

Senate Bill 131

In The Senate

January 14, 1981	Introduced and referred to Committee on Local Government.
February 21, 1981	Committee recommend bill do pass as amended.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading do pass as amended.
February 25, 1981	On motion rules suspended. Bill placed on Calendar for third reading this day.
	Third reading passed.

In The House

March 2, 1981	Introduced and referred to Committee on Local Government.
March 24, 1981	Committee recommend bill not concurred.

In The Senate

March 25, 1981	Returned from House not concurred.
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LOCAL
5 SUBDIVISION REGULATIONS TO REQUIRE SUBDIVIDERS TO CONSTRUCT
6 AND MAINTAIN FENCES AROUND SUBDIVISIONS IN AGRICULTURAL
7 AREAS FOR THE PURPOSE OF PREVENTING DAMAGE TO LIVESTOCK AND
8 PROPERTY; AMENDING SECTION 76-3-501, MCA."

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

11 Section 1. Section 76-3-501, MCA, is amended to read:
12 "76-3-501. Local subdivision regulations. (1) Before
13 July 1, 1974, the governing body of every county, city, and
14 town shall adopt and provide for the enforcement and
15 administration of subdivision regulations reasonably
16 providing for the orderly development of their
17 jurisdictional areas; for the coordination of roads within
18 subdivided land with other roads, both existing and planned;
19 for the dedication of land for roadways and for public
20 utility easements; for the improvement of roads; for the
21 provision of adequate open spaces for travel, light, air,
22 and recreation; for the provision of adequate
23 transportation, water, drainage, and sanitary facilities;
24 for the avoidance or minimization of congestion; and for the
25 avoidance of subdivision which would involve unnecessary

1 environmental degradation and the avoidance of danger of
2 injury to health, safety, or welfare by reason of natural
3 hazard or the lack of water, drainage, access,
4 transportation, or other public services or would
5 necessitate an excessive expenditure of public funds for the
6 supply of such services.

7 (2) Local subdivision regulations shall require
8 subdividers to construct and maintain fences around
9 subdivisions in areas where interaction between livestock
10 and residents of the subdivision could reasonably be
11 expected to occur and result in damage to livestock and
12 other property."

-End-

-2- INTRODUCED BILL

5B 131

Approved by Comm.
on Local Government

1 SENATE BILL NO. 131
2 INTRODUCED BY BOYLAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ~~that~~
5 SUBDIVISION--REGULATIONS--TO--REQUIRE--SUBDIVIDERS--TO--CONSTRUCT
6 AND--MAINTAIN--FENCES--AROUND--SUBDIVISIONS--IN THE--CONSTRUCTION
7 AND--MAINTENANCE--OF--FENCES--AROUND--IMPROVED--REAL--PROPERTY
8 ADJACENT--TO--AGRICULTURAL--AREAS--FOR--THE--PURPOSE--OF--PREVENTING
9 DAMAGE--TO--LIVESTOCK--AND--PROPERTY--AMENDING--SECTION--76--3--50--
10 MEAS."

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

13 Refer to Introduced Bill

14 (~~Strike everything after enacting clause and insert:~~)

15 Section 1. Fencing of improved real property adjacent
16 to agricultural land or a municipality. A person who
17 possesses and who constructs or uses any improvements upon
18 real property that was, prior to such improvements,
19 classified as agricultural land for tax purposes and is also
20 adjacent to land that is classified and used as agricultural
21 land or that is adjacent to the boundary of an incorporated
22 city or town is responsible for constructing and maintaining
23 a legal fence encompassing his improved real property. If
24 that person fails to construct or maintain such a fence, his
25 failure is a defense against the claim of any person for

1 damages to such improved real property caused by trespassing
2 livestock.

-End-

1 SENATE BILL NO. 131
2 INTRODUCED BY BOYLAN

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE LOCAL
5 SUBDIVISION-REGULATIONS-TO-REQUIRE-SUBDIVIDERS-TO-CONSTRUCT
6 AND-MAINTAIN-FENCES-AROUND-SUBDIVISIONS-IN THE CONSTRUCTION
7 AND MAINTENANCE OF FENCES AROUND IMPROVED REAL PROPERTY
8 ADJACENT TO AGRICULTURAL AREAS FOR THE PURPOSE OF PREVENTING
9 DAMAGE TO LIVESTOCK AND PROPERTY; AMENDING SECTION 76-3-501;
10 HEA."

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16 to agricultural land or a municipality. A person who
17 possesses and who constructs or uses any improvements upon
18 real property that was, prior to such improvements,
19 classified as agricultural land for tax purposes and is also
20 adjacent to land that is classified and used as agricultural
21 land or that is adjacent to the boundary of an incorporated
22 city or town is responsible for constructing and maintaining
23 a legal fence encompassing BETWEEN his improved real
24 property AND ANY ADJACENT PROPERTY STILL USED FOR
25 AGRICULTURAL PURPOSES. If that person fails to construct or

1 maintain such a fence, his failure is a defense against the
2 claim of any person for damages to such improved real
3 property caused by trespassing livestock.

-End-