

HOUSE BILL NO. 573

INTRODUCED BY T. DOWELL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FENCING REQUIREMENTS APPLICABLE TO
5 ALTERNATIVE LIVESTOCK RANCHES; REQUIRING THAT ALL COSTS AND EXPENSES INCURRED BY
6 THE STATE IN KILLING OR RECAPTURING AN ESCAPED ALTERNATIVE LIVESTOCK RANCH ANIMAL BE
7 PAID BY THE ALTERNATIVE LIVESTOCK RANCH LICENSEE UNLESS THE LICENSEE HAS
8 DOUBLE-FENCED THE ALTERNATIVE LIVESTOCK RANCH; AMENDING SECTION 87-4-419, MCA; AND
9 PROVIDING A DELAYED EFFECTIVE DATE."

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

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13 **Section 1.** Section 87-4-419, MCA, is amended to read:
14 **"87-4-419. Escape from alternative livestock ranch -- effect -- payment of costs of recapture or**
15 **killing -- exception.** (1) If an alternative livestock animal escapes from an alternative livestock ranch, the
16 alternative livestock licensee shall immediately notify the department of its escape and shall make every
17 reasonable effort to recapture it. If the escaped animal cannot be recaptured within a reasonable time, the
18 department may kill the animal. If recapture or killing of the animal is unsuccessful within a reasonable time, the
19 animal becomes the property of the state.

20 (2) An alternative livestock ranch licensee is liable for all costs and expenses incurred by the
21 department in recapturing or killing an animal that has escaped from the licensee's alternative livestock ranch
22 unless the licensee has double-fenced the perimeter of the alternative livestock ranch.

23 ~~(2)~~(3) The department shall by rule adopt a definition of "reasonable time", as used in this section,
24 taking into consideration specific seasonal issues related to breeding and disease.

25 (4) As used in subsection (2), "double-fenced" means:

26 (a) in the case of a licensed alternative livestock ranch, a second, separate fence meeting the minimum
27 standard established by the department that is constructed 10 to 16 feet from the existing fence; or

28 (b) in the case of an area proposed for an expansion of a licensed alternative livestock ranch, two
29 separate fences meeting the minimum standard established by the department that are constructed to allow 10
30 to 16 feet between the fences."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective March 1, 2007.

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