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

52nd Legislature

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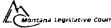
Sinate BILL NO. 182 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF HEALTH 3 4 AND ENVIRONMENTAL SCIENCES 5 "AN ACT TO TRANSFER THE 6 A BILL FOR AN ACT ENTITLED: AUTHORITY TO ENFORCE STATUTES RESTRICTING POSSESSION OF WILD 7 ANIMALS FROM THE DEPARTMENTS OF LIVESTOCK AND HEALTH AND 8 9 ENVIRONMENTAL SCIENCES TO LOCAL HEALTH OFFICERS; TO DEFINE "LOCAL HEALTH OFFICER" AND "FUR-BEARING ENTERPRISE" AND 10 11 CLARIFY THE DEFINITION OF "WILD ANIMAL"; AND AMENDING 12 SECTIONS 50-23-101, 50-23-103, 50-23-104, AND 50-23-106, MCA." 13 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: *50-23-101. Definitions. Unless the context requires 17 otherwise, in this part the following definitions apply: 18 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,

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muskrat, fisher, bobcat, lynx, wolverine, beaver, fox, or 1 mink for the commercial sale of their skins or pelts. 2 3 (4) "Local health officer" means a county, city, 4 city-county, or district health officer appointed by the local board of health. 5 (5) "Person" means an individual, of 6 group 7 individuals, partnership, corporation, firm, or association. (4)(6) "Wild animal" means a skunk, fox, raccoon, or 8 bat, regardless of how it was acquired or whether it is 9 10 habituated to humans. Other species of normally nondomesticated animals known to be capable of transmitting 11 rables may be added to this list through the adoption of 12 rules by the department of health and environmental sciences 13 with the approval of the department of livestock." 14 15 Section 2. Section 50-23-103, MCA, is amended to read: 16 "50-23-103. Ouarantine -- destruction -- testing. (1) 17 Whenever a person unlawfully possesses a wild animal, the 18 department-of--health--and--environmental--sciences--or--the department --- of --- livestock local health officer having 19 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

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

5 (3) Any lawfully possessed wild animal that is 6 quarantimed 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: "50-23-106. Injunction -- recovery of costs. (1) In 14 addition to any other remedies provided by law, the 15 16 department-of-health-and-environmental-sciences-or;-upon-the 17 request--of--the--department--of--health--and--environmental sciences, an appropriate county attorney may, upon the 18 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.

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

> -End--3-

STATE OF MONTANA - FISCAL NOTE Form BD-15 In compliance with a written request, there is hereby submitted a Fiscal Note for <u>SB0182</u>, <u>as introduced</u>.

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.

<u>EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:</u> Data unavailable to calculate impact.

-21--91

ROD SUNDSTED, BUDGET DIRECTOR DATE Office of Budget and Program Planning

THOMAS F. KEATING, PRIMARY SPONSOR/

Fiscal Note for SB0182, as introduced