tribal entity must be done in a
 4 manner that does not jeopardize compliance with a state-administered or federally administered livestock
 5 disease control program. The department may ~~adopt rules consistent with this section governing tribal~~
 6 ~~participation in the program~~ or enter into cooperative agreements with a tribal organization ~~entity~~ for the
 7 purposes of carrying out the disease control program.

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

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

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

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

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

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

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

26

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

28 **"81-2-703. Documents required for importation -- exemptions.** (1) Animals, animal semen, and

1 animal biologics may not be brought into the state if significant danger to public or animal health will result upon
2 entry into the state. Livestock infected with or exposed to brucellosis, tuberculosis, or any other infectious,
3 contagious, or communicable disease may not ~~enter~~ be imported to the state unless destined directly for
4 slaughter at a slaughterhouse under the supervision of the United States department of agriculture.

5 (2) Except as provided in subsection (6), an animal or animal semen may not be brought into the
6 state without a health certificate or other documentation of animal movement approved by the department.

7 (3) Prior to entry into the state, the department may also require a permit for animals, animal semen,
8 or animal biologics.

9 (4) The department may waive the requirement for a health certificate, permit, or documentation of
10 animal movement as provided in subsection (7).

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

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

18 (7) A waiver of the requirement for a health certificate, permit, or documentation of animal movement
19 must be based upon evidence that there will be no significant danger to the public or animal health if the
20 exemption is granted.

21 (8) A state health certificate, permit, or documentation of animal movement is not required for wild
22 buffalo or wild bison being transferred to an Indian reservation in the state if those wild buffalo or wild bison
23 originate from a national park or preserve or another Indian reservation, unless the department shows clear and
24 convincing evidence the animal is a significant danger to the public health."

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26 **NEW SECTION. Section 3. Notification to tribal governments.** The secretary of state shall send a
27 copy of [this act] to each federally recognized tribal government in Montana.

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

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