

SENATE BILL NO. 207

INTRODUCED BY F. MOORE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE REGULATION OF WILD AND DOMESTIC BUFFALO OR BISON AS LIVESTOCK; MAKING BUFFALO AND BISON SUBJECT TO ESTRAY LAWS; GRANTING RULEMAKING AUTHORITY TO ESTABLISH A PERMIT AND INSPECTION SYSTEM FOR THE TRANSPORTATION OF BUFFALO OR BISON; AMENDING SECTIONS 81-2-702, 81-4-201, 81-4-215, 81-4-306, 81-4-401, 81-4-402, 81-4-601, 81-4-602, AND 81-4-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Definitions. Unless the context requires otherwise, as used in this chapter, the terms "animal", "livestock", and "stock" include wild and domestic buffalo or bison.

NEW SECTION. Section 2. Permit and inspection system for transportation of buffalo or bison.

(1) Except as otherwise provided by law, the department shall adopt rules imposing a permit and inspection system for the transportation of wild or domestic buffalo or bison into and out of counties and into and out of the state for the purposes of tracking movement of animals and collecting per capita assessments.

(2) A person who purposely or knowingly transports wild or domestic buffalo or bison in violation of rules adopted pursuant to this section is guilty of a misdemeanor and shall be fined not more than \$1,000 or be imprisoned in the county jail for not more than 6 months, or both.

Section 3. Section 81-2-702, MCA, is amended to read:

"81-2-702. Definitions. As used in this part, the following definitions apply:

(1) "Animals" means livestock, dogs, cats, rabbits, rodents, game animals, fur-bearing and wild animals, and poultry and other birds.

(2) "Biologics" means medicinal preparations made from living organisms and their products. The term includes but is not limited to serums, vaccines, antigens, and antitoxins.

(3) "Department" means the department of livestock.



1 (4) "Health certificate" means a legible record written on an official health certificate form of the state of
2 origin or on an equivalent form of the U.S. department of agriculture attesting that the animals, animal semen,
3 or animal biologics described on the certificate have been visually inspected by a federally accredited veterinarian
4 and found to meet the entry requirements of the state of Montana.

5 (5) "Livestock" means cattle, horses, mules, asses, sheep, llamas, alpacas, wild or domestic buffalo or
6 bison, swine, ostriches, rheas, emus, goats, alternative livestock as defined in 87-4-406, and other animals for
7 purposes of disease prevention, control, and eradication.

8 (6) "Permit" means an official document issued by the department after proper application that allows
9 the movement of animals, animal semen, or animal biologics into Montana.

10 (7) "Poultry" means domesticated birds, including but not limited to chickens, turkeys, ducks, geese,
11 guinea fowl, pigeons, and pheasants."

12

13 **Section 4.** Section 81-4-201, MCA, is amended to read:

14 **"81-4-201. Animals running at large.** It is unlawful for an owner or person in control of swine, sheep,
15 llamas, alpacas, wild or domestic buffalo or bison, ostriches, rheas, emus, or goats to willfully permit the animals
16 to run at large."

17

18 **Section 5.** Section 81-4-215, MCA, is amended to read:

19 **"81-4-215. Liability of owners of stock for trespass.** If any cattle, horses, mules, asses, hogs, sheep,
20 llamas, alpacas, wild or domestic buffalo or bison, or other domestic animals break into any enclosure and the
21 fence of the enclosure is legal, as provided in 81-4-101, the owner of the animals is liable for damages to the
22 owner or occupant of the enclosure if the owner or person in control of the animals was negligent. This section
23 may not be construed to require a legal fence in order to maintain an action for injury done by animals running
24 at large contrary to law. In the case of trespassing animals in a herd district, the liability and damage provisions
25 of 81-4-307 apply."

26

27 **Section 6.** Section 81-4-306, MCA, is amended to read:

28 **"81-4-306. Penalty for permitting animals to run at large in herd districts.** (1) Any person who is the
29 owner or entitled to the possession of any horses, mules, cattle, sheep, llamas, alpacas, wild or domestic buffalo
30 or bison, asses, hogs, or goats, who willfully permits the animals to run at large within any herd district, is guilty

1 of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50 or more than \$250 for
 2 each offense. Each day that each five head or less of horses, mules, cattle, sheep, llamas, alpacas, wild or
 3 domestic buffalo or bison, asses, hogs, or goats are willfully permitted to run at large constitutes a separate
 4 offense.

5 (2) Any person who is the owner or entitled to the possession of any bull, stallion, or jackass over 1 year
 6 of age who willfully permits the animal to run at large within any herd district is guilty of a misdemeanor and upon
 7 conviction shall be punished by a fine of not less than \$50 or more than \$250 for each offense. Each day that a
 8 bull is permitted to run at large constitutes a separate offense."

9

10 **Section 7.** Section 81-4-401, MCA, is amended to read:

11 "**81-4-401. Certain livestock not to run at large in municipalities.** Horses, cattle, mules, sheep,
 12 llamas, alpacas, wild or domestic buffalo or bison, goats, or swine may not be allowed to run at large in any
 13 incorporated city or town."

14

15 **Section 8.** Section 81-4-402, MCA, is amended to read:

16 "**81-4-402. Punishment for permitting trespass of livestock.** Any person owning livestock or having
 17 in charge any horses, mules, cattle, sheep, llamas, alpacas, wild or domestic buffalo or bison, goats, or swine
 18 who willfully and unlawfully permits the livestock to trespass in violation of any of the provisions of 81-4-401 is
 19 guilty of a misdemeanor and upon conviction shall be punished as provided by law."

20

21 **Section 9.** Section 81-4-601, MCA, is amended to read:

22 "**81-4-601. Estray defined.** In this part, "estrays" means a horse, mule, mare, gelding, colt, llama, alpaca,
 23 wild or domestic buffalo or bison, cow, ox, bull, stag, steer, heifer, calf, sheep, or lamb:

24 (1) not bearing a brand and the ownership of which cannot be determined by the stock inspector of the
 25 district in which the animal is found by inquiry among reputable resident stock owners or freeholders;

26 (2) bearing a recorded brand, the owner of which brand cannot be located at or through the post office
 27 designated on the records of the department or which owner cannot be located by the stock inspector of the
 28 district where the estray is found by inquiry among reputable resident stock owners or freeholders; or

29 (3) ~~which~~ that bears an unrecorded brand, the owner of which unrecorded brand cannot be ascertained
 30 by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock

1 owners or freeholders."

2

3 **Section 10.** Section 81-4-602, MCA, is amended to read:

4 **"81-4-602. Estrays -- department authorized to take possession.** The department and its appointed
5 stock inspectors may take possession of estrays found running at large in this state and may dispose of the
6 estrays, subject to the ~~following restrictions~~ provisions of this part."

7

8 **Section 11.** Section 81-4-603, MCA, is amended to read:

9 **"81-4-603. Taking up and disposition of estrays -- advertisement.** (1) A stock inspector authorized
10 by the department shall take into possession an estray found in the stock inspector's district and, except as
11 provided in 81-2-120, shall either:

12 (a) ship or arrange for the shipment of the estray to a licensed livestock market for sale; or

13 (b) hold the estray and care for the estray in the cheapest and most practicable manner for at least 10
14 days and not more than 30 days after public notice is published as provided in subsection (2). During the holding
15 period, the stock inspector shall advertise that the estray is being held and that unless the estray is claimed by
16 the owner, the stock inspector will on a date specified in the notice sell the estray at a public auction to the highest
17 bidder for cash.

18 (2) The notice must be published in the newspaper doing the county printing of the county in which the
19 estray is found and on the department's website and in each livestock market brand office and county sheriff's
20 office in the state. This notice must be published in the newspaper at least one time and must contain a statement
21 of the date of the sale, the place where the sale is to be held, and a general description of the estray, including
22 the sex and the approximate age, together with an illustration of the brand and the position of the brand on the
23 estray and a description of the place or locality where the estray was found or taken.

24 (3) ~~The~~ Except as provided in 81-2-120, the proceeds from the sale must be disposed of under 81-4-605
25 and 81-4-606.

26 (4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided
27 in this part, upon payment to the department of the cost of caring for the estray as determined by the department."

28

29 NEW SECTION. **Section 12. Codification instruction.** (1) [Section 1] is intended to be codified as an
30 integral part of Title 81, chapter 4, and the provisions of Title 81, chapter 4, apply to [section 1].

1 (2) [Section 2] is intended to be codified as an integral part of Title 81, chapter 5, part 1, and the
2 provisions of Title 81, chapter 5, part 1, apply to [section 2].

3

4 NEW SECTION. **Section 13. Effective date.** [This act] is effective on passage and approval.

5

- END -