

A BILL FOR AN ACT ENTITLED: “AN ACT CLARIFYING CONSERVATION AND MANAGEMENT RESPONSIBILITIES OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR WILD BUFFALO OR BISON IN MONTANA; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 81-2-121, 87-1-216, 87-2-730, AND 87-5-711, MCA; REPEALING 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 81-2-121, MCA, is amended to read:

“81-2-121. Taking of publicly owned wild buffalo or bison that are present on private property – notice – supplemental feeding – penalty. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the agent of a landowner for the taking of a publicly owned wild buffalo or bison that is suspected of carrying disease and that is present on the landowner’s private property and is potentially associating with or otherwise threatening the landowner’s livestock if:

- (a) The landowner or agent notifies or makes a good faith effort to notify the department in order to allow as much time as practicable for the department to first take or remove the publicly owned wild buffalo or bison that is present on the landowner’s property;
- (b) The landowner or agent makes a good faith effort to notify the department that a taking has occurred and to retain all parts for disposal by the department; and
- (c) The landowner or agent is not in violation of subsection (2).

(2) A person may not intentionally provide supplemental feed to wild buffalo or bison in a manner than results in the attraction or artificial concentration of wild buffalo or bison that may potentially contribute to the transmission of disease. A person who violates this subsection is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102 (1). This subsection does not apply to supplemental feeding activities conducted by the department for disease control purposes.”

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

“87-1-216. Wild buffalo or bison conservation and management – department duties. (1) The legislature finds that wild buffalo or bison are culturally important, valued native wildlife in need of conservation and management in the state of Montana.

(2) The department:

(a) is responsible for the conservation and management, including but not limited to public hunting, of wild buffalo or bison;

(b) is responsible for the conservation and management of wild buffalo or bison that may threaten persons or property and shall cooperate with the department of livestock to protect private property, as provided in 81-2-121; and

(c) may adopt rules with regard to wild buffalo or bison that are in need of management because of potential damage to person or property.

(3) In recognition of the cultural heritage and treaty rights of sovereign tribal nations, the department shall cooperate with tribal governments to pursue opportunities for the conservation and management of wild buffalo or bison.

(4) Before the department releases or transplants any wild buffalo or bison under the department’s jurisdiction onto public or private land in Montana under 87-5-711, the department shall develop and adopt a conservation and management plan for those wild buffalo or bison. When developing a plan, the department shall:

(a) include provisions for control of wild buffalo or bison in consultation with the departments of agriculture, public health and human services, and livestock pursuant to 87-5-716;

(b) provide the opportunity for public comment and hold public hearings in the affected county or counties; and

(c) respond to all public comments received and publish full records of proceedings from any public hearings.

(5) Whenever the department is responsible for the death of a wild buffalo or bison, either purposely 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 slaughterhouse or slaughter destination approved by the department of livestock. In disposing of the carcass, the department:

(a) as first priority, may donate a wild buffalo or bison carcass to a charity or 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, the department shall deposit any revenue derived from the sale of the wild buffalo or bison carcass in the state special revenue fund to the credit of the department.”

Section 3. Section 87-2-730, MCA is amended to read:

“87-2-730. Special wild buffalo license – regulation. (1) The public hunting of wild buffalo or bison is permitted only when authorized by the department and pursuant to rules developed under subsection (3).

(2) The department may issue special licenses to hunt wild buffalo or bison.

(3) The department shall adopt rules for fair chase public hunting of wild buffalo or bison. The rules must provide for:

(a) license drawing procedures;

(b) drawing and application fees consistent with 87-2-113;

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

(d) requirements that hunting be conducted on foot and away from public roads and that there be no designation of specific wild buffalo or bison to be hunted;

(e) means of taking and handling of carcasses in the field;

(f) tagging requirements for carcasses, skulls, and hides;

(g) possession limits; and

(h) requirements for transportation and exportation.

Section 4. Section 87-5-711, MCA, is amended to read:

“87-5-711. Control of importation for introduction and transplantation or introduction of wildlife.

(1) Except as otherwise provided, the importation for introduction or the transplantation or introduction of any wildlife is prohibited unless the commission determines, based upon scientific investigation and after public hearing, that the transplantation or introduction of a species has significant public benefits and public support and minimizes conflicts with agricultural production.

(2) With regard to the transplantation or introduction of a fish species not previously legally transplanted to a specific water body within the state or not previously legally introduced to the state, the requirement for scientific investigation in subsection (1) may be satisfied only by completion of an environmental review conforming to the provisions of Title 75, chapter 1, part 2.”

NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a copy of this act to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. **Section 6. Repealer.** The following section of the Montana Code Annotated is repealed:

81-2-120. Management of wild buffalo or bison for disease control.

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

END