

## HOUSE BILL NO. 312

INTRODUCED BY M. WEATHERWAX

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING WILD BUFFALO OR WILD BISON TO BE QUARANTINED ON AN INDIAN RESERVATION WITHOUT BRUCELLOSIS-FREE CERTIFICATION; CLARIFYING STATE JURISDICTION RELATED TO WILD BUFFALO OR WILD BISON TRANSFERS TO INDIAN TRIBES; AMENDING SECTION 81-2-120, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

(d)(iv) The live wild buffalo or wild bison may be captured, tested, quarantined, and vaccinated. ~~Wild~~

1 Except as provided in (1)(b)(ii), wild buffalo or wild bison that are certified by the state veterinarian as  
 2 brucellosis-free may be:

3 ~~(i)(A)~~ 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)(B)~~ transferred to ~~qualified~~ tribal entities that participate in the disease control program provided for  
 6 in this subsection ~~(1)(d)~~ (1)(a)(iv).

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

12 (ii) Certification by the state veterinarian is not required if the wild buffalo or wild bison is transferred  
 13 from a federal agency to a tribal entity to quarantine the wild buffalo or wild bison on the tribal entity's  
 14 reservation.

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

17 ~~(f)(d)~~ Any revenue generated in excess of the costs referred to in subsection ~~(1)(d)(i)~~ (1)(a)(iv)(A)  
 18 must be deposited in the state special revenue fund provided for in 87-1-513(2).

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

23 (3) In 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  
 27 carcass is sold in this manner, the department shall deposit any revenue derived from the sale of the wild  
 28 buffalo or wild bison carcass ~~to~~ in the state special revenue fund to the credit of the department.

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

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6           NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a  
7 copy of [this act] to each federally recognized tribal government in Montana.

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9           NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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