

SB 193 INTRODUCED BY BOYLAN  
AUTHORIZE BEEHIVE OWNERS TO TAKE APIARY-DAMAGING  
BEARS IF APIARIES ARE PROTECTED WITH ELECTRIC  
FENCING

1/21 INTRODUCED

1/21 REFERRED TO AGRICULTURE, LIVESTOCK &  
IRRIGATION

1/28 HEARING

1/30 TABLED IN COMMITTEE

1 Senate BILL NO. 193  
2 INTRODUCED BY Boyer

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE OWNERS OF  
5 BEES AND APIARIES AND AGENTS OF THE OWNERS TO TAKE  
6 APIARY-DAMAGING BEARS AND EXCEPTING BEE AND APIARY OWNERS OR  
7 THEIR AGENTS FROM CRIMINAL LIABILITY FOR TAKING BEARS ONLY  
8 IF THE APIARIES ARE PROTECTED WITH ELECTRIC FENCING; AND  
9 AMENDING SECTIONS 87-3-127 AND 87-3-130, MCA."

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

12 Section 1. Section 87-3-127, MCA, is amended to read:  
13 "87-3-127. Taking of stock-killing or apiary-damaging  
14 animals. (1) Livestock owners or employees of the department  
15 or the federal fish and wildlife service may use dogs in  
16 pursuit of stock-killing bears, stock-killing mountain  
17 lions, and stock-killing bobcats. Other means of taking  
18 stock-killing bears, stock-killing mountain lions, and  
19 stock-killing bobcats may be used, except the use of the  
20 deadfall.

21 (2) In this section stock-killing, with reference to  
22 bears, includes damage to bees and apiaries.

23 ~~(2)~~(3) Traps used in capturing bears shall be  
24 inspected twice each day with the inspections 12 hours  
25 apart.

1 (4) Subsection (1) does not apply to owners of bees  
2 and apiaries or agents of the owners unless the apiaries are  
3 protected by electric fencing constructed according to  
4 specifications provided by the department."

5 Section 2. Section 87-3-130, MCA, is amended to read:  
6 "87-3-130. Taking of wildlife to protect persons,  
7 apiaries, or livestock. (1) Nothing in this chapter may be  
8 construed to impose, by implication or otherwise, criminal  
9 liability for the taking of wildlife protected by this  
10 chapter if such wildlife is molesting, assaulting, killing,  
11 or threatening to kill any person, apiary, or livestock. Any  
12 person who so takes any wildlife protected by this chapter  
13 shall notify the department within 72 hours.

14 (2) Subsection (1) does not apply to owners of bees  
15 and apiaries or agents of the owners unless the apiaries are  
16 protected by electric fencing constructed according to  
17 specifications provided by the department."

18 NEW SECTION. Section 3. Extension of authority. Any  
19 existing authority of the department of fish, wildlife, and  
20 parks to make rules on the subject of the provisions of this  
21 act is extended to the provisions of this act.

-End-

