

BISON MANAGEMENT

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Wild bison in Montana usually refers to those bison that spend at least part of the time in Yellowstone National Park. The state has broad authority to manage wildlife under the theory that the state holds title to the wildlife within the state and may regulate wildlife for purposes of protecting public health, safety, and welfare. That authority is constrained by the federal government's power to regulate federal property. The federal government has generally asserted its intent to regulate wildlife within park boundaries. Wild bison that leave Yellowstone and enter Montana are managed as wildlife by the Department of Fish, Wildlife, and Parks (FWP) and as a species requiring disease control by the Department of Livestock (DOL). The dual management of wild bison was established through the passage of Senate Bill 312 in 1995, which authorized DOL to take certain actions with respect to wild bison that enter the state and required FWP to cooperate with DOL in managing bison from YNP.

Legislative Services Division Materials:

[Jurisdiction over wild bison from Yellowstone National Park](#), Helen Thigpen, Legislative Services staff attorney

Other Materials:

[Brucellosis Management in the State of Montana](#), Legislative Audit.

[Interagency Bison Management Plan](#). The Interagency Bison Management Plan is a cooperative, multi-agency effort that guides the management of bison and brucellosis in and around Yellowstone National Park. The plan was developed by the National Park Service, USDA-Forest Service, USDA-Animal & Plant Health Inspection Service, Montana Department of Livestock and Montana Fish Wildlife & Parks. After more than 10 years of negotiations, the plan was adopted in 2000.

[Bison Conservation and Management](#), Montana FWP.

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2017

[HB 108](#) Chapter Number Assigned. AN ACT REAUTHORIZING THE ALLOCATION OF FREE WILD BUFFALO LICENSES TO TRIBES FOR TRADITIONAL PURPOSES; PROVIDING TERMS OF USE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 353](#) (H) Died in Standing Committee. AN ACT PROVIDING FOR THE ISSUANCE OF LANDOWNER PREFERENCE SPECIAL WILD BUFFALO LICENSES; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTION 87-2-730, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 419](#) (H) Died in Standing Committee. AN ACT REMOVING THE REQUIREMENT THAT WILD BUFFALO OR WILD BISON BE CERTIFIED AS BRUCELLOSIS-FREE BEFORE SALE OR TRANSFER; AND AMENDING SECTION 81-2-120, MCA

2015

[HB 194](#) Chapter Number Assigned. AN ACT REQUIRING A FORAGE ANALYSIS AS PART OF A MANAGEMENT PLAN BEFORE WILD BUFFALO OR BISON ARE RELEASED OR TRANSPLANTED ONTO PRIVATE OR PUBLIC LAND IN MONTANA; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 495](#) (H) Missed Deadline for General Bill Transmittal. AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO POST A BOND FOR EACH WILD BUFFALO OR WILD BISON TRANSFERRED TO A TRIBAL ENTITY OR TO LAND IN PUBLIC OR PRIVATE OWNERSHIP; AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 527](#) (H) Missed Deadline for General Bill Transmittal. AN ACT REQUIRING THE DEPARTMENT OF LIVESTOCK TO PURSUE A STATE-TRIBAL COOPERATIVE AGREEMENT WITH THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION FOR THE HUMANE AND ORDERLY TREATMENT OF WILD BISON CARCASSES; AMENDING SECTION 81-2-120, MCA.

[SB 284](#) (S) Vetoed by Governor. AN ACT REQUIRING AUTHORIZATION OF THE BOARD OF COUNTY COMMISSIONERS BEFORE WILD BUFFALO OR WILD BISON ARE RELEASED INTO A COUNTY; REQUIRING RELEASE OF WILD BUFFALO OR WILD BISON TO MEET CERTAIN CONDITIONS; AMENDING SECTIONS 7-1-111, 76-1-605, 81-2-120, AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 342](#) (S) Missed Deadline for General Bill Transmittal. AN ACT REVISING LAWS RELATED TO MANAGEMENT OF WILD BUFFALO OR BISON FOR DISEASE CONTROL; DEFINING "IMMINENT THREAT"; AND AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA.

2013

[HB 249](#) (H) Died in Standing Committee. AN ACT REVISING LAWS RELATED TO THE PRESENCE OF WILD BUFFALO OR WILD BISON ON PRIVATE PROPERTY; AMENDING SECTION 81-2-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 328](#) Chapter Number Assigned. AN ACT ALLOWING NOTIFICATION OF SPECIAL WILD BUFFALO HUNTING LICENSE RECIPIENTS AS TO WHERE WILD BUFFALO OR BISON ARE LOCATED; AND AMENDING SECTION 87-2-730, MCA.

[HB 396](#) (H) *Vetoed by Governor*. AN ACT REQUIRING APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS BEFORE THE DEPARTMENTS OF LIVESTOCK OR FISH, WILDLIFE, AND PARKS MAY AUTHORIZE ANY RELEASE, TRANSPLANTATION, OR RELOCATION OF WILD BUFFALO OR BISON CERTIFIED AS BRUCELLOSIS-FREE INTO A MONTANA COUNTY; AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 484](#) (H) Died in Standing Committee. AN ACT CLARIFYING THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF LIVESTOCK AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR MANAGING WILD BUFFALO OR WILD BISON THAT MIGRATE FROM YELLOWSTONE NATIONAL PARK INTO THE STATE OF MONTANA; AMENDING SECTIONS 81-2-120, 87-1-216, 87-1-271, 87-1-304, 87-2-101, 87-2-701, 87-2-702, 87-2-730, 87-2-731, AND 87-6-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 507](#) (H) Died in Standing Committee. AN ACT GENERALLY REVISING MANAGEMENT OF WILD BUFFALO AND WILD BISON; APPLYING LIVESTOCK LAWS TO CERTAIN WILD BUFFALO AND WILD BISON; RESTRICTING WHERE WILD BUFFALO AND WILD BISON MAY BE RELEASED OR TRANSPLANTED; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-1-101, 15-24-921, 81-1-101, 81-2-120, 81-3-201, 81-4-602, 81-4-603, 81-5-101, 81-5-104, 87-1-216, 87-1-271, 87-1-304, 87-2-101, 87-2-701, 87-2-702, 87-2-730, 87-2-731, 87-6-101, AND 87-6-906, MCA; AND REPEALING SECTION 81-2-121, MCA.

[HB 610](#) (H) Died in Standing Committee. A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MANAGEMENT OF WILD BUFFALO AND WILD BISON; APPLYING LIVESTOCK LAWS TO CERTAIN WILD BUFFALO AND WILD BISON; RESTRICTING WHERE WILD BUFFALO AND WILD BISON MAY BE RELEASED OR TRANSPLANTED; GRANTING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 81-1-101, 81-2-120, 81-3-201, 81-4-602, 81-4-603, 81-5-101, 81-5-104, 87-1-216, 87-1-271, 87-1-304, 87-2-101, 87-2-701, 87-2-702, 87-2-730, 87-2-731, 87-6-101, AND 87-6-906, MCA; REPEALING SECTION 81-2-121, MCA; AND PROVIDING AN EFFECTIVE DATE.

[SB 143](#) (H) Died in Process. 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, AND 87-2-731, ~~AND 87-6-304~~, MCA.

[SB 256](#) (S) *Vetoed by Governor*. AN ACT MAKING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS LIABLE FOR DAMAGE TO PRIVATE PROPERTY BY CERTAIN WILD BUFFALO AND BISON; REQUIRING AN ESTIMATION OF PRIVATE PROPERTY DAMAGE AND COSTS FOR WHICH THE DEPARTMENT

WOULD BE LIABLE IF A WILD BUFFALO OR BISON PROPOSED FOR RELEASE OR TRANSPLANTATION ESCAPES; PROVIDING AN APPROPRIATION; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN EFFECTIVE DATE.

[SB 305 \(S\) Vetoed by Governor](#). AN ACT REVISING THE DEFINITION OF WILD BUFFALO AND WILD BISON; AND AMENDING SECTIONS 81-1-101, 87-2-101, AND 87-6-101, MCA.

2011

[HB 214 \(H\) Died in Standing Committee](#). AN ACT AUTHORIZING THE MANAGEMENT OF ALL BUFFALO OR BISON AS LIVESTOCK FOR PURPOSES OF RECORDING MARKS AND BRANDS AND CONTAINMENT; REQUIRING NOTIFICATION WHEN BUFFALO OR BISON ARE MOVED TO ANOTHER COUNTY; PROVIDING ALTERNATE REGULATION OF ESTRAY BUFFALO OR BISON NOT OWNED BY A PERSON; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-1-101, 15-24-921, 81-3-201, 81-4-601, 81-4-602, 81-4-603, 87-1-102, 87-1-271, 87-2-101, 87-2-701, 87-2-702, 87-2-730, 87-2-731, AND 87-2-807, MCA; AND REPEALING SECTIONS 81-2-120, 81-2-121, AND 87-1-216, MCA.

[HB 318 \(H\) Vetoed by Governor](#). AN ACT REQUIRING APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS BEFORE THE DEPARTMENTS OF LIVESTOCK OR FISH, WILDLIFE, AND PARKS MAY AUTHORIZE ANY TRANSPLANTATION OR RELOCATION OF WILD BUFFALO OR BISON CERTIFIED AS BRUCELLOSIS-FREE INTO A MONTANA COUNTY; AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 482 \(H\) Died in Standing Committee](#). 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.

[SB 144 \(H\) Died in Standing Committee](#). AN ACT GENERALLY PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM RELOCATING WILD BUFFALO OR BISON OR ALLOWING FREE-ROAMING BISON IN THE STATE; PROVIDING AN EXCEPTION TO THE PROHIBITION FROM RELOCATION; REQUIRING REPORTS; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

[SB 148 \(S\) Died in Standing Committee](#). AN ACT REQUIRING THE DEPARTMENT OF LIVESTOCK TO NOTIFY AND OBTAIN PERMISSION FROM LANDOWNERS IN ADVANCE OF ANY BISON CONTROL ACTIVITIES PLANNED OR SCHEDULED TO BE UNDERTAKEN ON THE LANDOWNER'S PROPERTY EXCEPT UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 81-2-120, 87-2-730, AND 87-2-731, MCA.

[SB 174 \(S\) Vetoed by Governor](#). AN ACT PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM EXPENDING ANY FUNDS ON THE RELOCATION OR TRANSPLANTATION OF WILD BUFFALO OR BISON ON THE SPOTTED DOG WILDLIFE MANAGEMENT AREA; AMENDING SECTION 87-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 184](#) Chapter Number Assigned. AN ACT ALLOWING THE USE OF BOWS AND ARROWS TO HUNT WILD BUFFALO; CLARIFYING THAT WILD BUFFALO MAY BE HUNTED WITH HUNTING ARMS OTHER THAN BOWS AND ARROWS; AND AMENDING SECTIONS 87-1-304, 87-2-730, AND 87-2-731, MCA.

[SB 207](#) Chapter Number Assigned. AN ACT CLARIFYING THE REGULATION OF BISON; GRANTING RULEMAKING AUTHORITY TO ESTABLISH A PERMIT AND INSPECTION SYSTEM FOR THE TRANSPORTATION OF BISON; PROVIDING DEFINITIONS; AMENDING SECTIONS 81-1-101, 81-2-120, 81-2-121, 81-3-201, 81-4-603, 81-5-101, 85-1-104, AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 212](#) Chapter Number Assigned. AN ACT CLARIFYING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MANAGE WILD BUFFALO OR BISON; REQUIRING A MANAGEMENT PLAN BEFORE WILD BUFFALO OR BISON MAY BE RELEASED OR TRANSPLANTED ONTO PRIVATE OR PUBLIC LAND; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SJ 14](#) (S) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING IMPROVED COMMUNICATION BY THE DEPARTMENT OF LIVESTOCK WITH PRIVATE LANDOWNERS AFFECTED BY BISON CONTROL ACTIVITIES RELATED TO THE INTERAGENCY BISON MANAGEMENT PLAN.

2009

[HB 253](#) (H) Died in Standing Committee. AN ACT CLARIFYING MANAGEMENT RESPONSIBILITIES FOR WILD BUFFALO OR BISON IN MONTANA; RECOGNIZING WILD BUFFALO OR BISON AS VALUED NATIVE WILDLIFE; PROVIDING THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS RESPONSIBLE FOR WILD BUFFALO OR BISON MANAGEMENT, INCLUDING MANAGEMENT OF WILD BUFFALO OR BISON THAT THREATEN PERSONS OR PROPERTY, THE ECONOMICAL DISPOSAL OF DEAD WILD BUFFALO OR BISON FOR WHICH THE DEPARTMENT IS RESPONSIBLE, AND, IN COOPERATION WITH THE DEPARTMENT OF LIVESTOCK, THE PROTECTION OF PRIVATE PROPERTY; AMENDING SECTIONS 87-1-216 AND 87-2-730, MCA; REPEALING SECTION 81-2-120, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 337](#) (H) Died in Standing Committee. AN ACT PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM RELOCATING WILD BUFFALO OR BISON AS A RESULT OF THE STATE-FEDERAL BISON QUARANTINE FEASIBILITY STUDY; PROVIDING AN EXCEPTION; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Prepared By:
Joe Kolman, Director of Environmental Policy
Legislative Environmental Policy Office