

SENATE BILL NO. 312

INTRODUCED BY

Mason Anderson *Leung* *Hargrove*
Cole Taylor *Chris Rose* *Dusty M. Hanson* *Trent Holden* *Bertel*
Forrest *Go. Field* *Beck*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF LIVESTOCK TO TAKE CERTAIN ACTIONS WITH REGARD TO WILD BUFFALO OR BISON ENTERING THE STATE OF MONTANA; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ASSIST THE DEPARTMENT OF LIVESTOCK IN MANAGING WILD BUFFALO OR BISON AS A SPECIES REQUIRING DISEASE CONTROL; REPEALING SECTION 87-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Management of wild buffalo or bison for disease control. (1)

Whenever a publicly owned wild buffalo or 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, the department of livestock may take one of the following actions:

(a) The live wild buffalo or 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, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or 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.

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

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

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

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

1 buffalo or bison carcass to the state special revenue fund to the credit of the department.

2

3 **NEW SECTION.** **Section 2. Wild buffalo or bison as species requiring disease control.** (1) The
4 legislature finds that the management through hunting of wild buffalo or bison is not appropriate but that
5 significant potential exists for the spread of contagious disease to persons or livestock in Montana and for
6 damage to persons and property by wild buffalo or bison. It is the purpose of this section to designate wild
7 buffalo or bison, which have not been reduced to captivity, as a species requiring disease control and to
8 set out specific duties for the department of fish, wildlife, and parks for management of the species.

9 (2) The department:

10 (a) is responsible for the management of wild buffalo or bison in this state that have not been
11 exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

12 (b) shall consult with the department of livestock on implementation of the provisions of subsection
13 (2)(a); and

14 (c) shall assist the department of livestock in managing wild buffalo or bison that enter the state
15 on public or private land from a herd that is infected with a dangerous disease, as provided in [section
16 1]. The department of livestock is authorized under the provisions of [section 1] to regulate wild buffalo
17 or bison in this state that pose a threat to persons or livestock in Montana through the transmission of
18 contagious disease.

19

20 **NEW SECTION.** **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
21 integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to
22 [section 1].

23 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the
24 provisions of Title 87 apply to [section 2].

25

26 **NEW SECTION.** **Section 4. Repealer.** Section 87-1-215, MCA, is repealed.

27

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

29

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0312, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Department of Livestock to take action with regard to bison entering the state of Montana and requiring the Department of Fish, Wildlife and Parks to assist the Department of Livestock managing bison as a species needing disease control; and providing an immediate effective date.

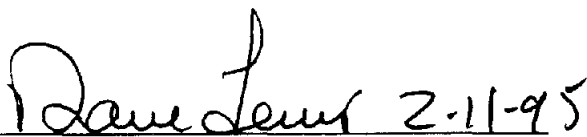
ASSUMPTIONS:

1. The Department of Livestock will be the lead agency managing disease control actions.
2. The Department of Fish, Wildlife and Parks' (FWP) involvement in bison control measures will be cut to approximately 65% of current level.
3. Disease control measures will be in effect when ever bison leave Yellowstone National Park, and enter Montana.
4. Personnel from both departments will be available to monitor herd movements and location on a year around basis.
5. A variety of means may be utilized to control potential disease situations: herding, hazing, capture and transportation for relocation or slaughter, or destroying problem animals.
6. Disposition of carcasses will be through donation to Montana Indian tribes as a first priority, and then through public sales.
7. Revenue derived from the sale of carcasses will go to the Department of Livestock to defray costs associated with control measures. However, the revenues are too variable to provide an accurate estimate. The revenues from sales will not significantly reduce the costs of handling, preparation, and sale of the carcasses.
8. FWP averages \$21,000 per year in direct expenditures for bison control. Under this proposal, FWP will spend approximately \$13,650 annually to assist the Department of Livestock, for a reduction of \$7,350.
9. In previous years, costs to the Department of Livestock for bison control have ranged from \$11,000 to \$80,000 annually. It is anticipated that there will be 70 incidents per year, with a projected cost of \$1,000 per incident.

FISCAL IMPACT:

The Department of Fish, Wildlife and Parks will experience an estimated \$7,350 annual decrease in bison control expenditures.

The Department of Livestock will experience an estimated \$70,000 annual increase in bison activities, supported with animal health state special revenue.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

KEN MESAROS, PRIMARY SPONSOR DATE

Fiscal Note for SB0312, as introduced

SB 312

DEDICATION OF REVENUE:

- a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain) Yes, the general public will be protected from undulant fever and wildlife from brucellosis.
- b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund? The revenue is used for the purposes intended, to protect livestock from disease.
- c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? Yes No (if no, explain)
- d) Does the need for this state special revenue provision still exist? Yes No (Explain)
- e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)
No
- f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain) Yes
- g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0312, as amended

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Department of Livestock to take action with regard to bison entering the state of Montana and requiring the Department of Fish, Wildlife and Parks to assist the Department of Livestock managing bison as a species needing disease control; and providing an immediate effective date.


ASSUMPTIONS:

1. The Department of Livestock will be the lead agency managing disease control actions.
2. The Department of Fish, Wildlife and Parks' (FWP) involvement in bison control measures will be cut to approximately 65% of current level.
3. Disease control measures will be in effect when ever bison leave Yellowstone National Park, and enter Montana.
4. Personnel from both departments will be available to monitor herd movements and location on a year around basis.
5. A variety of means may be utilized to control potential disease situations: herding, hazing, capture and transportation for relocation or slaughter, or destroying problem animals.
6. Disposition of carcasses will be through donation to Montana Indian tribes as a first priority, and then through public sales.
7. Revenue derived from the sale of carcasses will be used to offset the cost of properly caring for the meat.
8. FWP averages \$21,000 per year in direct expenditures for bison control. Under this proposal, FWP will spend approximately \$13,650 annually to assist the Department of Livestock, for a reduction of \$7,350. The \$7,350 will be returned to other enforcement activities.
9. As a result of recent bison disease control incidents it cost the Department of Livestock \$30 to \$40 per head to de-populate diseased/exposed bison from Montana. The number of head in each fiscal year can not be estimated due to factors such as weather, range, and bison population.
10. The Department of Livestock has budgeted contingency authority for disease control purposes and these costs will be attributed to that account.

FISCAL IMPACT:

The Department of Fish, Wildlife and Parks will experience an estimated \$7,350 annual decrease in bison control expenditures, this savings will be redirected to other enforcement activities.

The Department of Livestock has budgeted contingency authority for disease control purposes and costs associated with bison control will be covered by this account.

 2-16-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-16-95

KEN MESAROS, PRIMARY SPONSOR DATE

Fiscal Note for SB0312, as amended

SB 312-#2

TAKEN FROM TABLE IN COM
ON FISH & GAME

SENATE BILL NO. 312

INTRODUCED BY

Travis Anderson *Scupperdon* *Hayzone*
Cole Taylor *Ohse* *Rose* *Dudy* *M. Hansen* *Trent* *Holden* *Bestel*
Forrest *Co. Field* *Deek*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF LIVESTOCK TO TAKE CERTAIN ACTIONS WITH REGARD TO WILD BUFFALO OR BISON ENTERING THE STATE OF MONTANA; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ASSIST THE DEPARTMENT OF LIVESTOCK IN MANAGING WILD BUFFALO OR BISON AS A SPECIES REQUIRING DISEASE CONTROL; REPEALING SECTION 87-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Management of wild buffalo or bison for disease control. (1)

Whenever a publicly owned wild buffalo or 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, the department of livestock may take one of the following actions:

(a) The live wild buffalo or 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, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or 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.

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

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

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

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

1 buffalo or bison carcass to the state special revenue fund to the credit of the department.

2

3 **NEW SECTION.** **Section 2. Wild buffalo or bison as species requiring disease control.** (1) The
4 legislature finds that the management through hunting of wild buffalo or bison is not appropriate but that
5 significant potential exists for the spread of contagious disease to persons or livestock in Montana and for
6 damage to persons and property by wild buffalo or bison. It is the purpose of this section to designate wild
7 buffalo or bison, which have not been reduced to captivity, as a species requiring disease control and to
8 set out specific duties for the department of fish, wildlife, and parks for management of the species.

9 (2) The department:

10 (a) is responsible for the management of wild buffalo or bison in this state that have not been
11 exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

12 (b) shall consult with the department of livestock on implementation of the provisions of subsection
13 (2)(a); and

14 (c) shall assist the department of livestock in managing wild buffalo or bison that enter the state
15 on public or private land from a herd that is infected with a dangerous disease, as provided in [section
16 1]. The department of livestock is authorized under the provisions of [section 1] to regulate wild buffalo
17 or bison in this state that pose a threat to persons or livestock in Montana through the transmission of
18 contagious disease.

19

20 **NEW SECTION.** **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
21 integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to
22 [section 1].

23 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the
24 provisions of Title 87 apply to [section 2].

25

26 **NEW SECTION.** **Section 4. Repealer.** Section 87-1-215, MCA, is repealed.

27

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

29

-END-

SENATE BILL NO. 312

INTRODUCED BY MESAROS, ANDERSON, SWYSGOOD, HARGROVE, COLE, TAYLOR, OHS, ROSE,
GRADY, M. HANSON, TVEIT, HOLDEN, HERTEL, BECK, FORRESTER, GROSFIELD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF LIVESTOCK TO TAKE CERTAIN ACTIONS WITH REGARD TO WILD BUFFALO OR BISON ENTERING THE STATE OF MONTANA; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ~~ASSIST~~ COOPERATE WITH THE DEPARTMENT OF LIVESTOCK IN MANAGING CERTAIN WILD BUFFALO OR BISON AS A SPECIES REQUIRING DISEASE CONTROL; REPEALING SECTION 87-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE THE DEPARTMENT OF LIVESTOCK IS AUTHORIZED IN [SECTION 1] TO ADOPT RULES WITH REGARD TO MANAGEMENT OF PUBLICLY OWNED WILD BUFFALO OR BISON THAT ENTER MONTANA ON PRIVATE OR PUBLIC LAND AND THAT ARE FROM A HERD THAT IS INFECTED WITH A CONTAGIOUS DISEASE THAT MAY SPREAD TO PERSONS OR LIVESTOCK AND MAY JEOPARDIZE COMPLIANCE WITH FEDERALLY ADMINISTERED LIVESTOCK DISEASE CONTROL PROGRAMS. THE DEPARTMENT MAY DETERMINE THAT RULEMAKING IS NECESSARY WITH REGARD TO FEASIBLE METHODS OF TAKING WILD BUFFALO OR BISON ALLOWED WITHIN [SECTION 1(1)] OR WITH REGARD TO DISPOSAL OF THE CARCASSES OF WILD BUFFALO OR BISON AS PROVIDED FOR IN [SECTION 1(2) AND (3)].

A STATEMENT OF INTENT IS ALSO REQUIRED BECAUSE [SECTION 2] AUTHORIZES THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ADOPT RULES WITH REGARD TO WILD BUFFALO OR BISON THAT HAVE NOT BEEN EXPOSED TO OR INFECTED WITH A CONTAGIOUS DISEASE BUT ARE IN NEED OF MANAGEMENT BECAUSE OF POTENTIAL DAMAGE TO PERSON OR PROPERTY. THE DEPARTMENT MAY DETERMINE THAT RULEMAKING IS NECESSARY IF MANAGEMENT OF WILD BUFFALO OR BISON UNDER THE PROVISIONS OF [SECTION 2] INCLUDES PUBLIC HUNTING.

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

1 NEW SECTION. Section 1. Management of wild buffalo or bison for disease control. (1)

2 Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease
3 enters the state of Montana on public or private land and the disease may spread to persons or livestock
4 OR WHENEVER THE PRESENCE OF WILD BUFFALO OR BISON MAY JEOPARDIZE MONTANA'S
5 COMPLIANCE WITH FEDERALLY ADMINISTERED LIVESTOCK DISEASE CONTROL PROGRAMS, the
6 department of livestock may ~~take~~ USE ANY FEASIBLE METHOD IN TAKING one OR MORE of the following
7 actions:

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

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

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

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

20 (a) as first priority, may donate a wild buffalo or bison carcass to A CHARITY OR TO an Indian
21 tribal organization; or

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

25 (4) THE DEPARTMENT MAY ADOPT RULES WITH REGARD TO MANAGEMENT OF PUBLICLY
26 OWNED WILD BUFFALO OR BISON THAT ENTER MONTANA ON PRIVATE OR PUBLIC LAND AND THAT
27 ARE FROM A HERD THAT IS INFECTED WITH A CONTAGIOUS DISEASE THAT MAY SPREAD TO
28 PERSONS OR LIVESTOCK AND MAY JEOPARDIZE COMPLIANCE WITH FEDERALLY ADMINISTERED
29 LIVESTOCK DISEASE CONTROL PROGRAMS.

30

1 NEW SECTION. Section 2. Wild buffalo or bison as species requiring disease control IN NEED OF
 2 MANAGEMENT -- POLICY -- DEPARTMENT DUTIES. (1) The legislature finds that ~~the management through~~
 3 ~~hunting of PUBLICLY OWNED wild buffalo or bison ORIGINATING FROM YELLOWSTONE NATIONAL PARK~~
 4 ~~is not appropriate but that~~ significant potential exists for the spread of contagious disease to persons or
 5 livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of
 6 this section:

7 (A) to designate PUBLICLY OWNED wild buffalo or bison, ~~which have not been reduced to~~
 8 ~~captivity,~~ ORIGINATING FROM YELLOWSTONE NATIONAL PARK as a species requiring disease control;

9 (B) TO DESIGNATE OTHER WILD BUFFALO OR BISON AS A SPECIES IN NEED OF MANAGEMENT;

10 and

11 (C) to set out specific duties for the department of fish, wildlife, and parks for management of the
 12 species.

13 (2) The department:

14 (a) is responsible for the management, INCLUDING BUT NOT LIMITED TO PUBLIC HUNTING, of
 15 wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious
 16 disease but may threaten persons or property;

17 (b) shall consult AND COORDINATE with the department of livestock on implementation of the
 18 provisions of subsection (2)(a) TO THE EXTENT NECESSARY TO ENSURE THAT WILD BUFFALO OR BISON
 19 REMAIN DISEASE FREE; and

20 (c) shall ~~assist~~ COOPERATE WITH the department of livestock in managing PUBLICLY OWNED wild
 21 buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous
 22 disease, as provided in [section 1], UNDER A PLAN APPROVED BY THE GOVERNOR. The department of
 23 livestock is authorized under the provisions of [section 1] to regulate PUBLICLY OWNED wild buffalo or
 24 bison in this state that pose a threat to persons or livestock in Montana through the transmission of
 25 contagious disease.

26 (3) THE DEPARTMENT AND THE DEPARTMENT OF LIVESTOCK ARE STRONGLY URGED TO
 27 ENTER INTO AN AGREEMENT WITH THE NATIONAL PARK SERVICE FOR THE LONG-TERM MANAGEMENT
 28 OF THE YELLOWSTONE NATIONAL PARK WILD BUFFALO OR BISON HERD. IF THE NATIONAL PARK
 29 SERVICE DOES NOT PROCEED IN GOOD FAITH IN A TIMELY MANNER TO ENTER A LONG-TERM
 30 MANAGEMENT AGREEMENT THAT, IN THE DETERMINATION OF THE DEPARTMENT AND THE

1 DEPARTMENT OF LIVESTOCK, RESPONDS ADEQUATELY TO THE NEEDS OF MONTANA, THE
2 DEPARTMENTS ARE STRONGLY URGED TO TAKE APPROPRIATE COURT ACTION. THE DEPARTMENT
3 AND THE DEPARTMENT OF LIVESTOCK SHALL PREPARE A JOINT REPORT TO THE 55TH LEGISLATURE
4 REGARDING THE PRESENT STATE OF WILD BUFFALO OR BISON MANAGEMENT IN MONTANA AND ANY
5 PROGRESS ON AN AGREEMENT FOR THE LONG-TERM MANAGEMENT OF THE YELLOWSTONE
6 NATIONAL PARK HERD.

7 (4) THE DEPARTMENT MAY ADOPT RULES WITH REGARD TO WILD BUFFALO OR BISON THAT
8 HAVE NOT BEEN EXPOSED TO OR INFECTED WITH A CONTAGIOUS DISEASE BUT ARE IN NEED OF
9 MANAGEMENT BECAUSE OF POTENTIAL DAMAGE TO PERSON OR PROPERTY.

10

11 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
12 integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to
13 [section 1].

14 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the
15 provisions of Title 87 apply to [section 2].

16

17 NEW SECTION. Section 4. Repealer. Section 87-1-215, MCA, is repealed.

18

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

20

-END-



HOUSE STANDING COMMITTEE REPORT

March 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 312 (third reading copy -- blue) be concurred in as amended.

Signed: Douglas T. Wagner
Doug Wagner, Chair

Carried by: Rep. Anderson

And, that such amendments read:

1. Page 2, line 6.

Following: "~~take~~"

Insert: ", under a plan approved by the governor,"

-END-

SB 312

Committee Vote:
Yes 13, No 5.

HOUSE

SENATE BILL NO. 312

INTRODUCED BY MESAROS, ANDERSON, SWYSGOOD, HARGROVE, COLE, TAYLOR, OHS, ROSE,
GRADY, M. HANSON, TVEIT, HOLDEN, HERTEL, BECK, FORRESTER, GROSFIELD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF LIVESTOCK TO TAKE CERTAIN ACTIONS WITH REGARD TO WILD BUFFALO OR BISON ENTERING THE STATE OF MONTANA; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ~~ASSIST~~ COOPERATE WITH THE DEPARTMENT OF LIVESTOCK IN MANAGING CERTAIN WILD BUFFALO OR BISON AS A SPECIES REQUIRING DISEASE CONTROL; REPEALING SECTION 87-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE THE DEPARTMENT OF LIVESTOCK IS AUTHORIZED IN [SECTION 1] TO ADOPT RULES WITH REGARD TO MANAGEMENT OF PUBLICLY OWNED WILD BUFFALO OR BISON THAT ENTER MONTANA ON PRIVATE OR PUBLIC LAND AND THAT ARE FROM A HERD THAT IS INFECTED WITH A CONTAGIOUS DISEASE THAT MAY SPREAD TO PERSONS OR LIVESTOCK AND MAY JEOPARDIZE COMPLIANCE WITH FEDERALLY ADMINISTERED LIVESTOCK DISEASE CONTROL PROGRAMS. THE DEPARTMENT MAY DETERMINE THAT RULEMAKING IS NECESSARY WITH REGARD TO FEASIBLE METHODS OF TAKING WILD BUFFALO OR BISON ALLOWED WITHIN [SECTION 1(1)] OR WITH REGARD TO DISPOSAL OF THE CARCASSES OF WILD BUFFALO OR BISON AS PROVIDED FOR IN [SECTION 1(2) AND (3)].

A STATEMENT OF INTENT IS ALSO REQUIRED BECAUSE [SECTION 2] AUTHORIZES THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ADOPT RULES WITH REGARD TO WILD BUFFALO OR BISON THAT HAVE NOT BEEN EXPOSED TO OR INFECTED WITH A CONTAGIOUS DISEASE BUT ARE IN NEED OF MANAGEMENT BECAUSE OF POTENTIAL DAMAGE TO PERSON OR PROPERTY. THE DEPARTMENT MAY DETERMINE THAT RULEMAKING IS NECESSARY IF MANAGEMENT OF WILD BUFFALO OR BISON UNDER THE PROVISIONS OF [SECTION 2] INCLUDES PUBLIC HUNTING.

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

1 NEW SECTION. **Section 1. Management of wild buffalo or bison for disease control.** (1)

2 Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease
3 enters the state of Montana on public or private land and the disease may spread to persons or livestock
4 OR WHENEVER THE PRESENCE OF WILD BUFFALO OR BISON MAY JEOPARDIZE MONTANA'S
5 COMPLIANCE WITH FEDERALLY ADMINISTERED LIVESTOCK DISEASE CONTROL PROGRAMS, the
6 department of livestock may ~~take~~, UNDER A PLAN APPROVED BY THE GOVERNOR, USE ANY FEASIBLE
7 METHOD IN TAKING one OR MORE of the following actions:

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

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

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

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

20 (a) as first priority, may donate a wild buffalo or bison carcass to A CHARITY OR TO an Indian
21 tribal organization; or

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

25 (4) THE DEPARTMENT MAY ADOPT RULES WITH REGARD TO MANAGEMENT OF PUBLICLY
26 OWNED WILD BUFFALO OR BISON THAT ENTER MONTANA ON PRIVATE OR PUBLIC LAND AND THAT
27 ARE FROM A HERD THAT IS INFECTED WITH A CONTAGIOUS DISEASE THAT MAY SPREAD TO
28 PERSONS OR LIVESTOCK AND MAY JEOPARDIZE COMPLIANCE WITH FEDERALLY ADMINISTERED
29 LIVESTOCK DISEASE CONTROL PROGRAMS.

30

1 NEW SECTION. Section 2. Wild buffalo or bison as species requiring disease control IN NEED OF
 2 MANAGEMENT -- POLICY -- DEPARTMENT DUTIES. (1) The legislature finds that the management through
 3 hunting of PUBLICLY OWNED wild buffalo or bison ORIGINATING FROM YELLOWSTONE NATIONAL PARK
 4 is not appropriate but that significant potential exists for the spread of contagious disease to persons or
 5 livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of
 6 this section:

7 (A) to designate PUBLICLY OWNED wild buffalo or bison, ~~which have not been reduced to~~
 8 ~~captivity,~~ ORIGINATING FROM YELLOWSTONE NATIONAL PARK as a species requiring disease control;

9 (B) TO DESIGNATE OTHER WILD BUFFALO OR BISON AS A SPECIES IN NEED OF MANAGEMENT;

10 and

11 (C) to set out specific duties for the department of fish, wildlife, and parks for management of the
 12 species.

13 (2) The department:

14 (a) is responsible for the management, INCLUDING BUT NOT LIMITED TO PUBLIC HUNTING, of
 15 wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious
 16 disease but may threaten persons or property;

17 (b) shall consult AND COORDINATE with the department of livestock on implementation of the
 18 provisions of subsection (2)(a) TO THE EXTENT NECESSARY TO ENSURE THAT WILD BUFFALO OR BISON
 19 REMAIN DISEASE FREE; and

20 (c) shall ~~assist~~ COOPERATE WITH the department of livestock in managing PUBLICLY OWNED wild
 21 buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous
 22 disease, as provided in [section 1], UNDER A PLAN APPROVED BY THE GOVERNOR. The department of
 23 livestock is authorized under the provisions of [section 1] to regulate PUBLICLY OWNED wild buffalo or
 24 bison in this state that pose a threat to persons or livestock in Montana through the transmission of
 25 contagious disease.

26 (3) THE DEPARTMENT AND THE DEPARTMENT OF LIVESTOCK ARE STRONGLY URGED TO
 27 ENTER INTO AN AGREEMENT WITH THE NATIONAL PARK SERVICE FOR THE LONG-TERM MANAGEMENT
 28 OF THE YELLOWSTONE NATIONAL PARK WILD BUFFALO OR BISON HERD. IF THE NATIONAL PARK
 29 SERVICE DOES NOT PROCEED IN GOOD FAITH IN A TIMELY MANNER TO ENTER A LONG-TERM
 30 MANAGEMENT AGREEMENT THAT, IN THE DETERMINATION OF THE DEPARTMENT AND THE

1 DEPARTMENT OF LIVESTOCK, RESPONDS ADEQUATELY TO THE NEEDS OF MONTANA, THE
2 DEPARTMENTS ARE STRONGLY URGED TO TAKE APPROPRIATE COURT ACTION. THE DEPARTMENT
3 AND THE DEPARTMENT OF LIVESTOCK SHALL PREPARE A JOINT REPORT TO THE 55TH LEGISLATURE
4 REGARDING THE PRESENT STATE OF WILD BUFFALO OR BISON MANAGEMENT IN MONTANA AND ANY
5 PROGRESS ON AN AGREEMENT FOR THE LONG-TERM MANAGEMENT OF THE YELLOWSTONE
6 NATIONAL PARK HERD.

7 (4) THE DEPARTMENT MAY ADOPT RULES WITH REGARD TO WILD BUFFALO OR BISON THAT
8 HAVE NOT BEEN EXPOSED TO OR INFECTED WITH A CONTAGIOUS DISEASE BUT ARE IN NEED OF
9 MANAGEMENT BECAUSE OF POTENTIAL DAMAGE TO PERSON OR PROPERTY.

10

11 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
12 integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to
13 [section 1].

14 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the
15 provisions of Title 87 apply to [section 2].

16

17 NEW SECTION. Section 4. Repealer. Section 87-1-215, MCA, is repealed.

18

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

20

-END-