

2009 Montana Wild Buffalo Recovery and Conservation Act Draft

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act clarifying management responsibilities for wild buffalo or bison in Montana; amending sections 87-1-216, and 87-2-730, 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 87-1-216, MCA, is amended to read:

**"87-1-216. Wild buffalo or bison as species in need of management --policy--
--department duties.** (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or livestock in Montana and for damage to persons and property by wild buffalo or bison are valued, native wildlife in the state of Montana. It is the purpose of this section:

- (a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a species requiring disease control;
- (b) to designate other wild buffalo or bison as a species in need of management;
- and
- (c) to set out specific duties for the department for management of the species.

(2) The Montana Department of Fish, Wildlife & Parks, hereafter "department":
(a) is responsible for the management, including but not limited to fair chase public hunting, of wild buffalo or bison in this state that have not been exposed to or

~~infected with a dangerous or contagious disease but may threaten persons or property~~
Montana;

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

~~————(c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock in Montana through the transmission of contagious disease. The department may, after agreement and authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been exposed to or infected with a contagious disease, pursuant to 87-2-730.~~

(b) is responsible for the management of wild buffalo or bison which may threaten person or property and shall cooperate with the Department of Livestock to protect private property as provided in 81-2-121.

(3) The department may 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.

~~(4) When adopting and implementing rules regarding the special wild buffalo or bison license issued pursuant to 87-2-730, the department shall consult and cooperate with the department of livestock regarding when and where public hunting may be allowed and the safe handling of wild buffalo or bison parts in order to minimize the potential for spreading any contagious disease to persons or to livestock.~~

(4) 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, included but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved slaughterhouse or slaughter destination.

(5) 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 in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or bison carcass to the state special revenue fund to the credit of the department."

{Internal References to 87-1-216: None. }

Section 2. 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 ~~that have been designated as a species in need of disease control under 81-2-120~~ is permitted only when authorized by the department of livestock ~~under the provisions set forth in 81-2-120.~~ pursuant to rules developed by the department.

(2) The department may issue special licenses to hunt wild buffalo or bison, ~~designated as a species in need of disease control when authorized by the department of livestock.~~

(3) The department shall adopt rules ~~in cooperation with the department of livestock~~ 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, ~~but notification may not include information regarding the actual physical location of a wild buffalo or bison other than the prescribed hunting district where the animal may be taken;~~

(d) fair chase hunting of wild buffalo or bison, including 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, ~~which must include provisions for public safety because of the potential for the spread of infectious disease;~~

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

(g) possession limits;

(h) requirements for transportation and exportation; ~~and~~

~~—— (i) requirements and criteria for authorization by the state veterinarian and the department of livestock of any public hunting."~~

{Internal References to 87-2-730:

81-2-120 r 87-1-216 a 87-1-216 a}

NEW SECTION. Section 3. {standard} Repealer. Section 81-2-120, MCA, is repealed.

{Internal References to 81-2-120: 87-1-216 a 87-1-216 a 87-2-730 a 87-2-730 a}

NEW SECTION. Section 4. {standard} Effective date. [This act] is effective on passage and approval.

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