

SENATE BILL 3

Introduced by Burnett

12/23	Introduced
12/23	Referred to Fish & Game
1/04	First Reading
1/04	Fiscal Note Requested
1/11	Fiscal Note Received
1/13	Fiscal Note Printed
1/28	Hearing
2/04	Tabled in Committee

## SENATE BILL NO. 3

## INTRODUCED BY BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE HUNTING OF WILD BUFFALO AS A MANAGEMENT TOOL; PROVIDING FOR ISSUANCE OF A SPECIAL WILD BUFFALO HUNTING LICENSE; ESTABLISHING FEES FOR THE LICENSE; DESIGNATING USE OF THE FEES FOR COMPENSATION FOR DAMAGES TO PERSONS AND PROPERTY CAUSED BY WILD ANIMALS; AMENDING SECTIONS 87-1-215 AND 87-2-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

## STATEMENT OF INTENT

A statement of intent is required for this bill because [section 2] requires the department of fish, wildlife, and parks, as part of its management plan for wild buffalo or bison, to implement a special wild buffalo license as a means of controlling overpopulation of wild buffalo or bison that pose a potential threat to property or persons in Montana. It is intended that rules regulating the methods of hunting be similar to those established for the hunting of elk, allowing outfitters, hunting guides, and landowners to profit. In an effort to reduce the costs of management, it is intended that drawing and license fees be used by the department to compensate for damages to persons and property caused by wild animals that the department is charged to

manage. It is further intended that the authority of the department be exercised in coordination with and complementary to the authority of the department of livestock to regulate, control, and eliminate wild animals that pose a threat of the transmission of contagious disease to persons or livestock in Montana.

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

**Section 1.** Section 87-1-215, MCA, is amended to read:

"87-1-215. ~~Wild---buffalo---as---species---in---need---of~~  
management Management of wild buffalo -- policy to include  
hunting -- department duties. (1) The legislature finds that the management through hunting of wild buffalo or bison is not appropriate ~~but-that-significant-potential-exists-for~~  
~~the---spread-of-contagious-disease-to-persons-or-livestock-in~~  
~~Montana-and to prevent~~ damage to persons and property by wild buffalo or bison. Therefore, it is the purpose of this section ~~to-designate-wild-buffalo-or-bison, which--have--not~~  
~~been---reduced--to--captivity,--as--a--species--in--need--of~~  
~~management-and~~ to set out specific departmental duties for management of the species.

(2) The department;

(a) is responsible for and shall develop rules to implement the management of wild buffalo or bison in this state that threaten persons or property ~~other-than-through~~

1 the transmission of contagious disease, including management  
 2 through the issuance of special wild buffalo hunting  
 3 licenses under [section 2] in a manner similar to licenses  
 4 issued to control the overpopulation of other wild animals;

5 ~~(b)--shall develop rules to manage and reduce the number~~  
 6 ~~of wild buffalo or bison that leave Yellowstone national~~  
 7 ~~park.~~

8 (3) The department of livestock shall, within its  
 9 statutory authority, regulate wild buffalo or bison animals  
 10 in this state that pose a threat to persons or livestock in  
 11 Montana through the transmission of contagious disease.

12 ~~(4)--The department of fish, wildlife, and parks and the~~  
 13 ~~department of livestock are strongly urged to enter into an~~  
 14 ~~agreement with the national park service for the long-term~~  
 15 ~~management of the Yellowstone national park herd; if the~~  
 16 ~~national park service does not proceed in good faith in a~~  
 17 ~~timely manner to enter a long-term management agreement that~~  
 18 ~~in the determination of the department of fish, wildlife,~~  
 19 ~~and parks and the department of livestock responds~~  
 20 ~~adequately to the needs of Montana, the departments are~~  
 21 ~~strongly urged to take appropriate court action. The~~  
 22 ~~department of fish, wildlife, and parks and the department~~  
 23 ~~of livestock shall prepare a joint report to the 53rd~~  
 24 ~~legislature regarding the present state of bison management~~  
 25 ~~in Montana and any progress on an agreement for the~~

1 ~~long-term management of the Yellowstone national park herd."~~

2 NEW SECTION. Section 2. Regulation of special wild  
 3 buffalo licenses -- fees used for compensation for damages  
 4 caused by wild animals. (1) As part of the management of  
 5 wild buffalo or bison required of the department under  
 6 87-1-215, the department shall adopt rules regulating  
 7 special wild buffalo licenses. The rules shall provide for:

8 (a) license drawing procedures based on a year-round  
 9 season;

10 (b) an entry fee for the drawing of a license, which  
 11 must be a minimum of \$5;

12 (c) notification of license recipients as to when and  
 13 where they may hunt;

14 (d) means of taking;

15 (e) tagging requirements for carcasses, skulls, and  
 16 hides;

17 (f) possession limits; and

18 (g) requirements for transportation and exportation.

19 (2) Money collected from drawing and license fees must  
 20 be placed in a special fund to be used by the department to  
 21 compensate for damages to persons and property caused by  
 22 wild animals that the department is charged to manage.

23 **Section 3.** Section 87-2-701, MCA, is amended to read:

24 "87-2-701. (Temporary) Special licenses. (1) Any  
 25 applicant who will be 12 years of age or older prior to

1 September 15 of the season for which the license is issued  
 2 and is the holder of a resident wildlife conservation  
 3 license or a nonresident wildlife conservation license may  
 4 apply for a special license which, in the judgment of the  
 5 department, is to be issued and shall pay the following fees  
 6 therefor:

7 (a) moose--resident, \$60 beginning March 1, 1992, and  
 8 \$75 beginning March 1, 1994; nonresident, \$450 beginning  
 9 March 1, 1992, and \$475 beginning March 1, 1994;

10 (b) mountain goat--resident, \$60 beginning March 1,  
 11 1992, and \$75 beginning March 1, 1994; nonresident, \$450  
 12 beginning March 1, 1992, and \$475 beginning March 1, 1994;

13 (c) mountain sheep--resident, \$60 beginning March 1,  
 14 1992, and \$75 beginning March 1, 1994; nonresident, \$450  
 15 beginning March 1, 1992, and \$475 beginning March 1, 1994;

16 (d) antelope--resident, \$9 beginning March 1, 1992, and  
 17 \$11 beginning March 1, 1994; nonresident, \$145 beginning  
 18 March 1, 1992, and \$150 beginning March 1, 1994;

19 (e) grizzly bear--resident, \$50; nonresident, \$300;

20 (f) black or brown bear--nonresident, \$120;

21 (g) wild buffalo--resident, \$200; nonresident, \$1,000.

22 (2) In the event a holder of a valid special grizzly  
 23 bear license kills a grizzly bear, he the licensee shall  
 24 purchase a trophy license for a fee of \$25 within 10 days  
 25 after date of kill. The trophy license authorizes the holder

1 to possess and transport the trophy.

2 (3) Special licenses must be issued in a manner  
 3 prescribed by the department. (Terminates March 1,  
 4 1996--sec. 3, Ch. 319, L. 1991.)

5 **87-2-701. (Effective March 1, 1996) Special licenses.**

6 (1) Any applicant who will be 12 years of age or older prior  
 7 to September 15 of the season for which the license is  
 8 issued and is the holder of a resident wildlife conservation  
 9 license or a nonresident wildlife conservation license may  
 10 apply for a special license which, in the judgment of the  
 11 department, is to be issued and shall pay the following fees  
 12 therefor:

13 (a) moose--resident, \$75; nonresident, \$455;

14 (b) mountain goat--resident, \$75; nonresident, \$455;

15 (c) mountain sheep--resident, \$75; nonresident, \$455;

16 (d) antelope--resident, \$11; nonresident, \$130;

17 (e) grizzly bear--resident, \$50; nonresident, \$300;

18 (f) black or brown bear--nonresident, \$100;

19 (g) wild buffalo--resident, \$200; nonresident, \$1,000.

20 (2) In the event a holder of a valid special grizzly  
 21 bear license kills a grizzly bear, he the licensee shall  
 22 purchase a trophy license for a fee of \$25 within 10 days  
 23 after date of kill. The trophy license authorizes the holder  
 24 to possess and transport the trophy.

25 (3) Special licenses must be issued in a manner

1 prescribed by the department."

2 NEW SECTION. **Section 4.** Codification instruction.

3 [Section 2] is intended to be codified as an integral part  
4 of Title 87, chapter 2, part 7, and the provisions of Title  
5 87, chapter 2, part 7, apply to [section 2].

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

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0003, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act establishing the hunting of wild buffalo as a management tool; providing for issuance of a special wild buffalo hunting license; establishing fees for the license; and designating use of the fees for compensation for damages to persons and property caused by wild animals.

ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks (FWP) would receive 2,500 applications for buffalo each year.
2. Based upon a six-year average, FWP would issue about 150 resident licenses each year.
3. The cost to process each application, conduct a drawing and create a roster will be \$4 per license.
4. FWP would use its current season setting process for the establishment of a season.
5. The regional staff costs associated with the 1991-92 buffalo control actions were \$55,000. It is estimated that an additional \$20,000 will be necessary as a result of increased public attention to the hunt.
6. Based upon last year's data, buffalo could be sold at public auction for \$600 each.
7. Based upon last year's data, Native Americans will harvest 60% of the buffalo at no charge.
8. All the money collected from drawing and license fees would be spent each year for game damage compensation.

FISCAL IMPACT:Expenditures:

	FY94			FY95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Application Processing	0	10,000	10,000	0	10,000	10,000
Compensation Program	0	42,500	42,500	0	42,500	42,500
Buffalo Management Costs	55,000	75,000	20,000	55,000	75,000	20,000
Total	55,000	127,500	72,500	55,000	127,500	72,500

Revenues: (continued)

*David Lewis* 1-11-93  
 DAVID LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

*James Burnett* 1/13/93  
 JAMES BURNETT, PRIMARY SPONSOR DATE

Fiscal Note for SB0003, as introduced

**SB 3**

Revenues:

	<u>FY94</u>			<u>FY95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Buffalo game sales	36,000	0	(36,000)	36,000	0	(36,000)
Drawing fees	0	12,500	12,500	0	12,500	12,500
Buffalo license sales	0	30,000	30,000	0	30,000	30,000
Total	36,000	42,500	6,500	36,000	42,500	6,500

Net Impact: Expenditures will increase a net of \$72,500; revenue will increase a net of \$6,500. Net cost to FWP is \$66,000 per year.