

1 SENATE BILL NO. 375  
2 INTRODUCED BY M. LANG

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING NOTICE REQUIREMENTS BEFORE ALLOWING AN  
5 ANIMAL RUNNING AT LARGE TO BE KILLED; AND AMENDING SECTIONS 81-4-203 AND 81-4-208, MCA."

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

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9 **Section 1.** Section 81-4-203, MCA, is amended to read:

10 **"81-4-203. Open range defined.** In 81-4-204, and 81-4-207, ~~and 81-4-208~~, the term "open range"  
11 means all lands in the state of Montana not enclosed by a fence of not less than two wires in good repair. The  
12 term "open range" includes all highways outside of private enclosures and used by the public whether or not the  
13 same have been formally dedicated to the public."  
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15 **Section 2.** Section 81-4-208, MCA, is amended to read:

16 **"81-4-208. Killing of animal running at large ~~--- notice --- posting and service.~~** (1) Except as  
17 provided in subsection ~~(3)~~ (2), if an animal running at large cannot, by reasonable effort, be captured, taken up,  
18 or corralled, it may lawfully be killed UNLESS THE OWNER OR PERSON HAVING THE MANAGEMENT OR CONTROL OF THE  
19 ANIMAL RESTRAINS IT FROM RUNNING AT LARGE WITHIN 2 DAYS AFTER NOTICE IS GIVEN TO THE OWNER AND THE  
20 DEPARTMENT OF LIVESTOCK BY WRITTEN, VERBAL, OR ELECTRONIC MEANS. ~~unless the owner or person having the~~  
21 ~~management or control of it takes the animal off the open range and restrains it from running at large within 10~~  
22 ~~days after notice is given as provided in this section. The notice must be signed by one or more taxpayers of~~  
23 ~~the vicinity of the range on which the animal is at large and must be substantially as follows:~~

24 ~~"To whom it may concern:~~

25 ~~Take notice, that a certain (stallion, ridgeling, unaltered male mule, or jackass, as the case may be) is~~  
26 ~~running at large on the open range (identify the range by general description) in.... County, Montana. Unless the~~  
27 ~~animal is removed from the range and restrained from running at large on open range within 10 days after the~~  
28 ~~date of this notice, it will be killed.~~

{Date} {Signature or signatures}"

1 ~~(2) The notice must be posted at the post office nearest the place where the animal was last seen on~~  
2 ~~the range and similar notices must be posted in two other of the most public places in the vicinity of the range,~~  
3 ~~and the notice must at once be mailed to the owner or person having management or control of the animal if~~  
4 ~~the owner's or person's name and address are known.~~

5 ~~(3)~~(2) A person shall report a swine running at large to the board. The board shall determine if the  
6 swine is an animal running at large subject to this section or a feral swine subject to the provisions of Title 81,  
7 chapter 29, part 1."

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