

HOUSE BILL NO. 58
INTRODUCED BY KELLER

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
JANUARY 4, 1993	FIRST READING.
JANUARY 14, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 15, 1993	PRINTING REPORT.
JANUARY 16, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
JANUARY 18, 1993	SECOND READING, DO PASS AS AMENDED.
JANUARY 19, 1993	ENGROSSING REPORT.
JANUARY 20, 1993	THIRD READING, PASSED. AYES, 79; NOES, 20.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
FEBRUARY 1, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 2, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
FEBRUARY 3, 1993	SECOND READING, CONCURRED IN AS AMENDED.
FEBRUARY 4, 1993	THIRD READING, CONCURRED IN. AYES, 36; NOES, 12.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 3, 1993

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 5, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 58

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1 its owner."

-End-

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE
KILLING OF A DOG THAT HARASSES LIVESTOCK; AND AMENDING
SECTION 81-7-401, MCA."

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

Section 1. Section 81-7-401, MCA, is amended to read:

"81-7-401. Killing of dogs harassing, destroying, or
injuring stock -- notice to owner. (1) Any A dog, whether
licensed or not, which that, while off the premises owned or
under control of its owner, shall-kill, wound, or injure-any
harasses, kills, wounds, or injures livestock not belonging
to the master owner of such the dog shall-be-deemed-to-be is
considered a public nuisance and:

(a) may be killed forthwith immediately by any person;

or

(b) the owner, when notified, shall kill such the dog
within 24 hours and-if-he. If the owner fails to do so, an
officer may be notified and shall kill the dog or cause the
dog to be killed such-dog.

(2) Nothing-contained-herein-shall-apply This section
does not apply to any a dog acting under the direction of
its master owner or the agents or employees of such--master

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

HOUSE BILL NO. 58

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE
KILLING OF A DOG THAT HARASSES LIVESTOCK; PROVIDING A
PENALTY; AND AMENDING SECTION 81-7-401, MCA."

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

Section 1. Section 81-7-401, MCA, is amended to read:

"81-7-401. Killing of dogs harassing, destroying, or
injuring stock -- notice to owner. (1) AS USED IN THIS
SECTION, "HARASSES" MEANS WORRIES, CHASES, OR RUNS AFTER
LIVESTOCK IN A MANNER THAT MAY LEAD TO SUBSEQUENT INJURY TO
THE LIVESTOCK.

(2) Any A dog, whether licensed or not, which that,
while off the premises owned or under control of its owner,
shall-kill-wound-or-injure-any harassing, kills, wounds, or
injures livestock not belonging to the master owner of such
the dog shall-be-deemed-to-be is considered a public
nuisance and:

(a) may be killed forthwith immediately by any--person
THE OWNER OF THE LIVESTOCK OR AN AGENT OR EMPLOYEE OF THE
OWNER; or

(b) the owner OF THE DOG, when notified, shall kill
such the dog within 24 hours-and-if-he. If the owner fails

to do so, an officer may be notified and shall kill the dog
or cause the dog to be killed such-dog.

~~(2)(3)~~ Nothing---contained---herein---shall---apply This
section does not apply to any a dog acting HERDING LIVESTOCK
under the direction of its master owner or the agents or
employees of ~~such-master~~ its owner."

NEW SECTION. SECTION 2. PENALTY. THE OWNER OF A DOG
THAT HARASSES, KILLS, WOUNDS, OR INJURES LIVESTOCK IS GUILTY
OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED NOT MORE
THAN \$500.

-End-

HOUSE BILL NO. 58

INTRODUCED BY KELLER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE KILLING OF A DOG THAT HARASSES LIVESTOCK; PROVIDING A PENALTY; AND AMENDING SECTION 81-7-401, MCA."

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

Section 1. Section 81-7-401, MCA, is amended to read:

"81-7-401. Killing of dogs harassing, destroying, or injuring stock -- notice to owner. (1) AS USED IN THIS SECTION, "HARASSES" MEANS WORRIES, CHASES, OR RUNS AFTER LIVESTOCK IN A MANNER THAT MAY LEAD TO SUBSEQUENT INJURY TO THE LIVESTOCK.

(2) Any A dog, whether licensed or not, which that, while off the premises owned or under control of its owner AND ON PROPERTY OWNED, LEASED, OR CONTROLLED BY THE LIVESTOCK OWNER, shall-kill, wound, or injure-any harasses, kills, wounds, or injures livestock not belonging to the master owner of such the dog shall--be-deemed-to-be is considered a public nuisance and:

(a) may be killed forthwith immediately by any--person THE OWNER OF THE LIVESTOCK OR AN AGENT OR EMPLOYEE OF THE OWNER, or

(b) the owner OF THE DOG, when notified AFTER DUE

PROCESS, shall kill such the dog within 24 hours, and-if-he. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed such-dog.

(3) A DOG MAY NOT BE KILLED IN A MANNER THAT WILL ENDANGER A PERSON.

(2)(3)(4) Nothing--contained--herein--shall--apply This section does not apply to any a dog acting HERDING LIVESTOCK under the direction of its master owner or the agents or employees of such-master its owner."

NEW SECTION. SECTION 2. PENALTY. THE OWNER OF A DOG THAT HARASSES, KILLS, WOUNDS, OR INJURES LIVESTOCK IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED NOT MORE THAN \$500.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

February 3, 1993 12:39 pm

Mr. Chairman: I move to amend House Bill No. 58 (second reading copy -- blue).

ADOPT

REJECT

Signed: Steve Doherty

Senator Steve Doherty

That such amendments read:

1. Title, line 6.

Following: "PENALTY;"

Insert: "INCREASING THE PENALTY FOR DOGGING LIVESTOCK;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "81-7-401,"

Insert: "AND 81-7-403,"

2. Page 1, line 25.

Following: "when"

Insert: "reasonably"

3. Page 2, line 1.

Following: "hours"

Insert: "of notification"

4. Page 2.

Following: line 9

Insert: "(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner."

5. Page 2.

Following: line 13

Insert: "Section 3. Section 81-7-403, MCA, is amended to read:

"81-7-403. Dogging livestock. Any person who permits or directs any dog owned by him or in his possession to chase or run any cattle or other livestock of which he is not the owner or the person in charge upon the open range or government lands or away from any watering place upon the open range is guilty of a misdemeanor and punishable by a fine of not more than ~~\$50~~ \$500."

-END-

SENATE

HB 58

r271239CW.Sma

HOUSE BILL NO. 58

INTRODUCED BY KELLER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE KILLING OF A DOG THAT HARASSES LIVESTOCK; PROVIDING A PENALTY; INCREASING THE PENALTY FOR DOGGING LIVESTOCK; AND AMENDING SECTION SECTIONS 81-7-401 AND 81-7-403, MCA."

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

Section 1. Section 81-7-401, MCA, is amended to read:

"81-7-401. Killing of dogs harassing, destroying, or injuring stock -- notice to owner. (1) AS USED IN THIS SECTION, "HARASSES" MEANS WORRIES, CHASES, OR RUNS AFTER LIVESTOCK IN A MANNER THAT MAY LEAD TO SUBSEQUENT INJURY TO THE LIVESTOCK.

(2) Any A dog, whether licensed or not, which that, while off the premises owned or under control of its owner AND ON PROPERTY OWNED, LEASED, OR CONTROLLED BY THE LIVESTOCK OWNER, shall-kill,-wound,-or-injure-any harasses, kills, wounds, or injures livestock not belonging to the master owner of such the dog shall--be--deemed--to--be is considered a public nuisance and:

(a) may be killed forthwith immediately by any-person THE OWNER OF THE LIVESTOCK OR AN AGENT OR EMPLOYEE OF THE OWNER; or

(b) the owner OF THE DOG, when REASONABLY notified AFTER DUE PROCESS, shall kill such the dog within 24 hours OF NOTIFICATION 7-and-if-he. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed such-dog.

(3) A DOG MAY NOT BE KILLED IN A MANNER THAT WILL ENDANGER A PERSON.

(2)+(3)+(4) Nothing--contained--herein--shall--apply This section does not apply to any a dog acting HERDING LIVESTOCK under the direction of its master owner or the agents or employees of such-master its owner.

(5) THIS SECTION DOES NOT APPLY TO A DOG ENGAGED IN LEGITIMATE SPORT HUNTING OR PREDATOR CONTROL ACTIVITIES UNDER THE DIRECTION OF ITS OWNER OR THE AGENTS OR EMPLOYEES OF ITS OWNER."

NEW SECTION. SECTION 2. PENALTY. THE OWNER OF A DOG THAT HARASSES, KILLS, WOUNDS, OR INJURES LIVESTOCK IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED NOT MORE THAN \$500.

SECTION 3. SECTION 81-7-403, MCA, IS AMENDED TO READ:

"81-7-403. Dogging livestock. Any person who permits or directs any dog owned by him or in his possession to chase or run any cattle or other livestock of which he is not the owner or the person in charge upon the open range or government lands or away from any watering place upon the

REFERENCE BILL

HB 58

AS AMENDED

HB 0058/04

1 open range is guilty of a misdemeanor and punishable by a
2 fine of not more than \$50 \$500."

-End-