# CHAPTER NO. 488

### HOUSE BILL NO. 521

INTRODUCED BY NATHE, LUND

#### IN THE HOUSE

| February 2, 1979  |            | Introduced and referred to<br>Committee on Agriculture,<br>Livestock, and Irrigation. |
|-------------------|------------|---|
| February 15, 1979 |            | Committee recommend bill<br>do pass as amended.<br>Report adopted.                    |
| February 17, 1979 |            | Printed and placed on members' desks.   |
| February 20, 1979 |            | Second reading, do<br>pass as amended.  |
| February 21, 1979 |            | Correctly engrossed.  |
| February 22, 1979 |            | Third reading, passed.<br>Transmitted to second house.                                |
|                   | IN THE SEN | ATE   |
| February 22, 1979 |            | Introduced and referred to<br>Committee on Agriculture,<br>Livestock, and Irrigation. |
| March 10, 1979    |            | Committee recommend bill<br>be concurred in as amended.<br>Report adopted.            |
| March 13, 1979    |            | Second reading, concurred in  |
| March 16, 1979    |            | Third reading, concurred in as amended.   |
|                   | IN THE HOU | SE  |
| March 17, 1979    |            | Returned from second house.<br>Concurred in as amended.                               |
| March 19, 1979    |            | On motion consideration passed for the day.   |
|                   |            |   |

March 20, 1979
 March 20, 1979
 March 29, 1979
 March 30, 1979
 March 30, 1979
 Consideration passed until the 71st Legislative Day.
 Second reading, amendments adopted.
 Third reading, amendments adopted. Sent to enrolling.
 Reported correctly enrolled.

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46th Legislature

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LC 0932/01

House BILL NO. 521 INTRODUCED BY DENN'S NATHE fund 1 2 3

A BILL FOR AN ACT ENTITLEO: "AN ACT REVISING THE LAWS
RELATING TO HERO DISTRICTS TO INCREASE THE PENALTIES FOR
VIOLATIONS; CLARIFYING THE REQUIREMENT OF A REASONABLY
REGULAR AND SYMMETRICAL BOUNDARY; AMENDING SECTIONS
B1-4-301, B1-4-306, S1-4-308, AND B1-4-309, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 81-4-301, MCA, is amended to read: 12 "81-4-301. Herd districts -- creation, size, and 13 location. (1) Herd districts may be created in any county in 14 the state of Montana upon petition of owners or possessors 15 of 55% of the land in such district and providing 25% or 16 more of the land in such district is in actual cultivation 17 or being used for residential purposes. Such districts must 10 contain 12 square miles or more, lying not less than 1 mile 19 in width, outside of the incorporated cities, except that 20 herd districts may be created containing not less than 6 or 21 more than 54 square miles, lying not less than 2 miles in 22 width, when such territory joins and is contiguous with the **2**3 boundaries of a city having a population of 10,000 or more 24 and such territory so to be created in a herd district has a 25 suburban population of not less than 200 people.

1 (2) In formation of such a district the entire holding 2 of any owner or lessee must be included unless such owner or 3 lessee consents that less than his entire contiguous 4 holdings be included in the petition.

5 (3) Such petition shall designate the months of the year when the herd district is effective, and upon 6 7 presentation and filing of such petition, properly signed, 8 giving the outside boundaries and description of the 9 proposed district and the post-office address of the signers 10 thereto, with the clerk and recorder in the county in which 11 the said district is being created, the county commissioners 12 of such county, upon receipt thereof, shall set a date for 13 hearing protests and verifying the signatures thereto and shall give not less than 20 days! notice of the same by 14 15 three publications in a newspaper of general circulation in the county of the proposed district. At the hearing held 16 pursuant to such notices, the county commissioners shall 17 18 examine the petition and shall cause a map to be made in order to determine the shape and regularity of the 19 boundaries of the proposed district. The commissioners may 20 21 then establish the district, but such district shall be established only in such manner that the district will be 22 23 reasonably regular and symmetrical in shape or practicable 24 in relation to the geographical features of such district. It is not required that the boundaries of any district 25 HB 52 -2-

LC 0932/01

INTRODUCED BILL

## follow section lines to meet the requirement of reasonably regular and symmetrical boundaries.

(4) Should it appear to such county commissioners 3 4 after such hearing that the signatures attached to such petition were genuine, they shall immediately declare such 5 herd district created and established; after which the 6 7 county commissioners must give notice by four weekly publications in some newspaper nearest the district of the 8 creation of such districts. also stating the period such 9 10 districts will be in effect. Such districts shall not be in 11 effect until 30 days have expired after the order.

12 (5) Upon petition of any owner or possessor of lands 13 lying contiguous and adjoining any herd district theretofore 14 created and upon like hearing and notice as hereinabove 15 provided for, such lands shall be included in said herd 16 district and become a part thereof. Should the signature of 17 lessee appear on the petition creating or abolishing any 15 herd district, the owner or owners of said land way appear 19 either in person or agent and enter their protest and the 20 board of county commissioners shall remove the name of the 21 lessee from said petition, and no person shall be permitted 22 to withdraw his name after the hour set for hearing same." 23 Section 2. Section 81-4-306, MCA, is amended to read: 24 "81-4-306. Penalty for permitting animals to run at 25 large in herd districts. (1) Any person who is the owner or

entitled to the possession of any horses, mules, cattle, 1 sheep, or goats, who shall willfully permit same to run at 2 large within any herd district, shall be quilty of a 3 misdemeanor and upon conviction thereof shall be punished by 4 a fine of not less than \$10 \$50 or more than \$25 \$500 for 5 each offense. Each day that each five head or less of such 6 horses, mules, cattle, sheep, or goats are willfully 7 permitted to run at large shall constitute a separate 3 9 offense.

(2) Any person who is the owner or entitled to the 10 possession of any bull over 1 year of age who shall 11 willfully permit same to run at large within any herd 12 district shall be quilty of a misdemeanor and upon 13 conviction thereof shall be punished by a fine of not less 14 than \$30 or more than \$50 for each offense. Each 15 day that such bull be permitted to run at large shall 16 constitute a separate offense." 17

Section 3. Section 81-4-308, MCA, is amended to reau: 13 19 #81-4-308. Retrieval of impounded animals a misdemeanor -- penalty. Any person who takes or rescues any 20 animal impounded as provided in 81-4-307 from the possession 21 of the person in whose custody the same may be, without his 22 consent, shall be quilty of a misdemeanor and upon 23 conviction therefor be subject to a fine of not more less 24 than \$100 or more than \$1:000 or shall be confined in the 25

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LC 0932/01

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1 county jail not more than 60 days or both such fine and 2 imprisonment."

3 Section 4. Section 81-4-309, MCA, is amended to read: "81-4-309. Unlawful introduction of livestock into 4 herd district a misdemeanor -- penalty. Any person not the 5 owner or person in charge of any livestock who shall drive, 6 7 put, place, or introduce any livestock into any herd district established under the provisions of 81-4-301 а through 81-4-309 or who shall so place, move, or interfere 9 10 with such livestock that they will trespass on such herd district shall be quilty of a misdemeanor and upon 11 conviction thereof be subject to a fine of not less than #50 12 13 \$500 or more than \$1.000 or shall be confined in the county 14 jail not less than 60 days or both such fine and 15 imprisonment and shall be liable for all damages and costs 16 occurring from such trespass. For the purposes of this 17 section each separate animal so poved, placed, or interfered 13 with shall constitute a separate offense."

Section 5. Validation. No herd district established
prior to {the effective date of this act} may be held
invalid because the boundaries do not follow section lines.
Section 6. Effective date. This act is effective on
passage and approval.

-End-

HB 521

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#### 46th Legislature

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#### HB 0521/02

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#### Approved by Committee on Agrivulture Livestock & Irrigation

| 1  | HOUSE BILL NO. 521   |
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| 2  | INTRODUCED BY NATHE, LUND                                    |
| 3  |  |
| 4  | A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS        |
| 5  | RELATING TO HERD DISTRICTS TO INCREASE THE PENALTIES FOR     |
| 6  | VIOLATIONS; CLARIFYING THE REQUIREMENT OF A REASONABLY       |
| 7  | REGULAR AND SYMMETRICAL BOUNDARY; AMENDING SECTIONS          |
| 8  | 81-4-301, 81-4-306, 81-4-308, AND 81-4-309, MCA."            |
| 9  |  |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:    |
| 11 | Section 1. Section 81-4-301, MCA, is amended to read:        |
| 12 | "81-4-301. Herd districts creation, size, and                |
| 13 | location. (1) Herd districts may be created in any county in |
| 14 | the state of Montana upon petition of owners or possessors   |
| 15 | of 55% of the land in such district and providing 25% or     |
| 16 | more of the land in such district is in actual cultivation   |
| 17 | or being used for residential purposes. Such districts must  |
| 18 | contain 12 square miles or more, lying not less than 1 mile  |
| 19 | in width; outside of the incorporated cities; except that    |
| 20 | herd districts may be created containing not less than 6 or  |
| 21 | more than 54 square miles, lying not less than 2 miles in    |
| 22 | width, when such territory joins and is contiguous with the  |
| 23 | boundaries of a city having a population of 10+000 or more   |
| 24 | and such territory so to be created in a herd district has a |
| 25 | supurban population of not less than 200 people.             |

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1 (2) In formation of such a district the entire holding 2 of any owner or lessee must be included unless such owner or 3 lessee consents that less than his entire contiguous 4 holdings be included in the petition.

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5 (3) Such petition shall designate the months of the year when the herd district is effective, and upon 6 7 presentation and filing of such petition, properly signed, 8 giving the outside boundaries and description of the proposed district and the post-office address of the signers 9 10 thereto, with the clerk and recorder in the county in which 11 the said district is being created, the county commissioners of such county, upon receipt thereof, shall set a date for 12 13 hearing protests and verifying the signatures thereto and shall give not less than 20 days\* notice of the same by 14 15 three publications in a newspaper of general circulation in 16 the county of the proposed district. At the hearing held 17 pursuant to such notices, the county commissioners shall 18 examine the petition and shall cause a map to be made in determine the shape and regularity of the 19 order to 20 boundaries of the proposed district. The commissioners may 21 then establish the district, but such district shall be 22 established only in such manner that the district will be 23 reasonably regular and symmetrical in shape or practicable 24 in relation to the geographical features of such district. 25 It is not required that the boundaries of any district

> -2- HB 521 SECOND READING

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#### 1 follow\_section\_lines\_to\_meet\_the\_requirement\_of\_\_reasonably

#### 2 regular and symmetrical boundaries.

3 (4) Should it appear to such county commissioners 4 after such hearing that the signatures attached to such 5 petition were genuine, they shall immediately declare such 6 herd district created and established: after which the 7 county commissioners must give notice by four weekly 8 publications in some newspaper nearest the district of the 9 creation of such districts, also stating the period such 10 districts will be in effect. Such districts shall not be in 11 effect until 30 days have expired after the order.

12 (5) Upon petition of any owner or possessor of lands 13 lying contiguous and adjoining any herd district theretofore created and upon like hearing and notice as hereinabove 14 15 provided for, such lands shall be included in said herd 16 district and become a part thereof. Should the signature of 17 lessee appear on the petition creating or abolishing any herd district. the owner or owners of said land may appear 18 19 either in person or agent and enter their protest and the board of county commissioners shall remove the name of the 20 lessee from said petition, and no person shall be permitted 21 22 to withdraw his name after the hour set for hearing same." 23 Section 2. Section 81-4-306. MCA, is amended to read: 24 #81-4-306. Penalty for permitting animals to run at 25 large in herd districts. (1) Any person who is the owner or

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entitled to the possession of any horses, mules, cattle, 1 sheep, or goats, who shall willfully permit same to run at 2 large within any herd district, shall be quilty of a 3 misdemeanor and upon conviction thereof shall be punished by 4 5 a fine of not less than \$20 or more than \$25 \$500 \$250 for each offense. Each day that each five head or less of 6 such horses, mules, cattle, sheep, or goats are willfully 7 permitted to run at large shall constitute a separate R 9 offense.

10 (2) Any person who is the owner or entitled to the possession of any bull over 1 year of age who shall 11 willfully permit same to run at large within any herd 12 district shall be ouilty of a misdemeanor and upon 13 conviction thereof shall be punished by a fine of not less 14 than \$10 \$50 or more than \$50 \$500 \$250 for each offense. 15 Each day that such bull be permitted to run at large shall 16 17 constitute a separate offense."

Section 3. Section 81-4-308, MCA, is amended to read: 18 19 #81-4-308. Retrieval of impounded animals misdemeanor -- penalty. Any person who takes or rescues any 20 animal impounded as provided in 81-4-307 from the possession 21 22 of the person in whose custody the same may be, without his consent, shall be quilty of a misdemeanor and upon 23 conviction therefor be subject to a fine of not more less 24 than \$100 or more than \$1x000 \$500 or shall be confined in 25

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HB 521

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1 the county jail not more than 60 days or both such fine and 2 imprisonment."

Section 4. Section 81-4-309, MCA, is amended to read: 3 #81-4-309. Unlawful introduction of livestock into 4 herd district a misdemeanor -- penalty. Any person not the 5 owner or person in charge of any livestock who shall drive. 6 put, place, or introduce any livestock into any herd 7 8 district established under the provisions of 81-4-301 9 through 81-4-309 or who shall so place, move, or interfere 10 with such livestock that they will trespass on such herd district shall be guilty of a misdemeanor and upon 11 12 conviction thereof be subject to a fine of not less than 450 13 \$500 \$250 or more than \$1,000 \$500 or shall be confined in 14 the county jail not less than 60 days or both such fine and 15 imprisonment and shall be liable for all damages and costs 16 occurring from such trespass. For the purposes of this 17 section each separate animal so moved, placed, or interfered 18 with shall constitute a separate offense."

Section 5. Validation. No herd district established
 prior to [the effective date of this act] may be held
 invalid because the boundaries do not follow section lines.
 Section 6. Effective date. This act is effective on
 passage and approval.

-End-

### HB 521

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#### 46th Legislature

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HB 0521/02

HB 0521/02

| 1  | HOUSE BILL NO. 521   | 1  | (2) In forma       |
|----|--|----|--------------------|
| 2  | INTRODUCED BY NATHE, LUND                                    | z  | of any owner or le |
| 3  |  | 3  | lessee consents    |
| 4  | A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS        | 4  | holdings be includ |
| 5  | RELATING TO HERD DISTRICTS TO INCREASE THE PENALTIES FOR     | 5  | (3) Such pe        |
| 6  | VIOLATIONS; CLARIFYING THE REQUIREMENT OF A REASONABLY       | 6  | year when the h    |
| 7  | REGULAR AND SYMMETRICAL BOUNDARY; AMENDING SECTIONS          | 7  | presentation and   |
| 8  | 81-4-301, 81-4-306, 81-4-308, AND 81-4-309, MCA."            | 8  | giving the outsi   |
| 9  |  | 9  | proposed district  |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NONTANA:    | 10 | thereto: with the  |
| 11 | Section 1. Section 81-4-301. MCA. is amended to read:        | 11 | the said district  |
| 12 | <b>#81-4-301. Herd districts creation, size,</b> and         | 12 | of such county, up |
| 13 | location. (1) Herd districts may be created in any county in | 13 | hearing protests   |
| 14 | the state of Montana upon petition of owners or possessors   | 14 | shall give not les |
| 15 | of 55% of the land in such district and providing 25% or     | 15 | three publication  |
| 16 | more of the land in such district is in actual cultivation   | 16 | the county of the  |
| 17 | or being used for residential purposes. Such districts must  | 17 | pursuant to such   |
| 18 | contain 12 square miles or more, lying not less than 1 mile  | 18 | examine the petiti |
| 19 | in width, outside of the incorporated cities, except that    | 19 | order to deter     |
| 20 | herd districts may be created containing not less than 6 or  | 20 | boundaries of the  |
| 21 | more than 54 square miles, lying not less than 2 miles in    | 21 | then establish t   |
| 22 | width, when such territory joins and is contiguous with the  | 22 | established only i |
| 23 | boundaries of a city having a population of 10,000 or more   | 23 | reasonably regula  |
| 24 | and such territory so to be created in a herd district has a | 24 | in relation to the |
| 25 | supurban population of not less than 200 people.             | 25 | Itisootrequi       |

1 (2) In formation of such a district the entire holding 2 of any owner or lessee must be included unless such owner or 3 lessee consents that less than his entire contiguous 4 holdings be included in the petition.

petition shall designate the months of the herd district is effective, and upon filing of such petition, properly signed, ide boundaries and description of the and the post-office address of the signers we clerk and recorder in the county in which is being created, the county commissioners upon receipt thereof, shall set a date for and verifying the signatures thereto and ass than 20 days\* notice of the same by ons in a newspaper of general circulation in proposed district. At the hearing held th notices, the county commissioners shall tion and shall cause a map to be made in ermine the shape and regularity of the proposed district. The commissioners may the district, but such district shall be in such manner that the district will be ar and symmetrical in shape or practicable ne geographical features of such district. lired\_that\_the\_boundaries\_of\_any\_district

> -2- HB 521 THIRD READING

HB 521

#### 1 follow section lines to meet the requirement of reasonably

#### 2 regular and symmetrical boundaries.

3 (4) Should it appear to such county commissioners 4 after such hearing that the signatures attached to such petition were genuine, they shall immediately declare such 5 6 herd district created and established; after which the 7 county commissioners must give notice by four weekly 8 publications in some newspaper nearest the district of the 9 creation of such districts. also stating the period such 10 districts will be in effect. Such districts shall not be in 11 effect until 30 days have expired after the order.

12 (5) Upon petition of any owner or possessor of lands 13 lying contiguous and adjoining any herd district theretofore 14 created and upon like hearing and notice as hereinabove 15 provided for, such lands shall be included in said herd 16 district and become a part thereof. Should the signature of 17 lessee appear on the petition creating or abolishing any 18 herd district, the owner or owners of said land may appear 19 either in person or agent and enter their protest and the 20 board of county commissioners shall remove the name of the 21 lessee from said petition, and no person shall be permitted 22 to withdraw his name after the hour set for hearing same." 23 Section 2. Section 81-4-306, NCA, is amended to read: 24 #81-4-306. Penalty for permitting animals to run at 25 large in herd districts. (1) Any person who is the owner or

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entitled to the possession of any horses, mules, cattle, 1 2 sheep, or goats, who shall willfully permit same to run at 3 large within any herd district, shall be quilty of a 4 misdemeanor and upon conviction thereof shall be punished by 5 a fine of not less than \$10 \$50 or more than \$25 \$500 \$250 6 for each offense. Each day that each five head or less of 7 such horses, mules, cattle, sheep, or goats are willfully R permitted to run at large shall constitute a separate 9 offense. (2) Any person who is the owner or entitled to the 10 11 possession of any buil over 1 year of age who shall 12 willfully permit same to run at large within any herd 13 district shall be quilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less 14 15 than \$10 \$50 or more than \$50 \$500 \$250 for each offense. 16 Each day that such bull be permitted to run at large shall

17 constitute a separate offense.\*

Section 3. Section 81-4-308, MCA, is amended to read: 18 19 #81-4-305. Retrieval of impounded animals а 20 misdemeanor -- penalty. Any person who takes or rescues any animal impounded as provided in 81-4-307 from the possession 21 22 of the person in whose custody the same may be, without his 23 consent, shall be quilty of a misdemeanor and upon 24 conviction therefor be subject to a fine of not more less 25 than \$100 or more than \$1+800 \$500 or shall be confined in

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1 the county jail not more than 60 days or both such fine and 2 imprisonment."

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Section 4. Section 81-4-309, MCA, is amended to read: 3 #81-4-309. Unlawful introduction of livestock into 4 herd district a misdemeanor -- penalty. Any person not the 5 owner or person in charge of any livestock who shall drive. 6 put, place, or introduce any livestock into any herd 7 8 district established under the provisions of 81-4-301 9 through 81-4-309 or who shall so place, move, or interfere with such livestock that they will trespass on such herd 10 district shall be guilty of a misdemeanor and upon 11 conviction thereof be subject to a fine of not less than \$50 12 13 \$599 \$250 or more than \$2x009 \$500 or shall be confined in the county jail not less than 60 days or both such fine and 14 15 imprisonment and shall be liable for all damages and costs occurring from such trespass. For the purposes of this 16 17 section each separate animal so moved, placed, or interfered with shall constitute a separate offense." 18

Section 5. Validation. No herd district established
 prior to [the effective date of this act] may be held
 invalid because the boundaries do not follow section lines.
 Section 6. Effective date. This act is effective on
 passage and approval.

-End-

HB521

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HOUSE BILL NO. 521 1 INTRODUCED BY NATHE. LUND 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS 4 RELATING TO HERO DISTRICTS TO INCREASE THE PENALTIES FOR 5 VIDLATIONS: CLARIFYING THE REQUIREMENT OF A REASONABLY 6 7 REGULAR AND SYMMETRICAL BOUNDARY; AMENDING SECTIONS 81-4-301. 81-4-306. 81-4-308. AND 81-4-309. MCA.\* я 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 81-4-301, MCA. is amended to read: \*81-4-301. Herd districts -- creation, size, and 12 location. (1) Herd districts may be created in any county in 13 the state of Montana upon petition of owners or possessors 14 15 of 55% of the land in such district and providing 25% or more of the land in such district is in actual cultivation 16 or being used for residential purposes. Such districts must 17 contain 12 square miles or more, lying not less than 1 mile 18 19 in width, outside of the incorporated cities, except that herd districts may be created containing not less than 6 or 20 more than 54 square miles, lying not less than 2 miles in 21 22 width, when such territory joins and is contiguous with the 23 boundaries of a city having a population of 10,000 or more 24 and such territory so to be created in a herd district has a 25 suburban population of not less than 200 people.

1 (2) In formation of such a district the entire holding 2 of any owner or lessee must be included unless such owner or 3 lessee consents that less than his entire contiguous 4 holdings be included in the petition.

5 (3) Such petition shall designate the months of the 6 year when the herd district is effective, and upon 7 presentation and filing of such petition, properly signed, 8 giving the outside boundaries and description of the 9 proposed district and the post-office address of the signers thereto, with the clerk and recorder in the county in which 10 the said district is being created, the county commissioners 11 of such county, upon receipt thereof, shall set a date for 12 hearing protests and verifying the signatures thereto and 13 14 shall give not less than 20 days' notice of the same by three publications in a newspaper of general circulation in 15 the county of the proposed district. At the hearing held 16 17 pursuant to such notices, the county commissioners shall examine the petition and shall cause a map to be made in 18 19 order to determine the shape and regularity of the 20 boundaries of the proposed district. The commissioners may then establish the district, but such district shall be 21 established only in such manner that the district will be 22 23 reasonably regular and symmetrical in shape or practicable 24 in relation to the geographical features of such district. 25 It is not required that the boundaries of any district

> -2- SECOND PRINTING HB 521 THIRD READING

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#### 2 regular and symmetrical boundaries. (4) Should it appear to such county commissioners 3 after such hearing that the signatures attached to such 4 petition were genuine, they shall immediately declare such 5 herd district created and established; after which the 6 7 county commissioners must give notice by four weekly publications in some newspaper nearest the district of the 8 9 creation of such districts, also stating the period such 10 districts will be in effect. Such districts shall not be in 11 effect until 30 days have expired after the order. 12 (5) Upon petition of any owner or possessor of lands 13 lying contiguous and adjoining any herd district theretofore created and upon like hearing and notice as hereinabove 14 15 provided for, such lands shall be included in said herd district and become a part thereof. Should the signature of 16 lessee appear on the petition creating or abolishing any 17 herd district, the owner or owners of said land may appear 18 19 either in person or agent and enter their protest and the 20 board of county commissioners shall remove the name of the 21 lessee from said petition, and no person shall be permitted 22 to withdraw his name after the hour set for hearing same." 23 Section 2. Section 81-4-306, MCA, is amended to read:

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 such fine and imprisonment.\*

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20 Section 5. Validation. No herd district established 21 prior to [the effective date of this act] may be held 22 invalid because the boundaries do not follow section lines. 23 Section 6. Effective date. This act is effective on 24 passage and approval.

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| 1  | HOUSE BILL NO. 521   |
|----|--|
| z  | INTRODUCED BY NATHE, LUND                                    |
| 3  |  |
| 4  | A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS        |
| 5  | RELATING TO HERD DISTRICTS TO INCREASE THE PENALTIES FOR     |
| 6  | VIOLATIONS; CLARIFYING THE REQUIREMENT OF A REASONABLY       |
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| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:    |
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| 14 | the state of Montana upon petition of owners or possessors   |
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| 24 | and such territory so to be created in a herd district has a |
| 25 | suburban population of not less than 200 people.             |

1 (2) In formation of such a district the entire holding 2 of any owner or lessee must be included unless such owner or 3 lessee consents that less than his entire contiguous 4 holdings be included in the petition.

(3) Such petition shall designate the months of the 5 year when the herd district is effective, and upon 6 7 presentation and filing of such petition, properly signed, 8 giving the outside boundaries and description of the proposed district and the post-office address of the signers 9 10 thereto, with the clerk and recorder in the county in which the said district is being created, the county commissioners 11 12 of such county, upon receipt thereof, shall set a date for 13 hearing protests 'and verifying the signatures thereto and shall give not less than 20 days' notice of the same by 14 three publications in a newspaper of general circulation in 15 the county of the proposed district. At the hearing held 15 17 pursuant to such notices, the county commissioners shall examine the petition and shall cause a map to be made in 16 19 order to determine the shape and regularity of the boundaries of the proposed district. The commissioners may 20 then establish the district, but such district shall be 21 established only in such manner that the district will be 22 23 reasonably regular and symmetrical in shape or practicable 24 in relation to the geographical features of such district. 25 It\_is\_not\_required\_that\_the\_boundaries\_of\_any\_district

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REFERENCE BILL

1

#### 1 follow\_section\_lines\_to\_meet\_the\_requirement\_of\_\_reasonably

2 regular\_and\_symmetrical\_boundaries.

3 (4) Should it appear to such county commissioners 4 after such hearing that the signatures attached to such petition were genuine, they shall immediately declare such 5 herd district created and established; after which the 6 7 county commissioners must give notice by four weekly 8 publications in some newspaper nearest the district of the creation of such districts, also stating the period such 9 10 districts will be in effect. Such districts shall not be in 11 effect until 30 days have expired after the order.

12 (5) Upon petition of any owner or possessor of lands 13 lying contiguous and adjoining any herd district theretofore 14 created and upon like hearing and notice as hereinabove 15 provided for, such lands shall be included in said herd 16 district and become a part thereof. Should the signature of 17 lessee appear on the petition creating or abolishing any 18 herd district. the owner or owners of said land may appear either in person or agent and enter their protest and the 19 20 board of county commissioners shall remove the name of the lessee from said petition, and no person shall be permitted 21 22 to withdraw his name after the hour set for hearing same." 23 Section 2. Section 81-4-306, MCA, is amended to read: 24 #81-4-306. Penalty for permitting animals to run at 25 large in herd districts. (1) Any person who is the owner or

- 3 -

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sheep, ASSES, HOGS, or goats, who shall willfully permit 2 same to run at large within any herd district, shall be З 4 quilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$20 \$50 or more than \$25 5 6 1500 1250 1500 1250 for each offense. Each day that each 7 five head or less of such horses, nules, cattle, sheep, 8 ASSES, HOGS, or goats are willfully permitted to run at 9 large shall constitute a separate offense. 10 (2) Any person who is the owner or entitled to the 11 possession of any bull. STALLION. OR JACKASS over 1 year of 12 age who shall willfully permit same to run at large within 13 any herd district shall be quilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less 14

entitled to the possession of any horses, mules, cattle,

15 than 610 550 or more than 550 5500 \$250 \$250 for each 16 offense. Each day that such bull be permitted to run at 17 large shall constitute a separate offense."

18 Section 3. Section 81-4-308, MCA, is amended to read: \*81-4-308. Retrieval impounded 19 of animals a 20 misdemeanor --- penalty. Any person who takes or rescues any 21 animal impounded as provided in 81-4-307 from the possession 22 of the person in whose custody the same may be, without his 23 consent, shall be quilty of a misdemeanor and upon conviction therefor be subject to a fine of not more less 24 25 than \$100 or more than \$1,000 \$500 \$1,900 \$500 or shall be

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\* \* <sup>\*</sup>

1 confined in the county jail not more than 60 days or both 2 such fine and imprisonment."

3 Section 4. Section 81-4-309, MCA, is amended to read: #81-4-309. Unlawful introduction of livestock into 4 herd district a misdemeanor -- penalty. Any person not the 5 owner or person in charge of any livestock who shall drive. 6 put, place, or introduce any livestock into any herd 7 з district established under the provisions of 81-4-301 through 81-4-309 or who shall so place, move, or interfere 9 10 with such livestock that they will trespass on such herd district shall be quilty of a misdemeanor and upon 11 12 conviction thereof be subject to a fine of not less than \$50 13 1509 1259 1588 1250 or more than 111800 1500 111800 1500 or 14 shall be confined in the county jail not less than 60 days or both such fine and imprisonment and shall be liable for 15 16 all damages and costs occurring from such trespass. For the purposes of this section each separate animal so moved. 17 18 placed, or interfered with shall constitute a separate 19 offense.\*

Section 5. Validation. No herd district established
prior to [the effective date of this act] may be held
invalid because the boundaries do not follow section lines.
Section 6. Effective date. This act is effective on
passage and approval.

-End-

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1 INTRODUCED BY NATHER LUND 2 3 4 A BILL FOR AN ACT ENTITLED: MAN ACT REVISING THE LAWS RELATING TO HERO DISTRICTS TO INCREASE THE PENALTIES FOR 5 VIOLATIONS: CLARIFYING THE REQUIREMENT OF A REASONABLY 6 REGULAR AND SYMMETRICAL BOUNDARY; AMENDING SECTIONS 7 81-4-301, 81-4-306, 81-4-308, AND 81-4-309, MCAL\_\_AND в PROVIDING AN EFFECTIVE DATE.\* 9

HOUSE BILL NO. 521

10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11

Section 1. Section 81-4-301, MCA, is amended to read: 12 13 #81-4-301. Herd districts -- creation, size, and location. (1) Herd districts may be created in any county in 14 15 the state of Montana upon petition of owners or possessors of 55% of the land in such district and providing 25% or 16 17 more of the land in such district is in actual cultivation or being used for residential purposes. Such districts must 18 contain 12 square miles or more, lying not less than 1 mile 19 20 in width, outside of the incorporated cities, except that 21 herd districts may be created containing not less than 6 or 22 more than 54 square miles, lying not less than 2 miles in 23 width, when such territory joins and is contiguous with the 24 boundaries of a city having a population of 10,000 or more 25 and such territory so to be created in a herd district has a

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1 suburban population of not less than 200 people.

2 (2) In formation of such a district the entire holding 3 of any owner or lessee must be included unless such owner or 4 lessee consents that less than his entire contiguous 5 holdings be included in the petition.

6 (3) Such petition shall designate the months of the 7 year when the herd district is effective, and upon 8 presentation and filing of such petition, properly signed. giving the outside boundaries and description of the 9 10 proposed district and the post-office address of the signers 11 thereto, with the clerk and recorder in the county in which 12 the said district is being created, the county commissioners of such county, upon receipt thereof, shall set a date for 13 14 hearing protests and verifying the signatures thereto and 15 shall give not less than 20 days' notice of the same by three publications in a newspaper of general circulation in 16 17 the county of the proposed district. At the hearing held 18 pursuant to such notices, the county commissioners shall examine the petition and shall cause a map to be made in 19 20 order to determine the shape and regularity of the 21 boundaries of the proposed district. The commissioners may then establish the district, but such district shall be 22 established only in such manner that the district will be 23 24 ' reasonably regular and symmetrical in shape or practicable 25 in relation to the geographical features of such district.

> -2- CORRECTED HB 521 REFERENCE BILL

1 It\_is\_not\_required\_that\_the\_boundaries\_of\_any\_district 2 follow\_section\_lines\_to\_meet\_the\_requirement\_of\_reasonably 3 regular\_and\_symmetrical\_boundaries\_

4 (4) Should it appear to such county commissioners after such hearing that the signatures attached to such 5 6 petition were genuine, they shall immediately declare such 7 herd district created and established; after which the county commissioners must give notice by four 8 weekly 9 publications in some newspaper nearest the district of the 10 creation of such districts, also stating the period such 11 districts will be in effect. Such districts shall not be in 12 offect until 30 days have expired after the order.

13 (5) Upon petition of any owner or possessor of lands 14 lying contiguous and adjoining any herd district theretofore 15 created and upon like hearing and notice as hereinabove provided for, such lands shall be included in said herd 16 17 district and become a part thereof. Should the signature of lessee appear on the petition creating or abolishing any 18 19 herd district, the owner or owners of said land may appear 20 either in person or agent and enter their protest and the 21 board of county commissioners shall remove the name of the 22 lessee from said petition, and no person shall be permitted 23 to withdraw his name after the hour set for hearing same." Section 2. Section 81-4-306, MCA, is amended to read: 24 25 #81-4-306. Penalty for permitting animals to run at

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large in herd districts. (1) Any person who is the owner or 1 2 entitled to the possession of any horses, mules, cattle, sheep+ ASSES+\_ HOGS+ or goats+ who shall willfully permit 3 same to run at large within any herd district, shall be 4 quilty of a misdemeanor and upon conviction thereof shall be 5 punished by a fine of not less than \$28 \$50 or more than \$25 6 \$500 \$250 \$500 \$250 for each offense. Each day that each 7 five head or less of such horses, mules, cattle, sheep, . ASSES. HOGS. or goats are willfully permitted to run at 9 10 large shall constitute a separate offense.

11 (2) Any person who is the owner or entitled to the 12 possession of any buils STALLION. DR JACEASS over 1 year of age who shall willfully permit same to run at large within 13 any herd district shall be quilty of a misdemeanor and upon 14 15 conviction thereof shall be punished by a fine of not less than \$10 \$50 or more than \$50 \$500 \$250 \$250 for each 16 27 offense. Each day that such bull be permitted to run at 18 large shall constitute a separate offense." Section 3. Section 81-4-308, MCA, is amended to read: 19

20 **#81-4-308**. Retrieval of impounded animals a 21 misdemeanor -- penalty. Any person who takes or rescues any 22 animal impounded as provided in 81-4-307 from the possession 23 of the person in whose custody the same may be, without his 24 consent, shall be guilty of a misdemeanor and upon 25 conviction therefor be subject to a fine of not more less

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1 than \$100 or more than \$12000 \$500 \$500 or shall be 2 confined in the county jail not more than 60 days or both 3 such fine and imprisonment."

Section 4. Section 81-4-309. MCA, is amended to read: 4 5 "81-4-309. Unlawful introduction of livestock into herd district a misdemeanor -- penalty. Any person not the 6 owner or person in charge of any livestock who shall drive, 7 put: place: or introduce any livestock into any herd 8 district established under the provisions of 81-4-301 9 through 81-4-309 or who shall so place, move, or interfere 10 11 with such livestock that they will trespass on such herd 12 district shall be guilty of a misdemeanor and upon 13 conviction thereof be subject to a fine of not less than \$50 14 \$500 \$250 \$500 \$250 or more than \$1x000 \$500 \$1x000 \$500 or 15 shall be confined in the county jail not less than 60 days or both such fine and imprisonment and shall be liable for 16 17 all damages and costs occurring from such trespass. For the 18 purposes of this section each separate animal so moved, 19 placed, or interfered with shall constitute a separate 20 offense."

21 Section 5. Validation. No herd district established 22 prior to [the effective date of this act] may be held 23 invalid because the boundaries do not follow section lines. 24 Section 6. Effective date. This act is effective on 25 passage and approval.

-<u>End</u>-

SENATE STANDING COMMITTEE REPORT (Agriculture, Livestock & Irrigation)

That House Bill No. 521 be amended as follows:

1. Page 4, line 2. Following: "sheep," Insert: "asses, hogs," 2. Page 4, line 6. Following: line 5 Strike: "\$500" "\$<u>250</u>" Insert: 3. Page 4, line 7. Following: "sheep," Insert: "asses, hogs," 4. Page 4, line ll. Following: "bull" Insert: ", stallion, or jackass" 5. Page 4, line 15. Following: "\$250" Strike: "\$500" Insert: "\$250" 6. Page 4, line 25. Following: "\$500" Strike: "\$1,000" Insert: "\$500" 7. Page 5, line 13. Following: "<del>\$250</del>" Strike: "\$500" Insert: "\$250" Following: "\$500" Strike: "\$1,000" Insert: "\$500"

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