

1 HOUSE BILL NO. 194

2 INTRODUCED BY A. REDFIELD

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A FORAGE ANALYSIS AS PART OF A MANAGEMENT
5 PLAN BEFORE WILD BUFFALO OR BISON ARE RELEASED OR TRANSPLANTED ONTO PRIVATE OR
6 PUBLIC LAND IN MONTANA; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE."

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

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11 **Section 1.** Section 87-1-216, MCA, is amended to read:12 **"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties.**

13 (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or
14 livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of this
15 section:

16 (a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a
17 species requiring disease control;

18 (b) to designate other wild buffalo or bison as a species in need of management; and

19 (c) to set out specific duties for the department for management of the species.

20 (2) The department:

21 (a) is responsible for the management, including but not limited to public hunting, of wild buffalo or bison
22 in this state that have not been exposed to or infected with a dangerous or contagious disease but may threaten
23 persons or property;

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

26 (c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that
27 enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in
28 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions
29 of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock
30 in Montana through the transmission of contagious disease. The department may, after agreement and

1 authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been
2 exposed to or infected with a contagious disease, pursuant to 87-2-730. The department may, following
3 consultation with the department of livestock, adopt rules to authorize the taking of bison where and when
4 necessary to prevent the transmission of a contagious disease.

5 (3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to
6 or infected with a contagious disease but are in need of management because of potential damage to persons
7 or property.

8 (4) The department may not release, transplant, or allow wild buffalo or bison on any private or public
9 land in Montana that has not been authorized for that use by the private or public owner.

10 (5) Subject to subsection (4), the department shall develop and adopt a management plan before any
11 wild buffalo or bison under the department's jurisdiction may be released or transplanted onto private or public
12 land in Montana. A plan must include but is not limited to:

13 (a) measures to comply with any applicable animal health protocol required under Title 81, under
14 subsection (2)(b), or by the state veterinarian;

15 (b) any animal identification and tracking protocol required by the department of livestock to identify the
16 origin and track the movement of wild buffalo or bison for the purposes of subsections (2)(b) and (5)(c);

17 (c) animal containment measures that ensure that any animal transplanted or released on private or
18 public land will be contained in designated areas. Containment measures must include but are not limited to:

19 (i) any fencing required;

20 (ii) contingency plans to expeditiously relocate wild buffalo or bison that enter private or public property
21 where the presence of the animals is not authorized by the private or public owner;

22 (iii) contingency plans to expeditiously fund and construct more effective containment measures in the
23 event of an escape; and

24 (iv) contingency plans to eliminate or decrease the size of designated areas, including the expeditious
25 relocation of wild buffalo or bison if the department is unable to effectively manage or contain the wild buffalo or
26 bison.

27 (d) a reasonable means of protecting public safety and emergency measures to be implemented if public
28 safety may be threatened;

29 (e) a reasonable maximum carrying capacity for any proposed designated area using sound
30 management principles, including but not limited to forage-based carrying capacity, and methods for not

1 exceeding that carrying capacity; ~~and including in years of drought or severe winters. The carrying capacity must~~
 2 ~~be based on a forage analysis conducted IN ACCORDANCE WITH STANDARDS CONTAINED IN THE MOST RECENT~~
 3 ~~NATURAL RESOURCES CONSERVATION SERVICE FIELD OFFICE TECHNICAL GUIDE by a range scientist who is on the staff~~
 4 ~~of the:~~

5 ~~(i) THE Montana state university-Bozeman college of agriculture; or~~

6 ~~(ii) THE United States natural resources conservation service; OR~~

7 ~~(III) A TECHNICAL SERVICE PROVIDER CERTIFIED BY EITHER THE NATURAL RESOURCES CONSERVATION SERVICE~~
 8 ~~OR THE SOCIETY FOR RANGE MANAGEMENT.~~

9 (f) identification of long-term, stable funding sources that would be dedicated to implementing the
 10 provisions of the management plan for each designated area.

11 (6) When developing a management plan in accordance with subsection (5), the department shall
 12 provide the opportunity for public comment and hold a public hearing in the affected county or counties. Prior to
 13 making a decision to release or transplant wild buffalo or bison onto private or public land in Montana, the
 14 department shall respond to all public comment received and publish a full record of the proceedings at any public
 15 hearing.

16 (7) The department is liable for all costs incurred, including costs arising from protecting public safety,
 17 and any damage to private property that occurs as a result of the department's failure to meet the requirements
 18 of subsection (5).

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

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24 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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