

## SENATE BILL NO. 143

INTRODUCED BY J. BRENDEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BISON MANAGEMENT LAWS; ESTABLISHING A YEAR-ROUND HUNTING SEASON; INCREASING THE NUMBER OF AVAILABLE LICENSES; PROHIBITING THE TRANSFER, RELOCATION, OR TRANSPLANTATION OF WILD BUFFALO WITH CERTAIN EXCEPTIONS; GRANTING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 81-2-120, 81-2-121, 87-1-216, 87-1-301, 87-1-304, 87-2-506, 87-2-701, 87-2-702, 87-2-730, 87-2-731, AND 87-6-304, MCA."

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

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

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**"81-2-120. Management of wild buffalo or wild bison for disease control.** (1) Whenever a publicly owned wild buffalo or wild 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 to persons or livestock or whenever the presence of wild buffalo or wild bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs,~~ the department ~~may,~~ under a plan approved by the governor, shall immediately use any feasible method in taking one or more of the following actions:

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(a) The live wild buffalo or wild 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, quarantine, or delivery to a department-approved slaughterhouse.

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(b) The live wild buffalo or wild 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 euthanasia.

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

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(d) (i) The live wild buffalo or wild bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or wild bison that are certified by the state veterinarian as brucellosis-free may be:  
~~(i)~~ sold to help defray the costs that the department incurs in building, maintaining, and operating 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)(ii)~~ 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)(iii)~~ 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."  
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26 **Section 2.** Section 81-2-121, MCA, is amended to read:

27 **"81-2-121. Taking of publicly owned wild buffalo or wild bison that are present on private property**  
 28 **-- notice -- supplemental feeding -- penalty.** (1) (a) This chapter may not be construed to impose, by implication  
 29 or otherwise, criminal liability on a landowner or the agent of a landowner for the taking of a publicly owned wild  
 30 buffalo or wild bison that is suspected of carrying disease and that is present on the landowner's private property

1 and is potentially associating with or otherwise threatening the landowner's livestock if the landowner or agent:

2 ~~(a)~~(i) notifies or makes a good faith effort to notify the department in order to allow as much time as  
3 practicable for the department to first take or remove the publicly owned wild buffalo or wild bison that is present  
4 on the landowner's property;

5 ~~(b)~~(ii) makes a good faith effort to notify the department that a taking has occurred and to retain all parts  
6 for disposal by the department; and

7 ~~(c)~~(iii) is not in violation of subsection (2)(a).

8 (b) The provisions of subsection (1)(a) do not apply if the landowner or agent has obtained a valid license  
9 to hunt wild buffalo or bison pursuant to 87-2-730.

10 (2) (a) A person may not intentionally provide supplemental feed to game animals in a manner that  
11 results in artificial concentration of game animals that may potentially contribute to the transmission of disease.  
12 A person who violates this subsection (2)(a) shall be fined not less than \$50 or more than \$1,000 or be  
13 imprisoned in the county detention center for not more than 6 months, or both. In addition, a person, upon  
14 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping  
15 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in  
16 77-1-101, for recreational purposes for a period of time set by the court.

17 (b) This subsection (2) does not apply to supplemental feeding activities conducted by the department  
18 for disease control purposes."

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20 **Section 3.** Section 87-1-216, MCA, is amended to read:

21 **"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties.**

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

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

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

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

29 (2) The department:

30 (a) is responsible for the management, including but not limited to public hunting pursuant to 87-2-730,

1 of wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious  
2 disease but may threaten persons or property;

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

5 (c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that  
6 enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in  
7 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions  
8 of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock  
9 in Montana through the transmission of contagious disease. ~~The department may, after agreement and~~  
10 ~~authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been~~  
11 ~~exposed to or infected with a contagious disease, pursuant to 87-2-730. The~~ Subject to 87-2-730, the department  
12 may shall, following consultation with the department of livestock, adopt rules to authorize the taking of bison  
13 where and when necessary to prevent the transmission of a contagious disease.

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

17 (4) ~~The~~ Except as provided in subsection (9), the department may not release, transplant, or allow wild  
18 buffalo or bison on any private or public land in Montana that has not been authorized for that use by the private  
19 or public owner.

20 (5) Subject to ~~subsection~~ subsections (4) and (9), the department shall develop and adopt a  
21 management plan before any wild buffalo or bison under the department's jurisdiction may be released or  
22 transplanted ~~onto private or public land~~ in Montana. A plan must include but is not limited to:

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

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

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

29 (i) any fencing required;

30 (ii) contingency plans to expeditiously relocate wild buffalo or bison that enter private or public property

1 where the presence of the animals is not authorized ~~by the private or public owner;~~

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

4 (iv) contingency plans to eliminate or decrease the size of designated areas, including the expeditious  
5 relocation of wild buffalo or bison ~~if the department is if they are~~ unable to be effectively manage or contain the  
6 wild buffalo or bison managed or contained.

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

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

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

14 (6) When developing a management plan in accordance with subsection (5), the department shall  
15 provide the opportunity for public comment and hold a public hearing in the affected county or counties. Prior to  
16 making a decision to release or transplant wild buffalo or bison ~~onto private or public land in Montana pursuant~~  
17 to subsection (9), the department shall respond to all public comment received and publish a full record of the  
18 proceedings at any public hearing.

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

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

26 (9) The department may release or transplant only wild buffalo or bison originating from a herd in  
27 Yellowstone national park onto the national bison range at Moiese, Montana.

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29 **Section 4.** Section 87-1-301, MCA, is amended to read:

30 **"87-1-301. Powers of commission.** (1) Except as provided in 87-2-730 and subsection (7) of this

1 section, the commission:

2 (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife,  
3 fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment  
4 of all other responsibilities of the department as provided by law;

5 (b) shall establish the hunting, fishing, and trapping rules of the department;

6 (c) except as provided in 87-1-303(3), shall establish the rules of the department governing the use of  
7 lands owned or controlled by the department and waters under the jurisdiction of the department;

8 (d) must have the power within the department to establish wildlife refuges and bird and game preserves;

9 (e) shall approve all acquisitions or transfers by the department of interests in land or water, except as  
10 provided in 87-1-209(4);

11 (f) shall review and approve the budget of the department prior to its transmittal to the budget office;

12 (g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but  
13 less than \$5,000; and

14 (h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided  
15 in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as  
16 provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider  
17 landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular  
18 hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal  
19 opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting  
20 district where a restriction on elk hunting on public property is proposed.

21 (2) The commission may adopt rules regarding the use and type of archery equipment that may be  
22 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in  
23 archery equipment change.

24 (3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons,  
25 conditions, programs, or other provisions that the commission considers appropriate to promote or enhance  
26 hunting by Montana's youth and persons with disabilities.

27 (4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

28 (i) separate deer licenses from nonresident elk combination licenses;

29 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the  
30 deer tag;

- 1 (iii) condition the use of the deer licenses; and
- 2 (iv) limit the number of licenses sold.
- 3 (b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and
- 4 appropriate to regulate the harvest by nonresident big game combination license holders:
- 5 (i) for the biologically sound management of big game populations of elk, deer, and antelope;
- 6 (ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and
- 7 (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321
- 8 through 87-1-325.
- 9 (5) (a) Subject to the provisions of 87-2-115, the commission may adopt rules establishing license
- 10 preference systems to distribute hunting licenses and permits:
- 11 (i) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant
- 12 who has been unsuccessful for a shorter period of time; and
- 13 (ii) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(a), "qualifying
- 14 landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by
- 15 the commission.
- 16 (b) The commission shall square the number of points purchased by an applicant per species when
- 17 conducting drawings for licenses and permits.
- 18 (6) (a) The commission may adopt rules to:
- 19 (i) limit the number of nonresident mountain lion hunters in designated hunting districts; and
- 20 (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting
- 21 districts.
- 22 (b) The commission shall consider, but is not limited to consideration of, the following factors:
- 23 (i) harvest of lions by resident and nonresident hunters;
- 24 (ii) history of quota overruns;
- 25 (iii) composition, including age and sex, of the lion harvest;
- 26 (iv) historical outfitter use;
- 27 (v) conflicts among hunter groups;
- 28 (vi) availability of public and private lands; and
- 29 (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.
- 30 (7) The commission may not regulate the use or possession of firearms, firearm accessories, or

1 ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

2 (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the  
3 establishment of special archery seasons;

4 (b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including  
5 bows and arrows, traditional handguns, and muzzleloading rifles;

6 (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

7 (d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

8 (e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h)."

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10 **Section 5.** Section 87-1-304, MCA, is amended to read:

11 **"87-1-304. Fixing of seasons and bag and possession limits.** (1) ~~Subject~~ Except as provided in  
12 87-2-730 and subject to the provisions of 87-5-302, the commission may:

13 (a) fix seasons, bag limits, possession limits, and season limits;

14 (b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing  
15 animal as defined by 87-2-101;

16 (c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear,  
17 wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and  
18 designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat,  
19 mountain lion, bear, wild buffalo or bison, and wolf in those areas;

20 (d) subject to the provisions of 87-1-301(7), restrict areas and species to hunting with only specified  
21 hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and  
22 experiences; and

23 (e) declare areas open to special license holders only and issue special licenses in a limited number  
24 when the commission determines, after proper investigation, that a special season is necessary to ensure the  
25 maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may  
26 declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are  
27 causing damage to private property or when a written complaint of damage has been filed with the commission  
28 by the owner of that property. In determining to whom special licenses must be issued, the commission may,  
29 when more applications are received than the number of animals to be killed, award permits to those chosen  
30 under a drawing system. The procedures used for awarding the permits from the drawing system must be

1 determined by the commission.

2 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during  
3 special archery seasons.

4 (3) ~~Subject~~ Except as provided in 87-2-730 and subject to the provisions of 87-5-302, the commission  
5 may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout  
6 the state. The commission may declare a closed season for hunting, fishing, or trapping in any of those districts  
7 and later may open those districts to hunting, fishing, or trapping.

8 (4) The commission may declare a closed season on any species of game, fish, game birds, or  
9 fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or  
10 district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited  
11 periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking  
12 waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds,  
13 and nongame birds. The commission may open the area or district upon consent of a majority of the property  
14 owners affected.

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

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

21

22 **Section 6.** Section 87-2-506, MCA, is amended to read:

23 **"87-2-506. Restrictions on hunting licenses.** (1) ~~The~~ Except as provided in 87-2-730, the department  
24 may prescribe by rule the number of hunting licenses to be issued. Any license sold may be restricted to a  
25 specific administrative region, hunting district, or other designated area and may specify the species, age, and  
26 sex to be taken and the time period for which the license is valid.

27 (2) When the number of valid resident applications for big game licenses or permits of a single class or  
28 type exceeds the number of licenses or permits the department desires to issue in an administrative region,  
29 hunting district, or other designated area, then the number of big game licenses or permits issued to nonresident  
30 license or permit holders in the region, district, or area may not exceed 10% of the total issued.

1 (3) Disabled veterans who meet the qualifying criteria provided in 87-2-803(5) must be provided a total  
 2 of 50 Class A-3 deer A tags, 50 Class A-4 deer B tags, 50 Class B-7 deer A tags, 50 Class B-8 deer B tags, and  
 3 50 special antelope licenses annually, which may be used within the administrative region, hunting district, or  
 4 other designated area of the disabled veteran's choice, except in a region, district, or area where the number of  
 5 licenses are less than the number of applicants, in which case qualifying disabled veterans are eligible for no  
 6 more than 10% of the total licenses for that region, district, or area."

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8 **Section 7.** Section 87-2-701, MCA, is amended to read:

9 **"87-2-701. Special licenses.** (1) An applicant who is 12 years of age or older or who will turn 12 years  
 10 old before or during the season for which the license is issued and is the holder of a resident wildlife conservation  
 11 license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the  
 12 department, is to be issued and shall pay the following fees:

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

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

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

16 (d) antelope--resident, \$14; nonresident, \$200;

17 (e) grizzly bear--resident, \$150; nonresident, \$1,000;

18 (f) black bear--nonresident, \$350;

19 ~~(g) wild buffalo or bison--resident, \$125; nonresident, \$750.~~

20 (2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear,  
 21 the person shall purchase a trophy license for a fee of \$50 within 10 days after the date of the kill. The trophy  
 22 license authorizes the holder to possess and transport the trophy.

23 (3) Except as provided in 87-5-302 for special grizzly bear licenses, special licenses must be issued in  
 24 a manner prescribed by the department."

25

26 **Section 8.** Section 87-2-702, MCA, is amended to read:

27 **"87-2-702. Restrictions on special licenses -- availability of bear and mountain lion licenses.** (1)  
 28 A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current  
 29 license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal  
 30 of the same species.

1 (2) The commission may require applicants for special permits authorized by this chapter to obtain a valid  
2 big game license for that species for the current year prior to applying for a special permit.

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

4 (4) (a) Except as provided in 87-1-271(2), a person who receives a moose, mountain goat, or limited  
5 mountain sheep license, as authorized by 87-2-701, with the exception of an antlerless moose or an adult ewe  
6 game management license issued under 87-2-104, is not eligible to receive another special license for that  
7 species for the next 7 years. For the purposes of this subsection (4)(a), "limited mountain sheep license" means  
8 a license that is valid for an area in which the number of licenses issued is restricted.

9 (b) Except as provided in 87-1-271(2), a person who takes a mountain sheep using an unlimited  
10 mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, as  
11 authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For  
12 the purposes of this subsection (4)(b), "unlimited mountain sheep license" means a license that is valid for an  
13 area in which the number of licenses issued is not restricted.

14 ~~(5) An application for a wild buffalo or bison license must be made on the same form and is subject to~~  
15 ~~the same license application deadline as the special license for moose, mountain goat, and mountain sheep.~~

16 ~~(6)~~(5) (a) Licenses for spring bear hunts must be available for purchase at department offices after April  
17 15 of any license year. However, a person who purchases a license for a spring bear hunt after April 15 of any  
18 license year may not use the license until 5 days after the license is issued.

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

22 ~~(7)~~(6) Licenses for mountain lion hunts must be available for purchase at department offices after August  
23 31 of any license year. However, a person who purchases a license for a mountain lion hunt after August 31 of  
24 any license year may not use the license until 5 days after the license is issued."

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26 **Section 9.** Section 87-2-730, MCA, is amended to read:

27 "**87-2-730. Special-wild Wild buffalo license -- regulation.** (1) The public hunting of wild buffalo or  
28 bison ~~that have been designated as a species in need of disease control under 81-2-120~~ is permitted ~~only when~~  
29 ~~authorized by the department of livestock under the provisions set forth in 81-2-120~~ statewide and at any time  
30 of the year.

1           (2) The department ~~may shall~~ issue special ~~make~~ licenses to hunt wild buffalo or bison ~~designated as~~  
 2 ~~a species in need of disease control when authorized by the department of livestock~~ available for purchase at  
 3 any time of the year through the department or any license agent.

4           (3) Except as otherwise provided, a person who is 12 years of age or older or who will turn 12 years old  
 5 before or during the season for which the license is issued may, upon payment of the following fee for each  
 6 license, receive up to three wild buffalo licenses that entitle the holder to hunt wild buffalo or bison and possess  
 7 the carcasses of the animals as authorized pursuant to subsection (4):

8           (a) resident, \$125;

9           (b) nonresident, \$750.

10          ~~(3)~~(4) The department shall adopt rules in cooperation with the department of livestock. The rules must  
 11 provide for:

12          ~~(a) license drawing procedures;~~

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

14          ~~(c)~~(a) notification of license recipients by the department or the department of livestock as to when and  
 15 where they ~~may hunt wild bison or buffalo are present in Montana,~~ but notification may not include information  
 16 regarding the actual physical location of a wild buffalo or bison other than the prescribed hunting district where  
 17 the animal may be taken;

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

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

22          ~~(f)~~(d) the use of bows and arrows and other hunting arms;

23          ~~(g)~~(e) tagging requirements for carcasses, skulls, and hides;

24          ~~(h)~~(f) possession limits; and

25          ~~(i)~~(g) requirements for transportation and exportation; ~~and~~

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

28

29          **Section 10.** Section 87-2-731, MCA, is amended to read:

30          **"87-2-731. (Temporary) Allocation of wild buffalo licenses to tribes for traditional purposes. (1)**

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

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

12 (3) ~~Special wild~~ Wild buffalo licenses granted for tribal use pursuant to this section must be issued free  
 13 of charge. The tribes must be informed of and abide by any rules adopted pursuant to ~~87-2-730(3)(c) through~~  
 14 ~~(3)(i)~~ 87-2-730(4), except that fair chase hunting by tribal members may include hunting conducted on horseback.

15 (4) The following Montana tribes may designate individuals from their tribal diabetic programs to receive  
 16 department-issued ~~special~~ licenses, and the individuals are entitled to hunt ~~during the season set aside by the~~  
 17 ~~commission for hunting wild buffalo~~ during the season established in 87-2-730:

- 18 (a) Assiniboine and Sioux tribes;
- 19 (b) Blackfeet tribe;
- 20 (c) Chippewa Cree tribe;
- 21 (d) Confederated Salish and Kootenai tribes;
- 22 (e) Crow tribe;
- 23 (f) Gros Ventre and Assiniboine tribes;
- 24 (g) Northern Cheyenne tribe; and
- 25 (h) Little Shell band of Chippewa.

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

