

HOUSE BILL NO. 728

INTRODUCED BY SHONTZ, TVEIT, COMPTON, NORMAN

IN THE HOUSE

February 11, 1983	Introduced and referred to Committee on Local Government.
February 17, 1983	Committee recommend bill do pass. Report adopted.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 21, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1983	Second reading, be concurred in as amended.
March 25, 1983	Third reading, concurred in. Ayes, 35; Noes, 14.

IN THE HOUSE

March 25, 1983	Returned to House with amendments.
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March 31, 1983

Second reading, amendments  
concurred in.

April 1, 1983

Third reading, amendments  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 728  
2 INTRODUCED BY Rep. Trest Cooper Norman  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO COUNTY  
5 CONTROL OF LITTERING AND DOGS; PROVIDING FOR COUNTY  
6 ORDINANCE POWER TO CONTROL LITTERING AND PROVIDE A PENALTY;  
7 AND PROVIDING FOR A PENALTY FOR VIOLATION OF A DOG CONTROL  
8 ORDINANCE; AMENDING SECTION 7-23-2108, MCA."  
9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 NEW SECTION. Section 1. County control of litter. (1)  
12 The governing body of a county may regulate, control, and  
13 prohibit littering on any county road and on land within the  
14 county by the adoption of an ordinance that substantially  
15 complies with the provisions of 7-5-103 through 7-5-107. The  
16 ordinance may apply to portions of the county and may apply  
17 to persons other than the owners of the property on which  
18 littering occurs.  
19 (2) The governing body of a county may establish a  
20 fine not to exceed \$200 as a penalty for violation of the  
21 ordinance referred to in subsection (1). A violation of the  
22 ordinance may not be punishable by imprisonment.  
23 Section 2. Section 7-23-2108, MCA, is amended to read:  
24 "7-23-2108. County control of dogs. (1) The governing  
25 body of the county has power to regulate, restrain, or

1 prohibit the running at large of dogs by the adoption of an  
2 ordinance which substantially complies with the provisions  
3 of 7-5-103 through 7-5-107 and which may provide for the  
4 wearing of a license tag upon the collar of the dog and the  
5 keeping of a record which will establish the identity of the  
6 person who owns, keeps, or harbors the dog.  
7 ~~(2) The governing body of a county may establish a~~  
8 ~~fine not to exceed \$100 as a penalty for violation of the~~  
9 ~~ordinance referred to in subsection (1). A violation of the~~  
10 ~~ordinance may not be punishable by imprisonment.~~  
11 ~~(2)(3)~~ The county governing body is authorized to  
12 impound, sell, kill, or otherwise destroy dogs found at  
13 large contrary to ordinances.  
14 ~~(3)(4)~~ Nothing in this section restricts the governing  
15 body from enacting dog control measures in a portion of the  
16 county only."

-End-

INTRODUCED BILL  
-2- HB 728

Approved by Comm.  
on Local Government

1 House BILL NO. 728  
2 INTRODUCED BY Rep. Trent Conner Norman

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO COUNTY  
5 CONTROL OF LITTERING AND DOGS; PROVIDING FOR COUNTY  
6 ORDINANCE POWER TO CONTROL LITTERING AND PROVIDE A PENALTY;  
7 AND PROVIDING FOR A PENALTY FOR VIOLATION OF A DOG CONTROL  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 ~~NEW SECTION.~~ Section 1. County control of litter. (1)  
12 The governing body of a county may regulate, control, and  
13 prohibit littering on any county road and on land within the  
14 county by the adoption of an ordinance that substantially  
15 complies with the provisions of 7-5-103 through 7-5-107. The  
16 ordinance may apply to portions of the county and may apply  
17 to persons other than the owners of the property on which  
18 littering occurs.

19 (2) The governing body of a county may establish a  
20 fine not to exceed \$200 as a penalty for violation of the  
21 ordinance referred to in subsection (1). A violation of the  
22 ordinance may not be punishable by imprisonment.

23 Section 2. Section 7-23-2108, MCA, is amended to read:

24 "7-23-2108. County control of dogs. (1) The governing  
25 body of the county has power to ~~may~~ regulate, restrain, or

1 prohibit the running at large of dogs by the adoption of an  
2 ordinance which substantially complies with the provisions  
3 of 7-5-103 through 7-5-107 and which may provide for the  
4 wearing of a license tag upon the collar of the dog and the  
5 keeping of a record which will establish the identity of the  
6 person who owns, keeps, or harbors the dog.

7 ~~(2) The governing body of a county may establish a~~  
8 ~~fine not to exceed \$100 as a penalty for violation of the~~  
9 ~~ordinance referred to in subsection (1). A violation of the~~  
10 ~~ordinance may not be punishable by imprisonment.~~

11 ~~(2)(3)~~ The county governing body is authorized to  
12 impound, sell, kill, or otherwise destroy dogs found at  
13 large contrary to ordinances.

14 ~~(3)(4)~~ Nothing in this section restricts the governing  
15 body from enacting dog control measures in a portion of the  
16 county only."

-End-

1 House BILL NO. 728  
 2 INTRODUCED BY HH Trest Copley Norman  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO COUNTY  
 5 CONTROL OF LITTERING AND DOGS; PROVIDING FOR COUNTY  
 6 ORDINANCE POWER TO CONTROL LITTERING AND PROVIDE A PENALTY;  
 7 AND PROVIDING FOR A PENALTY FOR VIOLATION OF A DOG CONTROL  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 13 prohibit littering on any county road and on land within the  
 14 county by the adoption of an ordinance that substantially  
 15 complies with the provisions of 7-5-103 through 7-5-107. The  
 16 ordinance may apply to portions of the county and may apply  
 17 to persons other than the owners of the property on which  
 18 littering occurs.

19 (2) The governing body of a county may establish a  
 20 fine not to exceed \$200 as a penalty for violation of the  
 21 ordinance referred to in subsection (1). A violation of the  
 22 ordinance may not be punishable by imprisonment.

23 Section 2. Section 7-23-2108, MCA, is amended to read:

24 "7-23-2108. County control of dogs. (1) The governing  
 25 body of the county has power to ~~may~~ regulate, restrain, or

1 prohibit the running at large of dogs by the adoption of an  
 2 ordinance which substantially complies with the provisions  
 3 of 7-5-103 through 7-5-107 and which may provide for the  
 4 wearing of a license tag upon the collar of the dog and the  
 5 keeping of a record which will establish the identity of the  
 6 person who owns, keeps, or harbors the dog.

7 ~~(2) The governing body of a county may establish a~~  
 8 ~~fine not to exceed \$100 as a penalty for violation of the~~  
 9 ~~ordinance referred to in subsection (1). A violation of the~~  
 10 ~~ordinance may not be punishable by imprisonment.~~

11 ~~(2)(2)~~ The county governing body is authorized to  
 12 impound, sell, kill, or otherwise destroy dogs found at  
 13 large contrary to ordinances.

14 ~~(3)(4)~~ Nothing in this section restricts the governing  
 15 body from enacting dog control measures in a portion of the  
 16 county only."

-End-

March 21, 1983

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare and Safety)

That House Bill No. 728 be amended as follows:

1. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-23-2108"

Insert: "AND 7-23-104"

2. Page 2, line 7.

Following: "(2)"

Strike: remainder of line 2 through "imprisonment" on line 10.

Insert: "Violation of an ordinance adopted under subsection (1)  
is a misdemeanor punishable by a fine not to exceed \$500"

3. Page 2,

Following: line 16.

Insert: "Section 3. Severability. If a part of this act  
is invalid, all valid parts that are severable from the invalid  
part remain in effect. If a part of this act is invalid in  
one or more of its applications, the part remains in effect  
in all valid applications that are severable from the invalid  
applications."

4. Page 2,

Following: line 16.

Insert: "Section 4, Section 7-23-104 is amended to read:  
7-23-104. Violations. Violation of any provision of this  
part ~~or part 2~~ shall constitute a misdemeanor."

March 23, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 728 be amended as follows:

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1. H.B. 728 Senate Standing Committee Report, March 21, 1983  
Amendment #2

Strike: "punishable by a fine not to exceed \$500"

## HOUSE BILL NO. 728

INTRODUCED BY SHONTZ, TVEIT, COMPTON, NORMAN

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO COUNTY CONTROL OF LITTERING AND DOGS; PROVIDING FOR COUNTY ORDINANCE POWER TO CONTROL LITTERING AND PROVIDE A PENALTY; AND PROVIDING FOR A PENALTY FOR VIOLATION OF A DOG CONTROL ORDINANCE; AMENDING SECTION ~~SECTIONS 7-23-104 AND~~ 7-23-2108, MCA."

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

NEW SECTION. Section 1. County control of litter. (1)

The governing body of a county may regulate, control, and prohibit littering on any county road and on land within the county by the adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107. The ordinance may apply to portions of the county and may apply to persons other than the owners of the property on which littering occurs.

(2) The governing body of a county may establish a fine not to exceed \$200 as a penalty for violation of the ordinance referred to in subsection (1). A violation of the ordinance may not be punishable by imprisonment.

Section 2. Section 7-23-2108, MCA, is amended to read:

"7-23-2108. County control of dogs. (1) The governing

body of the county has power to ~~may~~ regulate, restrain, or prohibit the running at large of dogs by the adoption of an ordinance which substantially complies with the provisions of 7-5-103 through 7-5-107 and which may provide for the wearing of a license tag upon the collar of the dog and the keeping of a record which will establish the identity of the person who owns, keeps, or harbors the dog.

~~(2) The governing body of a county may establish a fine not to exceed \$100 as a penalty for violation of the ordinance referred to in subsection (1). A violation of the ordinance may not be punishable by imprisonment.~~ VIOLATION OF AN ORDINANCE ADOPTED UNDER SUBSECTION (1) IS A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$500.

~~(3)(1)~~ The county governing body is authorized to impound, sell, kill, or otherwise destroy dogs found at large contrary to ordinances.

~~(3)(4)~~ Nothing in this section restricts the governing body from enacting dog control measures in a portion of the county only."

SECTION 3. ~~SECTION 7-23-104, MCA, IS AMENDED TO READ:~~

"7-23-104. Violations. Violation of any provision of this part or part 21 shall constitute a misdemeanor."

SECTION 4. ~~SEVERABILITY. IF A PART OF THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN~~



- 1 ONE OR MORE OF ITS APPLICATIONS. THE PART REMAINS IN EFFECT
- 2 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
- 3 INVALID APPLICATIONS.

-End-