

SENATE BILL 182

1/22	Introduced
1/23	Referred to Fish & Game
1/23	First Reading
1/23	Fiscal Note Requested
1/28	Fiscal Note Printed
1/28	Fiscal Note Received
2/05	Hearing
2/06	Tabled in Committee

1 Senate BILL NO. 182
 2 INTRODUCED BY Keating
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH
 4 AND ENVIRONMENTAL SCIENCES
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE
 7 AUTHORITY TO ENFORCE STATUTES RESTRICTING POSSESSION OF WILD
 8 ANIMALS FROM THE DEPARTMENTS OF LIVESTOCK AND HEALTH AND
 9 ENVIRONMENTAL SCIENCES TO LOCAL HEALTH OFFICERS; TO DEFINE
 10 "LOCAL HEALTH OFFICER" AND "FUR-BEARING ENTERPRISE" AND
 11 CLARIFY THE DEFINITION OF "WILD ANIMAL"; AND AMENDING
 12 SECTIONS 50-23-101, 50-23-103, 50-23-104, AND 50-23-106,
 13 MCA."
 14

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

16 **Section 1.** Section 50-23-101, MCA, is amended to read:

17 "50-23-101. Definitions. Unless the context requires
 18 otherwise, in this part the following definitions apply:

19 (1) "Department of health and environmental sciences"
 20 means the department of health and environmental sciences
 21 provided for in Title 2, chapter 15, part 21.

22 (2) "Department of livestock" means the department of
 23 livestock provided for in Title 2, chapter 15, part 31.

24 (3) "Fur-bearing enterprise" means an operation
 25 established for the raising of marten or sable, otter,

1 muskrat, fisher, bobcat, lynx, wolverine, beaver, fox, or
 2 mink for the commercial sale of their skins or pelts.

3 (4) "Local health officer" means a county, city,
 4 city-county, or district health officer appointed by the
 5 local board of health.

6 (3)(5) "Person" means an individual, group of
 7 individuals, partnership, corporation, firm, or association.

8 (4)(6) "Wild animal" means a skunk, fox, raccoon, or
 9 bat, regardless of how it was acquired or whether it is
 10 habituated to humans. Other species of normally
 11 nondomesticated animals known to be capable of transmitting
 12 rabies may be added to this list through the adoption of
 13 rules by the department of health and environmental sciences
 14 with the approval of the department of livestock."

15 **Section 2.** Section 50-23-103, MCA, is amended to read:

16 "50-23-103. Quarantine -- destruction -- testing. (1)

17 Whenever a person unlawfully possesses a wild animal, the
 18 ~~department of health and environmental sciences or the~~
 19 ~~department of livestock~~ local health officer having
 20 jurisdiction or his designated representative may impound
 21 the animal and take any other action considered reasonable
 22 to protect public health.

23 (2) If a wild animal, whether unlawfully or lawfully in
 24 the possession of a person, has bitten or otherwise exposed
 25 a person to the potentiality of contracting rabies, the

1 animal may be impounded by ~~the--department--of--health--and~~
2 ~~environmental--sciences,~~ ~~the--department-of-livestock,~~ or a
3 local health officer and either quarantined or destroyed and
4 the animal's brain may be tested for rabies.

5 (3) Any lawfully possessed wild animal that is
6 quarantined pursuant to subsection (2) and found not to be
7 rabid ~~shall~~ must be returned to its owner."

8 **Section 3.** Section 50-23-104, MCA, is amended to read:

9 "50-23-104. Payment of expenses. Expenses incurred by
10 the state local health officer under 50-23-103 must be paid
11 by the person from whom possession of the wild animal was
12 taken."

13 **Section 4.** Section 50-23-106, MCA, is amended to read:

14 "50-23-106. Injunction -- recovery of costs. (1) In
15 addition to any other remedies provided by law, ~~the~~
16 ~~department-of-health-and-environmental-sciences-or,~~ ~~upon-the~~
17 ~~request-of-the--department--of--health--and--environmental~~
18 ~~sciences,~~ an appropriate county attorney may, upon the
19 request of a local health officer, file an action to enjoin
20 a violation of this part or a rule adopted pursuant to it.

21 (2) ~~The department-of-health-and-environmental-sciences~~
22 ~~or--the~~ county attorney, if either he prevails in any action
23 brought pursuant to subsection (1) ~~above,~~ is entitled to
24 recover from the other party the costs, expenses, and
25 reasonable attorney's attorney fees incurred."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0182, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill transfers the authority to enforce statutes restricting possession of wild animals from the Departments of Livestock and Health and Environmental Sciences to local health officers.

ASSUMPTIONS:

1. Impact on the Department of Livestock is negligible.
2. Impact on the Department of Health is negligible.

FISCAL IMPACT:

No fiscal impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Data unavailable to calculate impact.



1-26-91

ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning



1/28/91

THOMAS F. KEATING, PRIMARY SPONSOR

DATE

Fiscal Note for SB0182, as introduced

SB 182