

*Brainard*

Senate

BILL NO.

*217*

*W. Ryan*

*Wm.E. Boharski*

*Menahan*

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INTRODUCED BY

*Leetery, Burnett, Bauer*

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS THE LEAD AGENCY FOR MANAGEMENT OF WILD BUFFALO OR BISON; ALLOWING PUBLIC HUNTING OF WILD BUFFALO OR BISON BY CREATING A TROPHY WILD BUFFALO LICENSE; DESIGNATING WILD BUFFALO OR BISON THAT POSE NO DIRECT THREAT TO HEALTH, SAFETY, OR PROPERTY AS GAME ANIMALS, AS DETERMINED BY THE DEPARTMENTS OF LIVESTOCK AND FISH, WILDLIFE, AND PARKS; REQUIRING ORIENTATION FOR PARTICIPATING LICENSE HOLDERS; SETTING TERMS AND FEES OF THE TROPHY WILD BUFFALO LICENSE; REQUIRING MONITORING OF HEALTH FOR ANIMALS TAKEN PURSUANT TO THE TROPHY WILD BUFFALO LICENSE; REQUIRING A REPORT ON WILD BUFFALO OR BISON MANAGEMENT PROGRESS TO THE 56TH LEGISLATURE; AND AMENDING SECTIONS 81-2-120 AND 87-1-216."

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 bison for disease control. (1) ~~Whenever~~ Except as provided in [section 3], 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~~ poses a direct threat of spreading to persons or livestock or whenever the presence of wild buffalo or bison may jeopardize Montana's compliance with 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) 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

1 euthanasia.

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

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

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

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

12 (4) The department may adopt rules with regard to management of publicly owned wild buffalo or  
13 bison that enter Montana on private or public land and that are from a herd that is infected with a  
14 contagious disease that ~~may spread~~ poses a direct threat of spreading to persons or livestock and that may  
15 jeopardize compliance with federally administered livestock disease control programs, subject to the  
16 provisions of [section 3]."

17

18 **Section 2.** Section 87-1-216, MCA, is amended to read:

19 **"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties.**

20 (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or  
21 livestock in Montana, ~~and~~ for damage to persons and property by wild buffalo or bison, and for wild buffalo  
22 or bison public hunting opportunities. It is the purpose of this section:

23 (a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park  
24 that pose a direct threat of contagious disease to persons or livestock in Montana as a species requiring  
25 disease control;

26 (b) to designate ~~either~~ wild buffalo or bison that pose a direct threat of damage to persons and  
27 property in Montana as a species in need of management; ~~and~~

28 (c) to designate wild buffalo or bison that are not designated pursuant to subsection (1)(a) or (1)(b)  
29 as game animals, subject to public hunting pursuant to [section 3]; and

30 (d) to set out specific duties for the department for management of the species.

1 (2) The department:

2 (a) is the lead state agency responsible for the management, including but not limited to public  
3 hunting pursuant to [section 3], of wild buffalo or bison in this state ~~that have not been exposed to or~~  
4 ~~infected with a dangerous or contagious disease but may threaten persons or property;~~

5 (b) shall consult and coordinate with the department of livestock on implementation of the  
6 provisions of subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease  
7 free; and

8 (c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or  
9 bison that enter the state on public or private land from a herd that is infected with a dangerous disease,  
10 as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized  
11 under the provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose  
12 a direct threat to persons or livestock in Montana through the transmission of contagious disease. The  
13 department of livestock is also authorized, in conjunction with the department, to designate wild buffalo  
14 or bison as trophy wild buffalo pursuant to [section 3].

15 (3) The department and the department of livestock are strongly urged to enter into an agreement  
16 with the national park service for the long-term management of the Yellowstone national park wild buffalo  
17 or bison herd. If the national park service does not proceed in good faith in a timely manner to enter a  
18 long-term management agreement that, in the determination of the department and the department of  
19 livestock, responds adequately to the needs of Montana, the departments are strongly urged to take  
20 appropriate court action. The department and the department of livestock shall prepare a joint report to the  
21 ~~55th~~ 56th legislature regarding the present state of wild buffalo or bison management in Montana and any  
22 progress on an agreement for the long-term management of the Yellowstone national park herd.

23 (4) The department may adopt rules with regard to wild buffalo or bison that have not been  
24 exposed to or infected with a contagious disease but are in need of management because of potential  
25 damage to person or property or that are designated as trophy wild buffalo subject to public hunting  
26 pursuant to [section 3]."

27

28 **NEW SECTION. Section 3. Trophy wild buffalo license -- terms and conditions -- hunter orientation.**

29 (1) Pursuant to the department's authority under 87-1-216(2), the department shall, in cooperation with  
30 the department of livestock:

1 (a) determine whether publicly owned wild buffalo or bison entering the state pose a direct threat  
2 of disease to persons or livestock and designate those animals as a species requiring disease control and  
3 requiring management by the department of livestock pursuant to 81-2-120;

4 (b) determine whether publicly owned wild buffalo or bison entering the state pose a direct threat  
5 to the safety of persons or property and designate those animals as a species in need of management,  
6 requiring management by the department pursuant to 87-1-216(1)(b); and

7 (c) designate other publicly owned wild buffalo or bison that enter the state on public or private  
8 land as game animals, subject to public hunting pursuant to the terms of this section.

9 (2) (a) The department may issue a trophy wild buffalo license that allows the holder to kill a wild  
10 buffalo or bison designated under subsection (1)(c), in areas designated by the department, and to possess  
11 the carcass of the wild buffalo or bison as authorized by department rules pertaining to the possession of  
12 big game.

13 (b) The department shall maintain a list of applicants for a trophy wild buffalo license and issue the  
14 licenses randomly by drawing.

15 (c) The cost of a trophy wild buffalo license is \$275 for a resident and \$1,700 for a nonresident.

16 (d) Twenty percent of available trophy wild buffalo licenses must be allocated to nonresidents.

17 (3) Prior to the taking of a trophy wild buffalo, the department shall conduct an orientation session  
18 for licensees. The orientation must stress hunter ethics, safety, and respect for the quarry. Attendance at  
19 the orientation session is required before a licensee may take a trophy wild buffalo.

20 (4) The department of livestock shall maintain necessary health testing on animals taken pursuant  
21 to the trophy wild buffalo license to ensure adequate monitoring of brucellosis and other diseases.

22  
23 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an  
24 integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to  
25 [section 3].

26 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0217, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing the Department of Fish, Wildlife & Parks as the lead agency for management of wild buffalo or bison; allowing public hunting of wild buffalo or bison by creating a trophy wild buffalo license; designating wild buffalo or bison that pose no direct threat to health, safety or property as game animals, as determined by the Departments of Livestock and Fish, Wildlife & Parks; requiring orientation for participating license holders; setting terms and fees of the trophy wild buffalo license; requiring monitoring of health for animals taken pursuant to the trophy license; and requiring a report on wild buffalo or bison management progress to the 56th Legislature.

ASSUMPTIONS:

**Department of Fish, Wildlife and Parks:**

1. The Department of Fish, Wildlife and Parks (FWP) will receive 2,000 buffalo license applications each year. An annual entry fee of \$5.00 will be charged for each application.
2. FWP will issue 100 licenses each year of which 20% or 20 licenses will be sold to non-residents.
3. The cost for FWP to process each application and conduct the drawing fee will be \$5.00 per application received.
4. In the 1995 biennium, FWP spent \$21,000 in buffalo control areas annually. It is estimated that an additional \$20,000 beyond the historic average will be necessary as a result of increased public attention to the hunt.
5. This program has been highly visible and sensitive in the past. There is potential for increased expenditures beyond assumptions due to the nature of this program.

**Department of Livestock:**

6. The Department of Livestock remains the lead agency for the overall bison/brucellosis disease control program for the State of Montana and will determine whether and where a controlled bison hunt would occur. Once such a determination has been made, the FWP would be the lead agency only for the hunt within parameters which would not jeopardize the State of Montana's brucellosis-free status.
7. Veterinarian contracted services would be required to monitor the hunt of wild buffalo/bison. It is assumed that special hunts could occur from December through March of each year. This would require veterinarian monitoring of one week per month for four months, eight hours a day at \$35 per hour, comparable to what already is budgeted for the current method of bison/brucellosis control.

FISCAL IMPACT:

**Fish, Wildlife and Parks:**

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Application Processing	10,000	10,000
Buffalo Management Costs	<u>41,000</u>	<u>41,000</u>
Total	61,000	61,000
 <u>Funding:</u>		
State Special Revenue (02)	61,000	61,000
 <u>Revenues:</u>		
Drawing Fees (02)	10,000	10,000
Buffalo license Sales (02)	<u>56,000</u>	<u>56,000</u>
Total	66,000	66,000
 <u>Net Impact on Fund Balance:</u> (Revenue minus expense)		
General License Account (02)	5,000	5,000

(Continued)

*Dave Lewis 1-31-97*  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

*Keating 1/31/97*  
 THOMAS F. KEATING, PRIMARY SPONSOR DATE  
 Fiscal Note for SB0217, as introduced

**SB 217**

TECHNICAL NOTES:

The FWP license year begins on March 1. The sponsor may want to consider making the effective date of this bill coincide with the license year.

Currently, Title 81, Chapter 2, part 1, MCA, implies that the Department of Livestock is the lead agency for management of wild buffalo or bison, which appears to be in conflict with the part of the title of this bill which establishes the Department of Fish, Wildlife & Parks as the lead agency.