

1 HOUSE BILL NO. 484

2 INTRODUCED BY A. REDFIELD

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DUTIES AND RESPONSIBILITIES OF THE
5 DEPARTMENT OF LIVESTOCK AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR MANAGING
6 WILD BUFFALO OR WILD BISON THAT MIGRATE FROM YELLOWSTONE NATIONAL PARK INTO THE
7 STATE OF MONTANA; AMENDING SECTIONS 81-2-120, 87-1-216, 87-1-271, 87-1-304, 87-2-101, 87-2-701,
8 87-2-702, 87-2-730, 87-2-731, AND 87-6-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9

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

11

12 **Section 1.** Section 81-2-120, MCA, is amended to read:

13 **"81-2-120. Management of wild buffalo or wild bison for disease control.** (1) Whenever a publicly
14 owned wild buffalo or wild bison from a herd that is infected with a dangerous disease enters the state of Montana
15 on public or private land and the disease may spread to persons or livestock or whenever the presence of wild
16 buffalo or wild bison may jeopardize Montana's compliance with other state-administered or federally
17 administered livestock disease control programs, the department ~~may~~, under a plan approved by the governor,
18 shall use any feasible method in taking one or more of the following actions:

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

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

25 (c) The live wild buffalo or wild bison may be taken through limited public hunts pursuant to 87-2-730
26 when authorized by the state veterinarian and the department.

27 (d) The live wild buffalo or wild bison may be captured, tested, quarantined, and vaccinated. Wild buffalo
28 or wild bison that are certified by the state veterinarian as brucellosis-free may be:

29 (i) sold to help defray the costs that the department incurs in building, maintaining, and operating
30 necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or wild bison; or

1 (ii) transferred to qualified tribal entities that participate in the disease control program provided for in this
 2 subsection (1)(d). Acquisition of wild buffalo or wild bison by a qualified tribal entity must be done in a manner
 3 that does not jeopardize compliance with a state-administered or federally administered livestock disease control
 4 program. The department may adopt rules consistent with this section governing tribal participation in the program
 5 or enter into cooperative agreements with tribal organizations for the purposes of carrying out the disease control
 6 program.

7 (e) Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or wild bison must be
 8 deposited in the state special revenue fund to the credit of the department.

9 (f) Any revenue generated in excess of the costs referred to in subsection (1)(d)(i) must be deposited
 10 in the state special revenue fund provided for in 87-1-513(2).

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

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

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

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

21 (4) The department ~~may~~ shall adopt rules with regard to management of publicly owned wild buffalo or
 22 wild bison that enter Montana on private or public land and that are from a herd that is infected with a contagious
 23 disease that may spread to persons or livestock and may jeopardize compliance with other state-administered
 24 or federally administered livestock disease control programs."
 25

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

27 **"87-1-216. Wild Management of wild buffalo or wild bison as species in need of management --**
 28 **policy -- department duties.** (1) The legislature finds that significant potential exists for the spread of contagious
 29 disease to persons or livestock in Montana and for damage to persons and property by wild buffalo or wild bison.
 30 It is the purpose of this section:

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

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

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

5 (2) The department:

6 (a) is responsible ~~for and may adopt rules~~ for the management, including but not limited to public hunting,
7 of wild buffalo or wild bison in this state that have not been exposed to or infected with a dangerous or contagious
8 disease but may threaten persons or property; and

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

11 ~~(c)(3) The department shall cooperate and coordinate~~ with the department of livestock in managing
12 publicly owned wild buffalo or wild bison that enter the state on public or private land from a herd that is infected
13 with a dangerous disease, ~~as provided in 81-2-120, under a plan approved by the governor.~~ The department of
14 livestock ~~is authorized~~ has the primary authority under the provisions of 81-2-120 to regulate publicly owned wild
15 buffalo or wild bison in this state that pose a threat to persons or livestock in Montana through the transmission
16 of contagious disease. The department ~~may, after agreement and authorization by the department of livestock,~~
17 ~~authorize the public hunting of wild buffalo or bison that have been exposed to or infected with a contagious~~
18 ~~disease, pursuant to 87-2-730. The department may, shall:~~

19 (a) cooperate and coordinate with the department of livestock to take one or more of the actions allowed
20 in 81-2-120(1)(a) through (1)(d) when a wild buffalo or wild bison from a herd infected with a dangerous disease
21 enters the state; and

22 (b) following consultation with the department of livestock, adopt rules to authorize the taking of bison
23 where and when necessary to prevent the transmission of a contagious disease.

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

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

29 (5) Subject to subsection (4), the department shall develop and adopt a management plan before any
30 wild buffalo or wild bison under the department's jurisdiction may be released, ~~or transplanted,~~ or allowed to

1 migrate onto private or public land in Montana. A plan must include but is not limited to:

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

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

6 (c) animal containment measures that ensure that any animal released, transplanted, or ~~released~~
7 allowed to migrate ~~on~~ onto private or public land will be contained in designated areas. Containment measures
8 must include but are not limited to:

9 (i) any fencing required;

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

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

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

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

19 (e) a reasonable maximum carrying capacity for any proposed designated area using sound
20 management principles, including but not limited to forage-based carrying capacity, and methods for not
21 exceeding that carrying capacity; and

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

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

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

1 of subsection (5).

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

6

7 **Section 3.** Section 87-1-271, MCA, is amended to read:

8 **"87-1-271. Annual lottery of hunting licenses -- proceeds dedicated to hunting access**
9 **enhancement.** (1) The commission may issue through a lottery one license each year for each of the following:

10 (a) deer;

11 (b) elk;

12 (c) shiras moose;

13 (d) mountain sheep;

14 (e) mountain goat;

15 (f) wild buffalo or wild bison;

16 (g) antelope; and

17 (h) mountain lion.

18 (2) The restriction in 87-2-702(4) that a person who receives a moose, mountain goat, or mountain sheep
19 special license is not eligible to receive another license for that species for the next 7 years does not apply to a
20 person who receives a license through a lottery conducted pursuant to this section.

21 (3) The commission shall establish rules regarding:

22 (a) the conduct of the lottery authorized in this section;

23 (b) the use of licenses issued through the lottery; and

24 (c) the price of lottery tickets.

25 (4) Except as provided in 87-2-903, all proceeds from a lottery conducted pursuant to this section must
26 be used by the department for hunting access enhancement programs and law enforcement."

27

28 **Section 4.** Section 87-1-304, MCA, is amended to read:

29 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) Subject to the provisions of
30 87-5-302, the commission may:

- 1 (a) fix seasons, bag limits, possession limits, and season limits;
- 2 (b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing
3 animal as defined by 87-2-101;
- 4 (c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,
5 wild buffalo or wild bison, and wolf by persons holding an archery stamp and the required license, permit, or tag
6 and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat,
7 mountain lion, bear, wild buffalo or wild bison, and wolf in those areas;
- 8 (d) subject to the provisions of 87-1-301(7), restrict areas and species to hunting with only specified
9 hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and
10 experiences; and
- 11 (e) declare areas open to special license holders only and issue special licenses in a limited number
12 when the commission determines, after proper investigation, that a special season is necessary to ensure the
13 maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may
14 declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are
15 causing damage to private property or when a written complaint of damage has been filed with the commission
16 by the owner of that property. In determining to whom special licenses must be issued, the commission may,
17 when more applications are received than the number of animals to be killed, award permits to those chosen
18 under a drawing system. The procedures used for awarding the permits from the drawing system must be
19 determined by the commission.
- 20 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during
21 special archery seasons.
- 22 (3) Subject to the provisions of 87-5-302, the commission may divide the state into fish and game
23 districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare
24 a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to
25 hunting, fishing, or trapping.
- 26 (4) The commission may declare a closed season on any species of game, fish, game birds, or
27 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or
28 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited
29 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking
30 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,

1 and nongame birds. The commission may open the area or district upon consent of a majority of the property
2 owners affected.

3 (5) The commission may authorize the director to open or close any special season upon 12 hours'
4 notice to the public.

5 (6) The commission may declare certain fishing waters closed to fishing except by persons under 15
6 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive use and
7 enjoyment of juveniles under 15 years of age, at times and in areas the commission in its discretion considers
8 advisable and consistent with its policies relating to fishing."

9

10 **Section 5.** Section 87-2-101, MCA, is amended to read:

11 **"87-2-101. Definitions.** As used in Title 87, chapter 3, and this chapter, unless the context clearly
12 indicates otherwise, the following definitions apply:

13 (1) "Angling" or "fishing" means to take or the act of a person possessing any instrument, article, or
14 substance for the purpose of taking fish in any location that a fish might inhabit.

15 (2) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area
16 inhabited by wildlife for the purpose of attracting game animals or game birds.

17 (b) The term does not include:

18 (i) decoys, silhouettes, or other replicas of wildlife body forms;

19 (ii) scents used only to mask human odor; or

20 (iii) types of scents that are approved by the commission for attracting game animals or game birds.

21 (3) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine,
22 northern swift fox, and beaver.

23 (4) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,
24 mountain lion, bear, and wild buffalo or wild bison.

25 (5) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and
26 whitefish); all species of the genus Sander (sandpike or sauger and walleyed pike or yellowpike perch); all
27 species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus
28 (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all
29 species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus
30 *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

1 (6) "Hunt" means to pursue, shoot, wound, kill, chase, lure, possess, or capture or the act of a person
2 possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting,
3 wounding, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife
4 may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take by
5 any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or
6 capturing.

7 (7) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes,
8 including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning doves.

9 (8) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or
10 other animal not otherwise legally classified by statute or regulation of this state.

11 (9) "Open season" means the time during which game birds, game fish, game animals, and fur-bearing
12 animals may be lawfully taken.

13 (10) "Person" means an individual, association, partnership, or corporation.

14 (11) "Predatory animals" means coyote, weasel, skunk, and civet cat.

15 (12) "Trap" means to take or participate in the taking of any wildlife protected by the laws of the state by
16 setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove
17 wildlife from any of these devices.

18 (13) "Upland game birds" means sharp-tailed grouse, blue grouse, spruce (Franklin) grouse, prairie
19 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild
20 turkey, and chukar partridge.

21 (14) "Wild buffalo" or "wild bison" means buffalo or bison that have not been reduced to captivity."
22

23 **Section 6.** Section 87-2-701, MCA, is amended to read:

24 **"87-2-701. Special licenses.** (1) An applicant who is 12 years of age or older or who will turn 12 years
25 old before or during the season for which the license is issued and is the holder of a resident wildlife conservation
26 license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the
27 department, is to be issued and shall pay the following fees:

28 (a) moose--resident, \$125; nonresident, \$750;

29 (b) mountain goat--resident, \$125; nonresident, \$750;

30 (c) mountain sheep--resident, \$125; nonresident, \$750;

- 1 (d) antelope--resident, \$14; nonresident, \$200;
- 2 (e) grizzly bear--resident, \$150; nonresident, \$1,000;
- 3 (f) black bear--nonresident, \$350;
- 4 (g) wild buffalo or wild bison--resident, \$125; nonresident, \$750.
- 5 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,
- 6 the person shall purchase a trophy license for a fee of \$50 within 10 days after the date of the kill. The trophy
- 7 license authorizes the holder to possess and transport the trophy.
- 8 (3) Except as provided in 87-5-302 for special grizzly bear licenses, special licenses must be issued in
- 9 a manner prescribed by the department."

10

11 **Section 7.** Section 87-2-702, MCA, is amended to read:

12 **"87-2-702. Restrictions on special licenses -- availability of bear and mountain lion licenses. (1)**

13 A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current

14 license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal

15 of the same species.

16 (2) The commission may require applicants for special permits authorized by this chapter to obtain a valid

17 big game license for that species for the current year prior to applying for a special permit.

18 (3) A person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

19 (4) (a) Except as provided in 87-1-271(2), a person who receives a moose, mountain goat, or limited

20 mountain sheep license, as authorized by 87-2-701, with the exception of an antlerless moose or an adult ewe

21 game management license issued under 87-2-104, is not eligible to receive another special license for that

22 species for the next 7 years. For the purposes of this subsection (4)(a), "limited mountain sheep license" means

23 a license that is valid for an area in which the number of licenses issued is restricted.

24 (b) Except as provided in 87-1-271(2), a person who takes a mountain sheep using an unlimited

25 mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, as

26 authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For

27 the purposes of this subsection (4)(b), "unlimited mountain sheep license" means a license that is valid for an

28 area in which the number of licenses issued is not restricted.

29 (5) An application for a wild buffalo or wild bison license must be made on the same form and is subject

30 to the same license application deadline as the special license for moose, mountain goat, and mountain sheep.

1 (6) (a) Licenses for spring bear hunts must be available for purchase at department offices after April
2 15 of any license year. However, a person who purchases a license for a spring bear hunt after April 15 of any
3 license year may not use the license until 5 days after the license is issued.

4 (b) Licenses for fall bear hunts must be available for purchase at department offices after August 31 of
5 any license year. However, a person who purchases a license for a fall bear hunt after August 31 of any license
6 year may not use the license until 5 days after the license is issued.

7 (7) Licenses for mountain lion hunts must be available for purchase at department offices after August
8 31 of any license year. However, a person who purchases a license for a mountain lion hunt after August 31 of
9 any license year may not use the license until 5 days after the license is issued."

10

11 **Section 8.** Section 87-2-730, MCA, is amended to read:

12 **"87-2-730. Special wild buffalo or wild bison license -- regulation.** (1) The public hunting of wild
13 buffalo or wild bison that have been designated as a species in need of disease control under 81-2-120 is
14 permitted only when authorized by the department of livestock under the provisions set forth in 81-2-120.

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

17 (3) The department shall adopt rules in cooperation with the department of livestock. The rules must
18 provide for:

19 (a) license drawing procedures;

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

21 (c) notification of license recipients as to when and where they may hunt, but notification may not include
22 information regarding the actual physical location of a wild buffalo or wild bison other than the prescribed hunting
23 district where the animal may be taken;

24 (d) fair chase hunting of wild buffalo or wild bison, including requirements that hunting be conducted on
25 foot and away from public roads and that there be no designation of specific wild buffalo or wild bison to be
26 hunted;

27 (e) means of taking and handling of carcasses in the field, which must include provisions for public safety
28 because of the potential for the spread of infectious disease;

29 (f) the use of bows and arrows and other hunting arms;

30 (g) tagging requirements for carcasses, skulls, and hides;

- 1 (h) possession limits;
2 (i) requirements for transportation and exportation; and
3 (j) requirements and criteria for authorization by the state veterinarian and the department of livestock
4 of any public hunting."

5

6 **Section 9.** Section 87-2-731, MCA, is amended to read:

7 **"87-2-731. (Temporary) Allocation of wild buffalo or wild bison licenses to tribes for traditional**

8 **purposes.** (1) If the commission authorizes the issuance of 40 or more special wild buffalo or wild bison licenses
9 in any license year, the department shall issue special licenses to individuals of each tribe designated in
10 subsection (4) to hunt wild buffalo or wild bison during the regular season for wild buffalo or wild bison and as
11 prescribed in department rules and regulations. The department shall issue two special wild buffalo or wild bison
12 licenses to individuals designated by the respective tribal diabetic programs of each of the Montana tribes
13 designated in subsection (4), coincident with the sale of any special wild buffalo or wild bison licenses for public
14 hunting pursuant to 87-2-730 and in accordance with the terms and conditions of this section.

15 (2) Wild buffalo or wild bison taken pursuant to the special licenses issued under subsection (1) must
16 be harvested by tribal members in accordance with the traditional ceremonies of each tribe. All parts of wild
17 buffalo or wild bison taken pursuant to this section may be possessed and used by each designated tribe in the
18 manner that the tribe sees fit.

19 (3) Special wild buffalo or wild bison licenses granted for tribal use pursuant to this section must be
20 issued free of charge. The tribes must be informed of and abide by any rules adopted pursuant to 87-2-730(3)(c)
21 through (3)(i), except that fair chase hunting by tribal members may include hunting conducted on horseback.

22 (4) The following Montana tribes may designate individuals from their tribal diabetic programs to receive
23 department-issued special licenses, and the individuals are entitled to hunt during the season set aside by the
24 commission for hunting wild buffalo or wild bison:

- 25 (a) Assiniboine and Sioux tribes;
26 (b) Blackfeet tribe;
27 (c) Chippewa Cree tribe;
28 (d) Confederated Salish and Kootenai tribes;
29 (e) Crow tribe;
30 (f) Gros Ventre and Assiniboine tribes;

1 (g) Northern Cheyenne tribe; and

2 (h) Little Shell band of Chippewa.

3 (5) Special wild buffalo or wild bison licenses granted under this section must be offered to the
4 designated tribes as the first wild buffalo or wild bison licenses available for hunting each year and may be
5 granted to tribal designees in any order. When each of the two individuals designated by each tribe has been
6 offered a license in any license year, any additional available licenses may be issued in the manner provided by
7 the rules adopted by the commission pursuant to 87-2-730.

8 (6) Use of the special wild buffalo or wild bison licenses granted under this section to individuals
9 designated by the Montana tribes must coincide with the use of any other special wild buffalo or wild bison license
10 purchased for public hunting pursuant to 87-2-730. (Terminates July 1, 2015--sec. 5, Ch. 378, L. 2005.)"

11

12 **Section 10.** Section 87-6-101, MCA, is amended to read:

13 **"87-6-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
14 apply:

15 (1) "Alternative livestock" means a privately owned caribou, white-tailed deer, mule deer, elk, moose,
16 antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or
17 any other cloven-hoofed ungulate as classified by the department. Black bear and mountain lion must be
18 regulated pursuant to Title 87, chapter 4, part 8.

19 (2) "Alternative livestock ranch" means the enclosed land area upon which alternative livestock may be
20 kept for purposes of obtaining, rearing in captivity, keeping, or selling alternative livestock or parts of alternative
21 livestock, as authorized under Title 87, chapter 4, part 4.

22 (3) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area
23 inhabited by wildlife for the purpose of attracting game animals or game birds.

24 (b) The term does not include:

25 (i) decoys, silhouettes, or other replicas of wildlife body forms;

26 (ii) scents used only to mask human odor; or

27 (iii) types of scents that are approved by the commission for attracting game animals or game birds.

28 (4) "Closed season" means the time during which game birds, fish, game animals, and fur-bearing
29 animals may not be lawfully taken.

30 (5) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families

1 Suidae, Camelidae, or Hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks,
2 domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.

3 (6) "Conviction" means a judgment or sentence entered following a guilty plea, a nolo contendere plea,
4 a verdict or finding of guilty rendered by a legally constituted jury or by a court of competent jurisdiction authorized
5 to try the case without a jury, or a forfeiture of bail or collateral deposited to secure the person's appearance in
6 court that has not been vacated.

7 (7) "Field trial" means an examination to determine the ability of dogs to point, flush, or retrieve game
8 birds.

9 (8) "Fishing" means to take fish or the act of a person possessing any instrument, article, or substance
10 for the purpose of taking fish in any location that a fish might inhabit.

11 (9) (a) "Fur dealer" means a person engaging in, carrying on, or conducting wholly or in part the business
12 of buying or selling, trading, or dealing within the state of Montana in the skins or pelts of fur-bearing animals or
13 predatory animals.

14 (b) If a fur dealer resides in Montana or if the fur dealer's principal place of business is within the state
15 of Montana, the fur dealer is considered a resident fur dealer. All other fur dealers are considered nonresident
16 fur dealers.

17 (10) "Fur farm" means enclosed land upon which furbearers are kept for purposes of obtaining, rearing
18 in captivity, keeping, and selling furbearers or parts of furbearers.

19 (11) (a) "Fur-bearing animal" or "furbearer" means marten or sable, otter, muskrat, fisher, mink, bobcat,
20 lynx, wolverine, northern swift fox, and beaver.

21 (b) As used in Title 87, chapter 4, part 10, "furbearer" does not include fox or mink.

22 (12) "Game animal" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,
23 mountain lion, bear, and wild buffalo or wild bison.

24 (13) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and
25 whitefish); all species of the genus Stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all
26 species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus
27 (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all
28 species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus
29 *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

30 (14) "Hunt" means to pursue, shoot, wound, kill, chase, lure, possess, or capture or the act of a person

1 possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting,
2 wounding, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife
3 may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take by
4 any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or
5 capturing.

6 (15) "Knowingly" has the meaning provided in 45-2-101.

7 (16) "Livestock" includes ostriches, rheas, and emus.

8 (17) "Migratory game bird" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes,
9 including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning doves.

10 (18) "Negligently" has the meaning provided in 45-2-101.

11 (19) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or
12 other animal not otherwise legally classified by statute or regulation of this state.

13 (20) "Open season" means the time during which game birds, fish, and game and fur-bearing animals
14 may be lawfully taken.

15 (21) "Participating state" means any state that enacts legislation to become a member of the Interstate
16 Wildlife Violator Compact.

17 (22) "Person" means an individual, association, partnership, and corporation.

18 (23) "Possession" has the meaning provided in 45-2-101.

19 (24) "Predatory animal" means coyote, weasel, skunk, and civet cat.

20 (25) "Purposely" has the meaning provided in 45-2-101.

21 (26) "Raptor" means all birds of the orders Falconiformes and Strigiformes, commonly called falcons,
22 hawks, eagles, ospreys, and owls.

23 (27) "Resident" has the meaning provided in 87-2-102.

24 (28) "Roadside menagerie" means any place where one or more wild animals are kept in captivity for the
25 evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the exhibition
26 of any animal by an educational institution or by a traveling theatrical exhibition or circus based outside of
27 Montana.

28 (29) "Sale" means a contract by which a person:

29 (a) transfers an interest in either game or fish for a price; or

30 (b) transfers, barter, or exchanges an interest either in game or fish for an article or thing of value.

1 (30) "Supplemental feed attractant" means any food, garbage, or other attractant for game animals. The
2 term does not include growing plants or plants harvested for the feeding of livestock.

3 (31) "Taxidermist" means a person who conducts a business for the purpose of mounting, preserving,
4 or preparing all or part of the dead bodies of any wildlife.

5 (32) "Trap" means to take or participate in the taking of any wildlife protected by state law by setting or
6 placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove wildlife from
7 any of these devices.

8 (33) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie
9 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild
10 turkey, and chukar partridge.

11 (34) "Wild animal" means an animal that is wild by nature as distinguished from common domestic
12 animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

13 (35) "Wild animal menagerie" means any place where one or more bears or large cats, including cougars,
14 lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats, are kept in captivity
15 for use other than public exhibition.

16 (36) "Wild buffalo" or "wild bison" means buffalo or bison that have not been reduced to captivity.

17 (37) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or any facility
18 participating in the American zoo and aquarium association accreditation program for the purpose of exhibiting
19 wild animals for public viewing."
20

21 NEW SECTION. **Section 11. Effective date.** [This act] is effective on passage and approval.

22 - END -