

## 1 SENATE BILL NO. 43

2 INTRODUCED BY HOLDEN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT OCCUPANTS OF ADJOINING LAND BUILD  
5 AND MAINTAIN PARTITION FENCES IN EQUAL SHARES; PROVIDING THAT CERTAIN ANIMALS  
6 BELONGING TO A LANDOWNER WHO ADHERES TO THE FENCING REQUIREMENTS ARE NOT  
7 CONSIDERED TO BE RUNNING AT LARGE; AMENDING SECTIONS 70-16-206 AND 81-4-201, MCA; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 70-16-206, MCA, is amended to read:

13 **"70-16-206. Partition fences required** ~~—adjoining lands previously enclosed.~~ The occupants of  
14 adjoining lands ~~enclosed with fences must~~ shall build and maintain throughout the year partition fences  
15 between their own and the ~~next~~ adjoining ~~enclosure~~ land in equal shares ~~so long as both continue to~~  
16 ~~enclose the same, and such partition fence must be kept in good repair throughout the year unless the~~  
17 ~~occupants otherwise mutually agree~~ unless the occupant of the adjoining land chooses to let the land lie  
18 idle. The occupants are then governed by 70-16-210 unless otherwise mutually agreed upon."

19  
20 **Section 2.** Section 81-4-201, MCA, is amended to read:

21 **"81-4-201. Animals running at large.** It is unlawful for an owner or person in control of swine,  
22 sheep, llamas, alpacas, bison, ostriches, rheas, emus, or goats to willfully permit the animals to run at large.  
23 An owner or person in control of these animals is not considered to be willfully permitting the animals to  
24 be running at large if the owner or person in control is in compliance with 70-16-205."

25  
26 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

27 -END-